

MEMORANDUM



**To: Chair Jaworski and Members of the
Planning Commission**

From: Albert Frederick, Senior Planner

**Through: Jason D. Sutphin, Community Development Division Chief
Brooke Hardin, Director of Community Development and Planning**

RE: Public hearing for redevelopment of Northfax West

Meeting Date: June 22, 2020

The attached documents are inclusive of all materials for the Planning Commission public hearing on the above-referenced item. This memorandum serves to provide explanation of the purpose of this item. The applicant is requesting a Zoning Map Amendment (Rezoning) pursuant to City Code Section 110-6.4 and Section 110-6.6, from RM Residential Medium and CR Commercial Retail to PD-M Planned Development-Mixed Use while retaining the Architectural Control Overlay District (ACOD), and approval of a Master Development Plan with modifications and commitments, pursuant to Section 110-3.8 (Planned Development Districts); to allow the development of townhouses, congregate living facility and assisted living facility, and a future development phase.

The following items do not require a review and recommendation from Planning Commission, but will be reviewed by City Council:

- A Special Use Permit pursuant to City Code Section 110-4.15 (Floodplain Regulations) to allow for disturbance in the 100-year floodplain boundary;
- A Special Exception pursuant to City Code Section 110-4.18 (Chesapeake Bay Preservation) for disturbance of Resource Protection Area to build culvert and consideration of an amendment to the City of Fairfax Chesapeake Bay preservation area map;
- A Major Certificate of Appropriateness pursuant to City Code Section 110-6.5 for architecture and landscaping; and,
- A consideration of an ordinance permanently vacating, discontinuing and closing an approximately 13,433 square foot (0.30838 acre), more or less, portion of a public right-of-way (Orchard Street) within the City of Fairfax, including easements and a dedication of right-of-way for the realignment of Orchard Street and extension of Farr Avenue consistent with improvements shown on the Master Development Plan and the Statement of Commitments. Consideration of the vacation and dedication shall occur at the same meeting as consideration of the development application.



CITY OF FAIRFAX

Department of Community Development & Planning

Zoning Map Amendment (Z-20-00006)

Special Use Permit (SU-20-00007)

Special Exception (SE-20-00150)

PUBLIC HEARING DATE

June 22, 2020

APPLICANT

Northfax JV LLC c/o THE LANN COMPANIES

OWNER

Northfax JV LLC c/o THE LANN COMPANIES

AGENT

Walsh Colucci Lubeley & Walsh, P.C.

PARCEL DATA

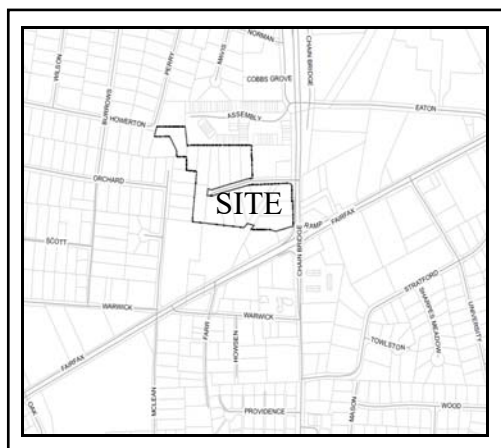
Tax Map ID/ Street Address

◇ See Attachment 6, Exhibit A

Zoning District

- ◇ RM, Residential Medium/CR, Commercial Retail
- ◇ Architectural Control Overlay District (ACOD)

Location Map



APPLICATION SUMMARY

The applicant is requesting a Zoning Map Amendment (Rezoning) from RM Residential Medium and CR Commercial Retail to PD-M Planned Development-Mixed Use while retaining the Architectural Control Overlay District (ACOD), and approval of a Master Development Plan with modifications and commitments; to allow the development of townhouses, congregate living facility and assisted living facility, and a future development phase.

The following actions are also proposed, which do not require action or recommendation from the Planning Commission:

- Special Use Permit (Floodplain Regulations) to allow for disturbance in the 100-year floodplain boundary;
- Special Exception (Chesapeake Bay Preservation) for disturbance of Resource Protection Area to build culvert and consideration of an amendment to the City of Fairfax Chesapeake Bay preservation area map;
- Major Certificate of Appropriateness for architecture and landscaping.
- Consideration of an ordinance permanently vacating, discontinuing and closing an approximately 13,433 square foot (0.30838 acre), more or less, portion of a public right-of-way (Orchard Street) within the City of Fairfax, including easements and a dedication of right-of-way for the realignment of Orchard Street and extension of Farr Avenue consistent with improvements shown on the Master Development Plan and the Statement of Commitments.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission provide a recommendation for approval of the Zoning Map Amendment (Rezoning) with the following recommendations:

1. Development should be in conformance with Master Development Plan with modifications and commitments submitted by Applicant on June 1, 2020

Z-20-00006/SU-20-00007/SE-20-00150

BACKGROUND INFORMATION

The owner and applicant have assembled 17 parcels that total approximately 11.46 acres (including right-of-way for Orchard Street). The site has two existing single-family homes constructed around the mid-1950’s-early 1960’s, two parking lots for vehicle storage on approximately three (3) acres, a 3,100 square foot sit-down restaurant, a street that dead ends into a cul-de-sac and a wooded area in the northwest corner of the site that is approximately four (4) acres. The subject property is also located in the 100-year floodplain and the Resource Protection Area. A substantial portion of the floodplain and RPA have been developed over time with houses (existing and former), a semi-industrial use, a road and former rail line, utilities, restaurant, and temporary vehicle storage. The subject property lies within the Accotink Creek Watershed and is located in the Middle Potomac River drainage area identified by the Hydrologic Unit Code (HUC) 02070010. There is a perennial stream located near the center of the property and an intermittent stream is located along the southern boundary with an onsite confluence of the perennial stream traversing through the site that flows from the northwest to southeast into an eight (8) foot box culvert completed in 2019 that moves water under Chain Bridge Road (Route 123), near the intersection of Chain Bridge Road (Route 123) and Fairfax Boulevard (Route 50). The site has a history of flooding near the intersection of Chain Bridge Road (Route 123) and Fairfax Boulevard (Route 50). Further information on adjacent properties are provided below:

Table 1: Existing Use and Surrounding Properties

Direction	Existing Land Use/Uses	Zoning	Future Land Use
Site	Auto Dealer/Vehicle Storage; Residential/Two Single-Family Homes Commercial Retail/Restaurant	CR, Commercial Retail RM, Residential Medium in the ACOD	Activity Center Green Network - Private
North	Commercial – Office/Townhomes; Commercial – Office/Insurance Agency; Commercial – Retail/Gas Station Open Space – Recreation and Historic/ Undeveloped Land	CO, Commercial Office RM, Residential Medium RT, Residential Townhouse CR, Commercial Retail in the ACOD	Townhouse/ Single-Family Attached Neighborhood and Green Network - Private
South	Open Space – Undesignated/Vacant; Commercial – Retail/Car Dealership, Auto Body Repair and Restaurant	CR, Commercial Retail in the ACOD	Activity Center
East	Commercial – Retail; Unoccupied Commercial Structures/ Car Dealership	CR, Commercial Retail in the ACOD	Activity Center
West	Residential-Single Detached/ Single-Family Homes	RM, Residential Medium RL, Residential Low in the ACOD	Single-Family Detached Neighborhood

The Future Land Use designation for the subject property is Activity Center and Green Network-Private. The Comprehensive Plan Map does not indicate green network through the majority of the site where the applicant is proposing the culvert. The surrounding land use designations are a combination of Activity Center, Single-Family Detached Neighborhood, Green Space – Private, and Townhouse/Single-Family Attached Neighborhood. The subject property is zoned RM Residential Medium and CR Commercial Retail. The surrounding zoning districts are a combination of RL Residential Low, RM Residential Medium, RT Residential Townhouses, CO Commercial Office, and CR Commercial Retail. The subject property is immediately surrounded by uses that range from single-family homes to townhouses, auto dealers to offices, gas station to a restaurant and City property. Immediately to the west of the site is a single-family neighborhood on McLean Avenue and Orchard Street. To the north of the site is a townhouse community, office building and a Shell gas station. The subject property is located near two major corridors of Fairfax Boulevard and Chain Bridge Road that serve predominately non-residential uses.

The Fairfax Boulevard (Route 50) corridor from McLean Avenue to the west and Eaton Place to the east are commercial uses. On the north side of Fairfax Boulevard and south of the subject property is DARCAR Pre-owned Fairfax at McLean Avenue, Brown's Fairfax Mazda, sit-down restaurant in 29 Diner, a used auto-sales lot and finally, a parcel owned by the City of Fairfax. On the northeast side of Chain Bridge Road to Eaton Place are commercial uses that include Fairfax Exxon, Jim McKay Chevrolet Used Car Sales, and Point 50, a recently approved and under construction shopping center. On the south side of Fairfax Boulevard from Warwick Avenue to Chain Bridge Road are commercial uses that include Fairfax Kia, a meat and grocery store, insurance agency, dental office, an automotive oil change and lubrication shop, medical spa, religious institution and the former Rite Aid site (proposed Wawa convenience store). On the south east side of the Chain Bridge Road along Fairfax Boulevard to Eaton Place are commercial uses that range from convenience stores and gas stations to auto sales, and hotel to sit-down restaurants.

Pre-Application Meetings

In January 2020, City Council and Planning Commission held pre-application development briefings with the applicant to discuss a two-phased redevelopment plan at the subject site. Phase I is 7.8 +/- acres and situated along the northern and western property line. Phase I of the proposed project consists of 56 townhouses, up to 200 unit senior living facility (114 Congregate Living Facility and 86 Assisted Living Units) with 120 structured parking spaces, a joint road construction project by the applicant and the City of Fairfax, construction of a culvert for the stream on-site, and disturbance in floodplain and Resource Protection Area. The proposed townhomes are planned at 40 +/- feet in height and the senior living building is planned at a height of 80 +/- feet. The Farr Avenue extension to Fairfax Boulevard requires coordination with the proposed redevelopment of the Brown's Mazda property. Phase II of the proposal is 3.5 +/- acres with an undetermined mix of future uses along Chain Bridge Road and a future access road from Chain Bridge Road. The applicant had sought and received approvals from the state and federal government on various permits, and these permits were described to the Planning Commission and City Council. During the permitting process, there was a public comment phase and we are not aware of any public comments on the permits that were applied for.

Post-Application Work Sessions

The Planning Commission on May 11, 2020 held a post-submission work session with the applicant to discuss the rezoning, Special Use Permit, Special Exception and proposed master development plan. Likewise, the City Council met on May 13, 2020 met to discuss the project as well. As part of the post-submission packet, the application included the Virginia Department of Environmental Quality (VDEQ) with the issuance of a Virginia Water Protection Permit (Permit No. 18-1003), the US Army Corps of Engineers with the issuance of a State Program General Permit (17-SPGP-01), and a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA, as well as the Northfax WQIA Report. No direction was given to the applicant to modify the plan in terms of the extent of the floodplain, Resource Protection Area and culvert.

The applicant had a pre-application work session with the Board of Architectural Review on March 4, 2020. The applicant submitted a formal application on April 28, 2020. The BAR hearing for recommendation is scheduled for the June 17, 2020. Staff recommends the following conditions:

1. A minimum of two courses of masonry shall be used as the foundation material on all sides of the senior living building, including parking garage elevations.
2. All canopy trees shall be 3.5-inch caliper consistent with the requirements of the Zoning Ordinance.
3. Additional canopy and understory trees shall be planted in the front and side yards of townhouses in the northern portion of the site where practicable.
4. Additional shrubs shall be planted along the path and near the stream in the open spaces in the northwestern portion of the site. Shrub plantings shall be selected from Appendix III of the Design

Guidelines for shrubs, herbaceous plants, groundcover, ferns, and grasses as listed in the section on Resource Protection Area (RPA) plantings.

5. Lattice screens for roof-mounted townhouse mechanical equipment shall be in a color to match the fourth-floor wall surfaces.
6. All ground-mounted appurtenances shall be screened from view in the right-of-way.
7. The proposed modifications shall be in general conformance with the review materials received by staff and included in the staff report, as modified through the date of this meeting, except as further modified by the Board of Architectural Review, the Director of Community Development and Planning, Zoning, or the Building Official.

Master Development Plan

The subject property is composed of seventeen (17) parcels have been assembled for the redevelopment of a four (4) phased Master Development Plan:

- Phase One includes the construction of a storm drainage culvert, utility relocations, realignment of Orchard Street and other improvements (i.e., walking trail, sidewalks and bike lanes) shown on the Master Development Plan. The applicant seeks approval of a Special Use Permit to modify the current 100-year floodplain and approval of a Special Exception to impact the Resource Protection Area by culverting the stream that traverses the site from the northwest to the southeast into an existing box culvert on Chain Bridge Road. The existing floodplain and stream limits the development area to approximately half of the 11.46-acre site. The applicant has submitted a RPA Site Specific Delineation Plan and a Water Quality Impact Assessment. Likewise, the applicant has applied for and has received the approvals from the Virginia Department of Environmental Quality (VDEQ) with the issuance of a Virginia Water Protection Permit (Permit No. 18-1003), the US Army Corps of Engineers with the issuance of a State Program General Permit (17-SPGP-01), and a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). As part of Phase One, the applicant plans to improve and realign Orchard Street to connect to the proposed Extension of Farr Avenue. This realignment would require a vacation of approximately 13,433 square foot of public right-of-way for Orchard Street and a dedication of land for a dedication of land for the Extension of Farr Avenue.
- Phase Two includes fifty-six (56) townhouses by Madison Homes with a density of 4.88 units per acres. Townhouses are a mix of front entry units at 24-feet in width and rear entry units at 20-feet in width. Each unit is required to have two (2) parking spaces per unit and the applicant has provided two garaged spaces for each unit with twenty-two additional surface spaces. The applicant has provided 134 parking spaces (112 garage spaces and 22 private surface spaces). The townhouses are proposed at approximately 44 feet in height. One acre of the site in the northwest corner is proposed as open space. As part of this phase, the applicant plans to provide a linear park on Orchard Street to the proposed trail in the northwest corner that connects to Howerton Avenue/Perry Street.
- Phase Three is the senior living building, owned and operated by Brightview Senior Living Development, LLC, with 114 Congregate Living Facility units (Independent Living) and 86 Assisted Living Units with approximately 230,000 square feet of gross floor area that has structured parking in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The applicant is requesting City Council to modify the parking requirement to allow for a reduction in the required parking spaces from 194 spaces to 126 spaces for the senior living facility referenced in the Parking Assessment Memo in Attachment A15. Also as a part of Phase Three, the applicant is proposing off-site stream restoration for a portion of Accotink Creek within the boundaries of Van Dyck Park. The restoration effort is approximately 2,190 linear feet that ranges from eight (8) to fifteen (15) feet in width. The applicant received a joint permit to impact 1,646 linear feet of stream channel with authorization to compensate for permanent stream impacts through the purchase 1,675 stream credits or 4,761 Stream

Condition Units from a VDEQ approved mitigation bank, as required by the VWP Permit (Permit No. 18-1003).

- Phase Four conceptualizes 25,000 square feet of office, retail, and restaurant uses; 180-units of residential dwelling units, and a 140-room hotel on approximately 3.3-acres. The applicant does not seek approval of the potential uses in Phase Four of this Master Development Plan. The owner would be required to amend this Master Development Plan, if approved, for specific use types, density, open space, and design, prior to the commencement of Phase Four. The applicant is proposing uses and thresholds that are subject to change as the applicant studies Phase Four of the site and prepares development options. Phase Four is subject to a Traffic Impact Study upon a request for an amendment to this plan.

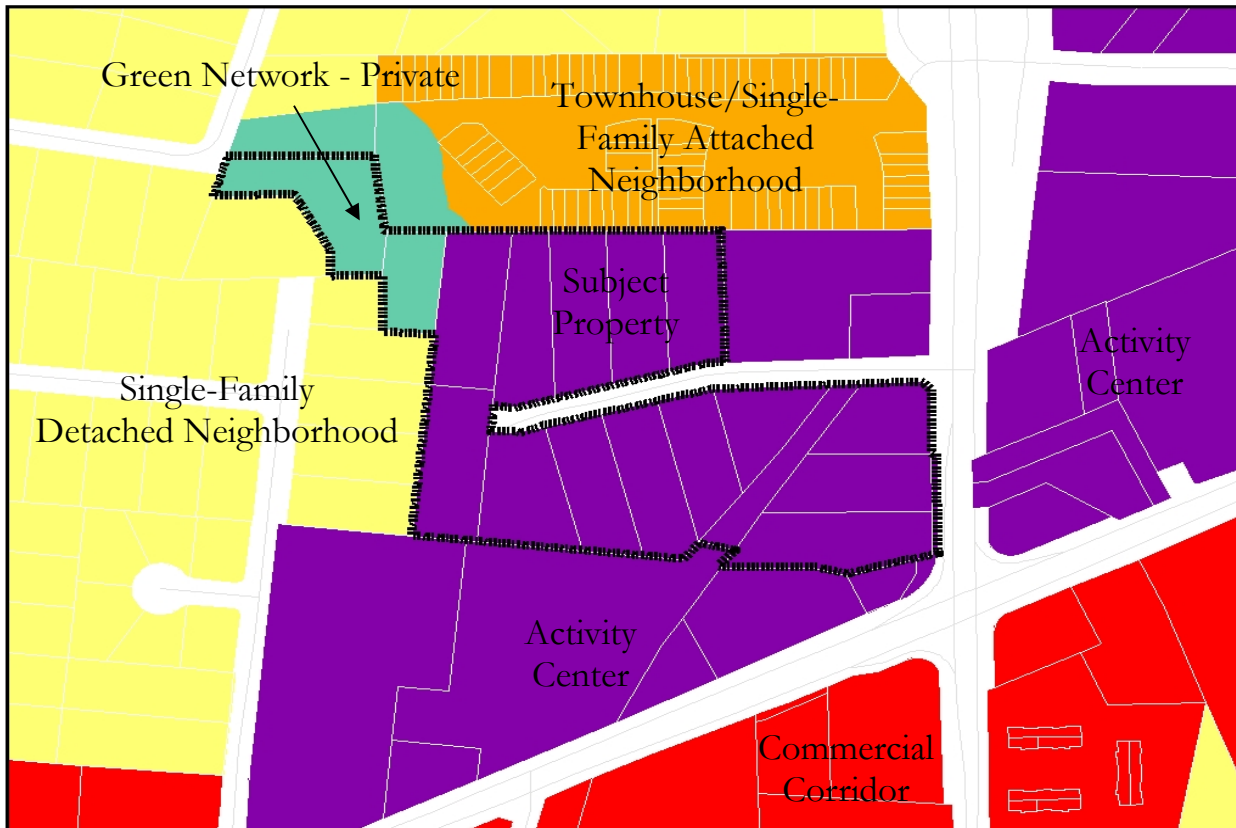
Redevelopment of the subject property requires a rezoning from CR Commercial Retail and RM Residential Medium to PDM Planned Development-Mixed Use in the Architectural Control Overlay District (ACOD), a Special Use Permit to culvert portions of on-site stream and remove portions of the 100 year floodplain, and a Special Exception for disturbance of Resource Protection Area to which would lead to the remapping of the RPA for removal of portions through the site, and a Certificate of Appropriateness. The applicant also is requesting a right-of-way vacation of portions of Orchard Street to enable realignment of the street consistent with the City's road plan and provide land to facilitate the extension of Farr Avenue to the adjacent property line for Brown's Mazda as part of the approval of the Master Development Plan. The applicant will coordinate with Brown's Mazda and the City of Fairfax to facilitate the road connection to Fairfax Boulevard (Route 50).

Comprehensive Plan

Land Use: The Comprehensive Plan provides a general plan and communicates a vision for future land use and development in the City; while, the Zoning Ordinance provides the regulatory mechanism to ensure the new development and changes in land use are consistent with the vision. The Comprehensive Plan states "where any new development is proposed that requires a land use action not consistent with the Comprehensive Plan, the applicant should request a modification to the Comprehensive Plan as well" (Chapter 1: Introduction, City of Fairfax 2035 Comprehensive Plan, page 15).

The Comprehensive Plan and the Zoning Ordinance provide opportunities for flexibility in site design and whether or not a use is appropriate and compatible with the adjacent properties. Some consideration for appropriateness is the ability to mitigate through site design, density and height limitations, setbacks, bufferyards and landscaping. The applicant is seeking to build a mixed use development that is comprised of four phases as stated in the Statement of Justification and detailed in the Master Development Plan. In order to develop this project, the applicant seeks a Rezoning from CR Commercial Retail and RM Residential Medium to PD-M Planned Development-Mixed Use in the ACOD and Activity Center Place Type. The surrounding land use designations are a combination of Single-Family Attached Neighborhood, Green Network – Private, Activity Center, and Single-Family Detached Neighborhood. The subject site is overlaid on the Future Land Use Map from the Comprehensive Plan in Figure 1 shown below.

Figure 1: Comprehensive Plan Future Land Use Map



The Activity Center Place Type applies to locations in the City where pedestrian-oriented, mixed-use development is strongly encouraged. Mixed-use development is pedestrian-oriented development that allows multiple activities to take place by layering compatible land uses, public amenities, active streets accommodating multimodal transportation, and community serving commercial (City of Fairfax 2035 Comprehensive Plan, page 32). New development in Activity Center Place Type should provide integrated uses with structured or below grade parking. The overall project design within an activity center should improve the streetscape, and provide vehicular and pedestrian connections to the existing road network and surrounding uses as recommended by the Multimodal Transportation Chapter of the Comprehensive Plan (City of Fairfax 2035 Comprehensive Plan, page 32).

Although the City is primarily built out, a variety of new housing types can be accommodated through redevelopment on a relatively limited basis to broaden the current offerings and accommodate changing demands (Comprehensive Plan, Pg. 53). Likewise, it is vital that a variety of high-quality, attractive housing choices continue to be available in the City to support differing needs and demands of residents. Housing needs and demands are reflective of the existing housing stock and fluctuating market trends, making them subject to change over time. Specific housing types are identified in the Land Use Strategies Section of the Comprehensive Plan. Current shortages could include multifamily rentals and condominiums, of which the majority of the City's stock was built in the 1960s, and townhomes, of which the City currently has a lower ratio than many surrounding communities in Fairfax County (Comprehensive Plan, pg. 54). The applicant is providing a housing type that is underrepresented in the City's existing stock of housing units (Outcome H1.1). The applicant has indicated that there is not an affordable housing component to this proposal (Outcome H2.1). However, the senior living building addresses Outcome H3.1, Action H3.1.1 and Action H.3.1.2 in the Comprehensive Plan as the applicant seeks to provide housing options for older adults that need the appropriate levels of support and care.

Predicated on the underlying zoning district, the Activity Center supports a density of a minimum FAR of 0.4; at least six (6) townhouses or at least twelve (12) multifamily dwelling units per acre; or any proportional combination of residential and commercial densities with building heights predominantly five stories or less, unless specified in an adopted Small Area Plan. (City of Fairfax 2035 Comprehensive Plan, Pg. 32). Residential townhouses should only be considered to serve as a transitional use to existing development outside of the Activity Center.

Many commercial properties in the city are underutilized with an overabundance of surface parking. The properties are often suitable for redevelopment, whether to achieve greater use of the land or to make the properties more market competitive. New development and redevelopment must enhance commercial activities along the City’s major corridors with a mix of retail, office, and service offerings in an attractive and welcoming setting. (City of Fairfax 2035 Comprehensive Plan, Pg. 50). Likewise, the City’s Comprehensive Plan encourages redevelopment in the City’s Activity Centers. The City will promote redevelopment in Activity Centers to strengthen economic vitality; provide retail, office, and residential opportunities for sustained demand; and reinforce the City’s regional appeal (City of Fairfax 2035 Comprehensive Plan, Pg. 51). Activity Centers should be designed to be the most intense, dense areas in the City of Fairfax. The overall densities for other approved projects as compared to the subject application is provided in Table 2:

Table 2: Comparable Projects in the City

Project	Site Area	Number of Units	Density	Height
Northfax West Phases I-III	11.46	56 TH; 200 MF	22.3*	40 +/- feet; 83 +/- feet
Capstone	6.15	275	44.7*	48 +/- feet
Paul VI	18.51	266	14.4	45 +/- feet
Scout on the Circle	9.81	400	40.7*	85 feet

* Project is located in an Activity Center

The subject property is located in the Activity Center Place Type and is located in Northfax, one of five Activity Centers identified in the 2035 Comprehensive Plan. The Northfax Activity Center is undergoing a Small Area Plan, which “are neighborhood-level plans intended to provide the City with guidance on each of its five Activity Centers defined in the 2035 Comprehensive Plan. While the Comprehensive Plan advises the Activity Center’s development at a high level, Small Area Plans provide more specific guidance for each Activity Center, including the desired mix of uses, residential density, building density, design aesthetic, street locations, multimodal connections infrastructure improvements, parking, and open space. As each Small Area Plan is completed and adopted, its recommendations will supersede the pre-existing guidance in the 2035 Comprehensive Plan for its respective Activity Center” (City of Fairfax, <https://www.fairfaxva.gov/government/community-development-planning/planning/current-studies-projects-plans/small-area-plans>).

The draft Small Area Plan for Northfax is scheduled for a public hearing for City Council on June 23, 2020. This plan was presented to the Planning Commission on June 8, 2020, which recommended approval following the consideration of testimony at a public hearing. The Northfax SAP recommends improved stormwater infrastructure for the entire Activity Center, including increasing stormwater requirements 15% beyond state standards (City of Fairfax, Draft Northfax Small Area Plan, Page 49). The Northfax SAP also recommends the establishment of a connected street grid and improved pedestrian connections as provided by the Orchard Street/Farr Ave project and included in the Northfax West proposal. These recommendations are consistent with the Comprehensive Plan support for transforming the City’s Commercial Corridors and Activity Centers. The City would strive to transform these areas into distinctive regional destinations that can compete effectively with other development and mixed-use centers in Northern Virginia (City of Fairfax 2035 Comprehensive Plan, Pg. 120). Redevelopment in Commercial Corridors and Activity Centers should create destinations that attract tenants, customers, and residents (Outcome EV3.1,

Pg. 120). Furthermore, the Northfax SAP encourages under-represented housing types, such as senior housing, and townhouses as transitional densities to existing neighborhoods which is also consistent with the Comprehensive Plan and the Activity Center Place Type.

The City recognizes that there is a delicate balance between development and protecting the environment as the City is largely built-out. The City has several types of environmental resources that are easily impaired by urban land uses. Encompassing the headwaters of Accotink Creek, measures taken by the City to protect water quality, riparian and floodplain areas, open space, and the urban forest are critical to support regional efforts to improve environmental health. Located within the Chesapeake Bay Watershed, the City is committed to reducing stormwater runoff in order to protect the Bay through the adoption of the Chesapeake Bay Preservation Act and enforcement of other federal, state, and local stormwater regulations. (City of Fairfax 2035 Comprehensive Plan, Pg. 99). The proposed application addresses in part Outcome NE1.5 to “restore and preserve natural open spaces and contiguous greenway corridors that provide natural habitats for plants and wildlife” as the northwest corner of the will remain in its natural state with a walking trail. Likewise, Action NE1.5.1 is addressed, in part, by “restoring disturbed areas along streams and in conservation easements with native species” as the applicant has committed to a stream restoration project for a portion of Accotink Creek within the boundaries of Van Dyck Park. This stream restoration project will implement this component of the approved master plan for Van Dyck Park. VA DEQ is also requiring contribution to regional bank for stream restoration improvements outside of the City.

The 100-year floodplain cuts through the site severely limiting development on half (1/2) of the property. During the VWP permitting process, the applicant had to demonstrate avoidance and minimization efforts. It was deemed that both efforts would require flood control due to the location of the perennial stream and the history of flooding onsite. A complete avoidance would result in an undevelopable area of 4.4 +/- acres. The flood elevations under this scenario would render approximately half of the developable land area in an unstable condition due to the presence of RPA and flood zones (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). A partial pipe scenario was also considered and deemed infeasible whereby “500 linear feet of stream channel would be piped leaving most of the perennial stream and all the intermittent stream intact” (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). However, the use of Orchard Street to access the western portion of the site “would necessitate significant alteration to the flood zones through the installation of a culverted road crossing, this constricting flood flows and increasing flooding to the northern portion of the property” (VWP Individual Permit No. 18-1003, March 5, 2019, Pg. 3). In order for the subject property to be developed, a special use permit is required to allow disturbance within the 100-year floodplain boundary.

The subject property has a perennial and two intermittent streams that flow through the site from west to east. The perennial stream enters the site at the northwest corner of the project area and flows southeast before entering an 8-foot box culvert that conveys water under Route 123 that was installed by the City of Fairfax to improve drainage and reduce flooding. The two intermittent streams flow into the perennial stream from the west. As a result of having streams on site, a RPA Site-Specific Study in accordance with Section 4.18 (Chesapeake Bay Preservation) of the City’s Zoning Ordinance is required by the applicant. In conjunction with an RPA Site-Specific Study, the applicant is required to submit a Water Quality Impact Assessment (WQIA) for land disturbance, development or redevelopment within the RPA including any buffer area modification or reduction. Due to the level of land disturbance proposed by the applicant, a major WQIA is required and Special Exception to impact the RPA with the construction of a culvert. The applicant has submitted a Major Water Quality Impact Assessment and staff has reviewed the WQIA. The applicant will be required to provide additional information during the site plan review stage, if this application is approved. Ultimately, the proposal would allow the new culvert to tie into the system installed by the City of Fairfax.

The City has adopted regulations that implement the requirements of Chesapeake Bay Preservation Act (Code of Virginia, Section 62.1-44.15:75 et seq). The purpose of Section 4.18 (Chesapeake Bay Preservation) is to: a. protect sensitive environmental lands within the city; b. safeguard the quality of state waters; c. prevent further increase in pollution of state waters; d. reduce existing pollution of state waters; and e. promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the city (Zoning Ordinance, Page 4-99). These regulations also establish criteria for use by the city in approving, disapproving or modifying requests to rezone, subdivide, use, develop and/or redevelop land in Chesapeake Bay preservation areas. The Zoning Ordinance provides for opportunities for land to be developed or redeveloped through the review process outlined in Section 4.18 and Section 6.13 (Chesapeake Bay Reviews).

Section 4.18.6 (Chesapeake Bay Preservation) of the Zoning Ordinance requires for any property that is depicted on the city's Chesapeake Bay preservation area map as a resource protection area, the applicant shall determine the site-specific boundaries of the Resource Protection Area (RPA) components through the performance of a RPA site-specific study. The Chesapeake Bay preservation area map shall be used only as a guide to the general location of resource protection areas within the city. The applicant has submitted a Resource Protection Area Site Specific Study to evaluate the existing, pre-development conditions of the project area and the anticipated post-development impact on the RPA based on the submitted master development plan. Appendix E of the RPA site-specific study documents the presence of one perennial stream and two intermittent streams. The applicant concludes “that the perennial stream is included in the onsite RPA, as well as the 100-foot buffer adjacent and landward of the perennial stream and the intermittent streams were determined to be non-RPA features due to unnatural channel conditions resulting from adjacent development” (RPA Site-Specific Study conducted by Apex Companies, LLC, Pg. 3). In conjunction with a RPA Site-Specific Study, the applicant is required to submit a Water Quality Impact Assessment (WQIA) for land disturbance, development or redevelopment within the RPA including any buffer area modification or reduction. Due to the level of land disturbance proposed by the applicant, a major WQIA is required. Ultimately, the proposal would allow the new culvert to tie into the system installed by the City of Fairfax. Table 3 shows the change in floodplain and RPA based on the pre-development and post-development plans.

Table 3: Floodplain and RPA

Site Area (11.46 +/- acres)	RPA		Floodplain	
	Acreage	% of Site	Acreage	% of Site
Pre-Development	5.75	50.2%	5.44	47.5%
Post-Development	0.65	5.7%	0.76	6.6%

The applicant has provided a pre-development floodplain and RPA boundary on Sheet 18 and a post-development boundary on Sheet 18A of the Master Development Plan. As part of the project approvals, the applicant intends to commit to a stream restoration project for a portion of Accotink Creek within the boundaries of Van Dyck Park. This stream restoration project will implement this component of the approved master plan for Van Dyck Park. VA DEQ is also requiring contribution to regional bank for stream restoration improvements outside of the City. Irrespective of these, City approval to construct and make these changes are required.

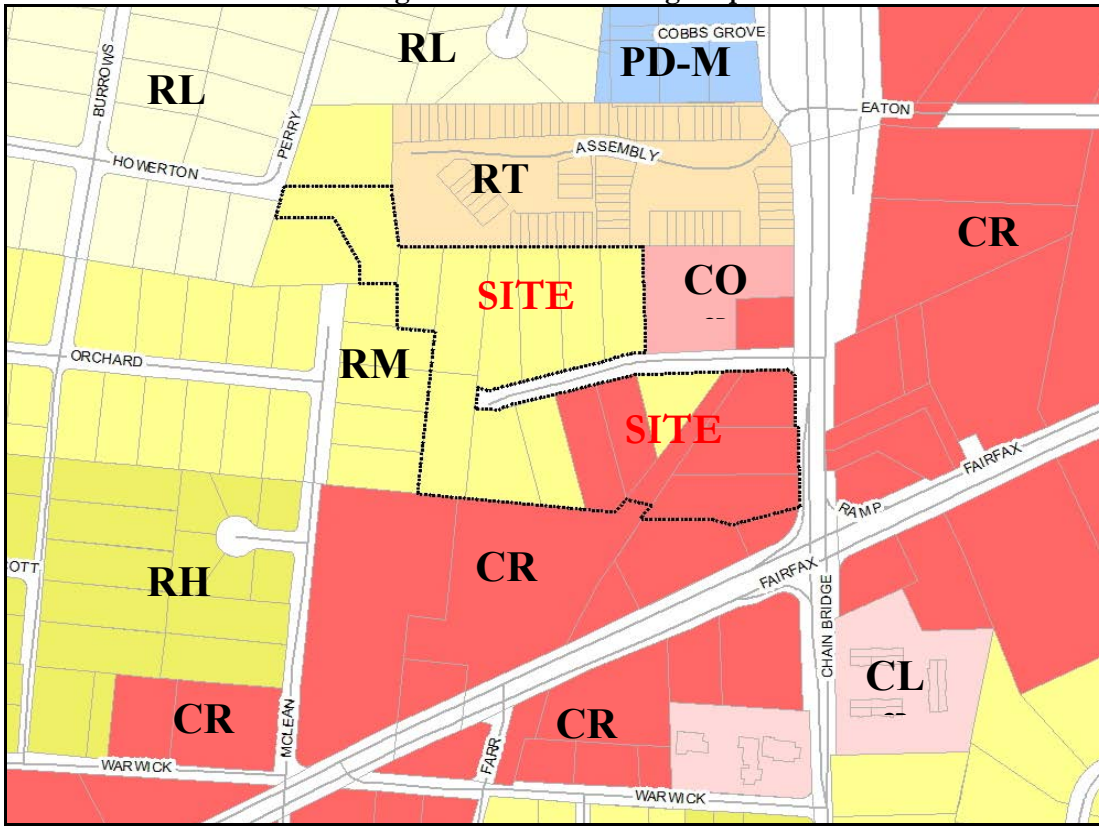
Likewise, Section 4.18.8.D.1 (Chesapeake Bay Preservation) of the Zoning Ordinance requires a Major Water Quality Impact Assessment shall be required for any development that exceeds 5,000 square feet land disturbance or that encroaches onto the seaward 50 feet of the 100-foot buffer area; or is located in the resource management area and is deemed necessary by the zoning administrator. The applicant is proposing to impact 1,749 linear feet of the stream channel on site. Appendix C in the Major Water Quality Impact Assessment provides a visual depiction of the areas impacted. The applicant also received a joint permit to

impact 1,646 linear feet of stream channel with authorization to compensate for permanent stream impacts through the purchase 1,675 stream credits or 4,761 Stream Condition Units from a VDEQ approved mitigation bank, as required by the VWP Permit (Permit No. 18-1003).

The applicant received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA), dated April 1, 2019 - Case No. 18-03 2239R. A Conditional Letter of Map Revision (CLOMR) is a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study. The 100-year floodplain cuts through the site severely limiting development on half (½) of the property. During the VWP permitting process, the applicant had to demonstrate avoidance and minimization efforts. It was deemed that both efforts would require flood control due to the location of the perennial stream and the history of flooding onsite. A complete avoidance would result in a developable area of 4.4 +/- acres. The flood elevations under this scenario would render approximately half of the developable land area in an unstable condition due to the presence of RPA and flood zones (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). A partial streaming piping scenario was also considered and deemed infeasible whereby “500 linear feet of stream channel would be piped leaving most of the perennial stream and all the intermittent stream intact” (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). However, the use of Orchard Street to access the western portion of the site “would necessitate significant alteration to the flood zones through the installation of a culverted road crossing, this constricting flood flows and increasing flooding to the northern portion of the property” (VWP Individual Permit No. 18-1003, March 5, 2019, page 3).

Rezoning: The subject property is currently split-zoned with RM Residential Medium and CR Commercial Retail Districts. Thirteen (13) of the seventeen (17) parcels are zoned RM Residential Medium. The subject property is zoned RM Residential Medium and CR Commercial Retail. The surrounding zoning districts are a combination of RL Residential Low, RM Residential Medium, RT Residential Townhouses, CO Commercial Office, and CR Commercial Retail. The subject property is immediately surrounded by uses that range from single-family homes to townhouses, auto dealers to offices, gas station to a restaurant and City property. Immediately to the west of the site is a single-family neighborhood on McLean Avenue and Orchard Street. To the north of the site is a townhouse community, office building and a Shell gas station. Figure 2 illustrates the current zoning districts and the surrounding area.

Figure 2: Current Zoning Map

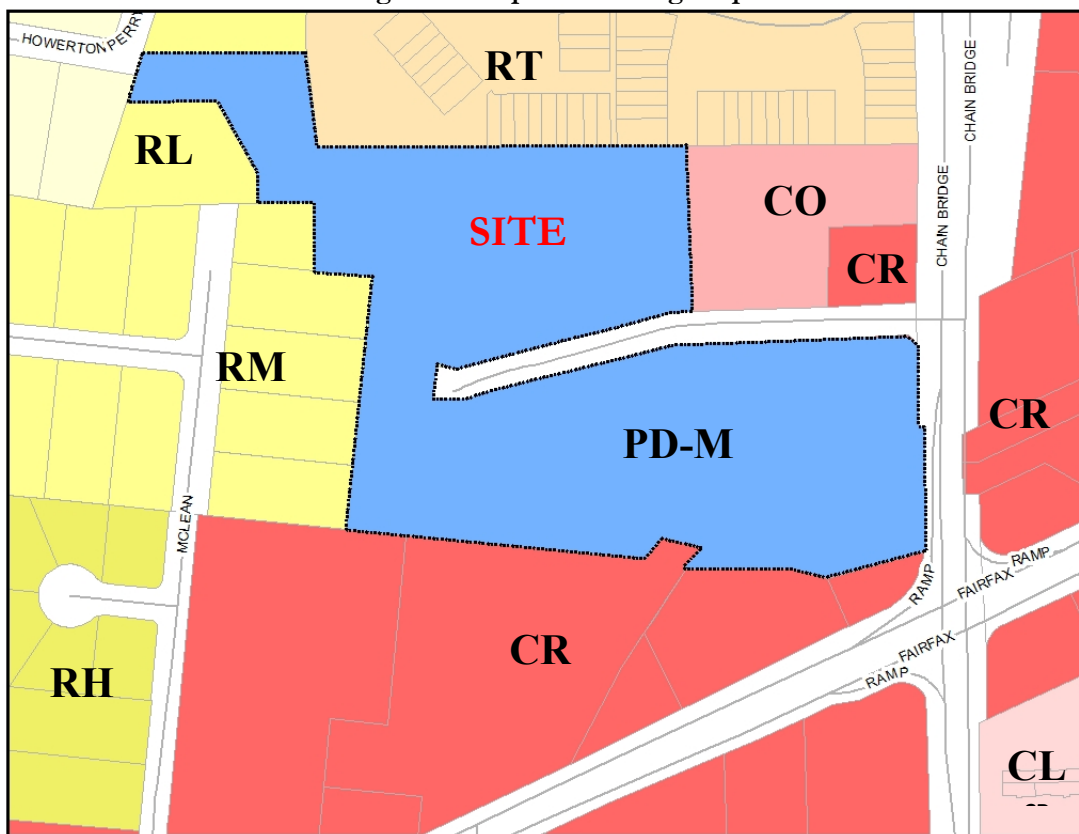


If an existing lot is (currently) split into two or more zoning districts, each such portion of the split-zoned parcel may be used only for purposes allowed within the respective zoning district. No principal or accessory use of land, building or structure, and no use or building or structure authorized by special use permit or special exception is allowed unless the use, building or structure is expressly authorized or permitted within the subject district (Section 2.2.2. Split-zoned lots). Under the current configuration, the proposal could not be developed and the site would remain largely as a residential site with limited commercial opportunities. Therefore, the applicant is requesting to rezone the property from RM Residential Medium and CR Commercial Retail to PD-M Planned Development-Mixed Use.

§3.8.2.B.2. Planned development district rezoning may be approved only when the applicant demonstrates to the satisfaction of the city council that a proposed planned development project would result in a greater benefit to the city than would development under general zoning district regulations.

Figure 3 shows the proposed PD-M district and the zoning designations of the surrounding area. The PD-M, Planned Development Mixed Use District, is intended to provide for coordinated mixed use developments which may include general residential and nonresidential uses within a planned development. The variety of land uses available in this district allows greater flexibility to respond to market demands and the needs of tenants, thereby providing for a variety of physically and functionally integrated land uses (Section 3.2.3.B, Pg. 3-3).

Figure 3: Proposed Zoning Map



The proposed rezoning from RM Residential Medium and CR Commercial Retail to PD-M Planned Development-Mixed Use would allow for the “applicant to create special and unique developments by mixing and clustering, where appropriate, land uses and/or dwelling types and providing more usable recreation and open space in a master development plan proposed by the applicant and approved by the city council. Planned developments should create a more livable, affordable and sustainable community. Starting from the baseline, which is current zoning, applicants may be given increased development rights, such as increased density and height, as well as increased flexibility, in return for providing benefits that make the project “superior” and the community better in accordance with the goals and objectives of the city, including, but not limited to, those set forth in the comprehensive plan” (Zoning Ordinance, Pg. 3-59).

REQUESTS

In addition to the rezoning request from RM, Residential Medium and CR, Commercial Retail to PD-M, Planned Development Mixed Use while retaining the Architectural Control Overlay District (ACOD), and a Master Development Plan with modifications and commitments, the applicant proposes the following land use requests for City Council action; however, formal action and recommendations by the Planning Commission are not required for the following items:

- **Application for Special Use Permit (Floodplain Regulations)** to allow for disturbance in the 100-year floodplain boundary;
- **Application for Special Exception (Chesapeake Bay Preservation) for disturbance of Resource Protection Area** to build culvert and consideration of an amendment to the City of Fairfax Chesapeake Bay preservation area map;
- **Major Certificate of Appropriateness** for architecture and landscaping; and,
- **Vacation of right-of-way** for Orchard Street

Rezoning application

The proposed redevelopment is dependent on City Council approval of Map Amendment (Rezoning) from RM, Residential Medium and CR, Commercial Retail to PD-M, Planned Development Mixed Use. The subject property has two (2) existing one-story houses in the RM District. The site also has two (2) commercial vehicle storage parking lots and a sit-down restaurant in the CR District. In approving a rezoning for a planned development, the city council shall find the proposed district designation and master development plan comply with the general provisions for all planned development in §3.8.2 and the specific standards for the planned development listed in §3.8.3 through §3.8.6. Planned development district rezonings may be approved only when the applicant demonstrates to the satisfaction of the city council that a proposed planned development project would result in a greater benefit to the city than would a development under general zoning district regulations.

The applicant is proposing to develop the site in four phases with a modification to the Development schedule as stated in Section 3.8.2.I of the Zoning Ordinance, which states “No zoning permit shall be issued for a mixed use development to authorize the occupancy of more than 66 percent of the approved residential dwelling units as part of a PD-C or PD-M district development prior to the issuance of a zoning permit to authorize the occupancy of 100 percent of the approved nonresidential floor area for that development. The foregoing shall be binding on the applicant unless the applicant proposes a modification to this requirement in the master development plan and the city council approves such modification when it approves the master development plan.” (Pg. 3-63). Phases Two and Three are proposed as townhouses and a senior living building that is comprised of a mixture of independent living units and assisted living units. The Zoning Ordinance considers independent living units as a residential use while the assisted living units are defined as a non-residential use. Phase Four is proposed with a combination of residential and non-residential uses. Strict application of the ordinance would prohibit occupancy of all of the townhouse units prior to the completion of the senior building. Therefore, the applicant is seeking a modification to the development schedule requirement.

The applicant states the proposed development is in substantial conformance with the Comprehensive Plan and Activity Center Place Type. The proposal includes townhouses as a transitional use to existing development outside of the Activity Center. The proposal also includes public, civic and institutional uses in congregate living facilities and assisted living facilities in a stand-alone building. The operator and owner of the Senior Living Building is seeking a reduction in the number of required parking spaces of the Zoning Ordinance. The Master Development also proposes road improvements to Orchard Street that includes ten (10) foot wide travel lanes, five (5) foot wide bike lane, eight (8) foot wide on-street parking, 4.5-foot wide area for the installation of street lights, pavers and trees, and a six (6) foot sidewalk. In addition to improvements made on Orchard Street, the applicant will collaborate with the City and the adjacent property owner to extend Farr Avenue to Fairfax Boulevard (Route 50). These road improvements will establish the street grid that is envisioned in the Comprehensive Plan and the draft Northfax Small Area Plan. Currently, the subject property is sufficiently served by public transportation facilities, and the existing utility infrastructure is adequate for the proposed uses. Further, the proposed development as stated by the applicant would be compatible with the surrounding area. Finally, the applicant believes the proposed use is consistent with the stated purpose of the PDM District and the Activity Center Place Type.

Open Space: The Planned Development Districts requires at least 20 percent (2.1 +/- acres) of the site to be designated as recreation and open space for use and enjoyment of the residents and occupants of the development. Section 3.8.7.B.3 requires the minimum width for any required recreation and open space shall be 50 feet. The zoning administrator may grant exceptions for items such as trail easements and midblock crossings, when their purpose meets the intent of §3.8.7. The Zoning Ordinance also requires at least 60% of the required open space be contiguous, however it may be bisected by a residential street.

Open space is programmed as an amenity area at the northeast corner of Orchard Street and Farr Avenue, on the north west and east side of the senior living building, and in the northwest corner of the site that includes an amenity center and an eight (8) foot wide walking trail. The applicant is retaining a large area of RPA and Floodplain in the northwest corner of the site, and only half that acreage can be counted towards the open space. The plan currently proposes four areas of open space with a linear park on the north side of Orchard Street that connects to the proposed trail as discussed in the draft Northfax SAP for a total of 1.61 +/- acres (70,132 square feet) or 15% of the property. The applicant has provided approximately 0.80 acres or 8% of the site measuring less than 49-feet. If these areas are included in the amount of open space, the development would have approximately 23% (2.41 acres/104,980 square feet) of the land area provided as open space. Sheet 7 of the Master Development Plan illustrates the Open Space and Circulation Plan. The applicant also states that the areas in front of the townhouses and senior living building will serve as a linear park. In addition to these improvements, the applicant considers streetscape improvements for Orchard Street and the extension of Farr Extensive, as well as, the roof top green space on the senior living building as part of their overall development design and on-site open space improvements. The applicant states that the open space would be provided in Phase One, Phase Two and Phase Three. The applicant is seeking a modification to Section 3.8.7.G of the Zoning Ordinance requiring 20% of the site be developed as open space. Staff acknowledges the importance of streetscapes and other features such as rooftop spaces but those features as presented in this plan do not meet the minimum open space requirements in Section 3.8.7. It is staff's position that at the end of the project, the twenty (20) percent open space requirement would be achieved.

Project boundary transitional yard requirements are established to mitigate the effect of planned developments on adjacent properties. Table 4 provides the TY3 requirements and what the applicant has submitted in the Master Development Plan. The applicant is seeking a modification to Section 4.5.5.C.2(b)(2) and Section 4.5.5.D of the Zoning Ordinance to provide the minimum tree plantings as well as the minimum fence or wall height of the TY3 transitional yard specifications along the Subject Property's boundaries.

Table 4: Transitional Yards

Required by Zoning Ordinance (Section 4.5.5.D)	Provided by the Applicant				
	Northern property line (585-foot)	Northeastern property line (232-foot)	Southeastern property line (327-foot)	Southwestern property line (75-foot)	Western property line (400-foot)
Minimum Transitional Width – 15 feet (TY3)	15-feet	10-feet	None	15-feet	8.5-feet
Minimum Fence or Wall Height (feet) on lot line – 6-feet	6-foot fence	6-foot fence	None	6-foot fence	6-foot fence 1.0-2.1-foot wall
Minimum Canopy Tree (4 per 100 feet)	23 canopy required; 6 provided	9 canopy required; 4 provided	None	3 canopy required; 3 provided	16 canopy required; 16 provided
Minimum Understory Tree (4 per 100 feet)	23 understory required; 11 provided with 20 existing understory trees	9 understory required; 10 provided	None	3 understory required; 3 provided	16 understory required; 16 provided
Minimum Shrubs (4 per 100 feet)	23 shrubs required; 23 provided	23 shrubs required; 24 provided	None	3 shrubs required; 8 provided	16 shrubs required; 16 provided

A transitional yard buffer of 15 feet (TY3) is required along the site area boundary. The applicant is seeking a modification to the planting requirements along the northern, western, southern and eastern property lines. The northern property line adjacent to The Assembly townhouse community has an existing dense tree line

that the applicant intends to preserve and six (6) canopy trees, add eleven (11) understory trees and twenty-three (23) shrubs along the property line. In the northeast corner of the site abutting The Assembly and the office building on Orchard Street, the applicant is requesting a reduction in the width and number of canopy trees due to the proposed private street and sanitary sewer easement.

The applicant is seeks to modify to the transitional yard requirement (from 15-feet to 8.5 feet) along the western property line adjacent to single-family detached homes fronting along McLean Avenue. The applicant intends to maintain the required fencing, quantity and type of plant species along the western property line but would reduce the width of the transitional yard. The applicant states that the constraints for this area are caused by the right-of-way dimensions for the extension of Farr Avenue, as well as the required width for the private alley providing access to the townhomes that front on Farr Avenue.

The southern property line shared with Brown's Mazda is proposed to be developed with two parking structures. The applicant is proposing to construct a parking garage for the senior living building on the southern property line. Brown's Mazda dealership is proposing to develop their parking structure directly adjacent to the applicant's parking structure. The applicant is installing a five (5) foot sidewalk along this property line that connects from Farr Avenue Extension to the east side of the Senior Living Building. On the east side of the senior living building and on the southern property line, the applicant has provided additional surface parking and a turnaround for fire access. Therefore, the applicant is seeking to eliminate the requirement to install a transitional yard including a fence or wall, and the required plantings.

The eastern property line has an existing dense tree line on the office building property with frontage on Orchard Street and Chain Bridge Road. Along this property line, the applicant proposes an alleyway for a row of rear-entry townhouses and the installation of a sanitary sewer line. It should also be noted that the eastern property line abutting the future development parcel will be determined during the review of an amendment to the Master Development Plan. The applicant has provided temporary plantings to screen the future development parcel known as Phase Four. The northwestern corner of the site will have a transitional yard with existing vegetation as the area is located in the floodplain.

The applicant is also seeking two additional modifications that apply to street trees. Section 4.5.6.B states "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" and Section 4.5.6.B.1 states "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." The applicant is requesting these modifications due to the proposed location of on-street parallel parking spaces and proposed utilities. The proposed street design provided by the City's consultant for the Farr Avenue Extension has been added to the MDP. The design for Orchard Street is consistent with the Farr Avenue Extension. The street design may also need to accommodate underground stormwater utilities, curb cuts and filtertraps that would potentially space trees beyond the maximum requirement of 50 feet. The street design as presented creates challenges to meeting the requirement of 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. The applicant states the design shows a four-foot planting strip in between the curb and six foot wide sidewalk that cannot conform to the required three-foot minimum distance from paved surface.

Likewise, the applicant is seeking a modification to Section 4.5.6.B.1 for Chain Bridge Road due to the existing utilities that would remain during Phases One, Phases Two and Phase Three. The applicant proposes to plant evergreen and deciduous shrubs to the back of the proposed 10-foot multiuse trail on Chain Bridge Road that would be constructed during Phase One. These trees may grow up to fifteen (15) feet and could provide year round screening of Phase Four until developed.

Scale: The applicant is proposing to develop fifty-six (56) townhouses in Phase Two. The townhouses are approximately 44 feet in height. Townhouses would be a mix of front entry units that are 24-foot wide and rear entry units that are 20-foot wide. The applicant is seeking a modification to Section 3.5.1.C.2 which states, “No more than two of any 10 or one of any three to five abutting dwelling units having the same front yard setback. Varied front yard setbacks shall not be less than two feet offset from adjoining units as measured at the principal foundation line of each unit and no setback distance shall be less than the required minimum.” (Zoning Ordinance, Pg. 3-14). The applicant states that variation in setbacks would be achieved through architectural variation of the design in units, including façade, color. Townhouses aligned the north side of Orchard Street and the west side of Farr Avenue Extension to minimize the visibility of alleyways, as well as, to create a streetscape along the corridor. Those units have one (1) foot offset.

In addition to the setback variation modification, the applicant is seeking to modify Section 4.5.7.D which states, “An interior landscaped island shall be provided for every ten spaces. Each island shall contain a minimum of 200 square feet with a minimum width of eight feet inside the curb and include a minimum of one canopy tree; provided that, where an island includes a sidewalk, such islands shall contain a minimum of 400 square feet with a minimum of 15 feet inside the curb. Planting islands shall be evenly distributed throughout the parking lot; with no parking space located more than 50 feet from a planting island.” This modification request pertains to the proposed townhouse surface parking in the northwest corner of the site, parallel spaces in front of the townhomes on Orchard Street and Farr Avenue Extension, and the surface parking on the east side of the senior living building. The applicant states the proposed box culvert improvements runs through a portion of the surface parking area for the townhouses and the proposed utilities easements and appurtenances would affect the parallel parking spaces for the senior living building.

In the middle of the site in Phase Three, the applicant is proposing 114-units for congregate living facility and 86-units for assisted living in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The senior living building includes a parking garage with 114 spaces and twelve (12) surface parking spaces on the east side of the building. The applicant is seeking a modification to Section 4.2.3.E to provide 1.5 parking spaces per unit for the independent living (congregate living facility in the Zoning Ordinance) portion of the proposed senior living building; while the assisted living facility has a parking requirement of one (1) space per four (4) beds. Table 5 provides a breakdown of the required and provided parking spaces for the senior living building.

Table 5: Senior Living Parking

Use	Units	Parking Requirements	Required Spaces	Provided Spaces
Independent Living (Congregate Living Facility)	114	1.5 spaces per unit	171	114
Assisted Living Facility	86 (92 Beds)	1 space per 4 beds	23	12
Total			194	126

The applicant has provided a technical memorandum to address the parking requirement for the senior living building. This memorandum is provide in Attachment 15 and provides an explanation for the reduction in spaces from 194 spaces to 126 spaces. The applicant also has provided a statement of operations (Exhibit B to the Statement of Justification) for the senior living building, which identified three user groups (i.e., residents, staff, and visitors) that would be the primary users of the parking spaces. With further evaluation of the site and past practices, the applicant has provided a total of the 126 spaces. The applicant is proposing to park the independent living units at one to one ratio; while the assisted living units would be parked at a rate of one (1) space per seven (7) beds. The contract purchaser and operator of the senior living building, Brightview, states the primary users are employee associates, followed by visiting family friends, with residents as the lightest users. The applicant further states that the average of resident is eighty-two (82) years old, the majority of whom are no longer driving. The applicant will be required to submit a Transportation Demand Management (TDM) program before site plan approval.

Along with parking for the senior living building, the Zoning Ordinance requires the applicant to provide two (2) off-street loading spaces since the building exceeds 50,000 square feet. The Master Development Plan shows one loading space on the east side of the building. This space would accommodate the day-to-day deliveries to the site without impeding traffic circulation. The plan also proposes another loading space on Farr Avenue Extension; however, loading zones in the public right-of-way does not count towards meeting the loading zone requirement.

Circulation/Pedestrian Access: A joint effort between two private property owners (Northfax JV LLC and Brown’s Mazda), and the City of Fairfax will create a new north-south roadway connecting Fairfax Boulevard/Farr Avenue and Orchard Street. This will create a grid network within the northwest quadrant of Fairfax Boulevard and Chain Bridge Road that is consistent with the Comprehensive Plan and the draft Northfax Small Area Plan. This design will also provide an expanded street network for non-motorized traffic, and provide local access to existing commercial properties and a future redevelopment area. The street design includes 67-feet of right-of-way with 10-foot travel lanes, 8-foot on-street parking, 5-foot wide bike lanes, 4.5-foot planting strip or lights, pavers and trees, and a 6-foot wide sidewalk. The driveways in the townhouse section are 23-feet with alleyways of 19-feet for rear-loaded townhouses.

In Phase Two, the applicant has proposed fifty-six (56) townhomes with private alleys to serve rear entry townhouse units. The front entry townhouses abutting The Assembly have driveways off the private street. The applicant is seeking a modification of Section 4.4.4.A1 of the Zoning Ordinance and Section 2.3.1A of the Subdivision Ordinance to not provide sidewalks on both sides of all local streets. The Zoning Ordinance requires both sides of the street to have a sidewalk. The applicant has provided sidewalks on both sides of the proposed realigned Orchard Street and extension of Farr Avenue. There are three crosswalks planned for this corridor near the entrance of the parking structure on Farr Avenue Extension, at the three-way stop for Orchard Street and Farr Avenue Extension, and the mid-block of Orchard Street at the entrance of senior living building. The applicant also proposes a five (5) foot wide sidewalk along southern property line that connects from Farr Avenue Extension to the east side of the Senior Living Building. A multi-use trail is proposed along the property frontage on Chain Bridge Road. Table 6 provides a summary of existing trips and proposed trips:

Table 6: Trip Generation

Land Use		ITE Code	Size	AM Peak Hour	PM Peak Hour	Daily
Existing	Single-Family Detached Homes	210	2	1	2	19
Proposed (Phase I)	Multifamily Housing (Low-Rise)	220	56	27	35	383
	Continuing Care	255	200	28	32	480
Total				55	67	863
Proposed (Phase II)	Multifamily Housing (Mid-Rise)	221	180	61	78	979
	Hotel	310	140	65	79	1,170
	Quality Restaurant	931	8 ksf	6	62	671
	High-Turnover Restaurant (Sit-Down)	932	5 ksf	50	49	561
	General Office	710	10 ksf	36	13	114
	Shopping Center	820	2 ksf	2	8	76
Total Phase 2 Development Trips (<i>without reductions</i>)				220	289	3,571
Total Phase 1 + Phase 2 Development Trips (<i>without reductions</i>)				275	356	4,434
Total Development Trips (<i>with reductions</i>)				265	344	4,274
Net New Trips Without Restrictions				274	354	4,415
Net New Trips with Reductions				264	342	4,255

The City's Transportation Division held a scoping meeting with the applicant's engineer to discuss the methodology and ITE data for the Traffic Impact Study (TIS). The applicant has provided a Traffic Impact Study estimating 274 AM peak hour trips, 354 PM peak hour trips and 4,415 daily trips upon buildout of the development before considering an internal capture ratio of 5% for a mixed-use development and a reduction of 5% for TDM/Transit. It should be noted that Phase Four will be subject to a Traffic Impact Study upon a request for an amendment to this plan.

The applicant is seeking a modification to Section 4.3.3.B (Cross access requirement) which requires "vehicular access shall be required between abutting nonresidential lots fronting on arterial and collector streets prior to the erection or establishment of a principal building on one of the lots in order to facilitate traffic flow between lots, except where topography or other physical conditions make such access unreasonable. The zoning administrator shall determine the location and dimensions of such easement based on public safety and convenience, not owner preference." (Zoning Ordinance, Pg. 4-11). The southern property line is shared by two non-residential uses, the Brightview senior living building and the Brown's Mazda dealership. However, the establishment of a connected street grid and improved pedestrian connections as provided by the Orchard Street/Farr Avenue project would provide access to the south.

Utilities: All new on-site utilities serving Phase Two and Phase Three are proposed to be installed underground. However, the applicant is seeking a modification to Section 4.11.B and Section 4.11.C. Section 4.11.B states, "All on-site utilities shall be installed underground at the applicant's expense in accordance with city and applicable utility company standards; provided that temporary overhead facilities required for construction purposes shall be permitted." This request applies to the above ground utilities on Chain Bridge Road and the above ground utilities along the southeastern property line. The applicant is requesting that the undergrounding of utilities on Chain Bridge Road be addressed when the future development parcel comes back to the City Council for an amendment to the Master Development. The applicant states that the utilities along the southeastern property line and eastern property line would require coordination with adjacent property owners. There are four (4) utility poles in this area and only one (1) pole is located on the subject property. The applicant believes these existing utilities should be addressed as the adjacent properties are redeveloped.

The applicant is also seeking a modification to Section 4.11.C, which states "When the proposed development will result in moving or relocating existing overhead utilities located in adjoining rights-of-way, the applicant shall be responsible for placing such utilities underground and dedicating any additional right-of-way or easement that is necessary. Equipment such as electric distribution transformers, switch gear, meter pedestals and telephone pedestals which is normally installed above ground in accordance with generally accepted utility practice for underground distribution may be so installed." (Zoning Ordinance, Pg.4-54). This request applies to the existing above ground utility pole on the north side of Orchard Street. The applicant states that the pole is being relocated to accommodate the realignment of Orchard Street. A single terminal pole would also be added to off-site to serve the office building at 3554 Chain Bridge Road, to close the loop once the senior building is constructed in Phase Three and the future development parcel is developed in Phase Four. Additionally, the applicant states the terminal pole provides the office building with a more reliable electric power source.

City Schools: The subject property is located in the Providence Elementary School zone. Providence ES (PES) has a capacity of 910 students. This year, the school is at 99% capacity with a membership of 908 students. According to Fairfax County Public Schools (FCPS), PES is projected for a student membership of 951 in SY20-21 and 1012 in SY21-22 placing the school as much as 110% overcapacity. Providence ES currently has two trailers; both are used as resource rooms. Providence's Special Use Permit (SUP) for the trailers was renewed in November 2019 for five years. It is projected that the Northfax student yield ratio will

be .230. According to City staff's projections, 13 students are estimated from the Northfax West development based on Phase Two with additional students to be determined in Phase Four.

SPECIAL USE PERMIT/SPECIAL EXCEPTION

The applicant seeks approval of a Special Use Permit to modify the current 100-year floodplain and approval of a Special Exception to impact the Resource Protection Area by culverting the stream that traverses the site from the northwest to the southeast into an existing box culvert on Chain Bridge Road. The existing floodplain and stream has limited development potential to approximately half of the 11.46-acre site. The applicant has submitted a RPA Site Specific Delineation Plan and a Water Quality Impact Assessment. Likewise, the applicant has applied for and has received the approvals from the Virginia Department of Environmental Quality (VDEQ) with the issuance of a Virginia Water Protection Permit (Permit No. 18-1003), the US Army Corps of Engineers with the issuance of a State Program General Permit (17-SPGP-01), and a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) on April 1, 2019 for impacts to the floodplain.

RECOMMENDATION

Staff recommends the Planning Commission provide a recommendation of approval of the request for a Zoning Map Amendment (Rezoning) with the following recommendation:

1. Development should be in conformance with Master Development Plan with modifications and commitments submitted by the applicant on June 1, 2020

ANALYSIS

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

ATTACHMENTS

1. Analysis
 - 1a. Section 4.15.8.A (Floodplain Approval Criteria)
 - 1b. Section 4.18.8.F.2 (Chesapeake Bay Preservation Evaluation Procedure)
2. Summary of Zoning Districts
3. Planned Development Application
4. Special Use Permit Application
5. Special Exception
6. Statement of Justification
 - a. Exhibit A – Parcel List
 - b. Exhibit B – Brightview Senior Living Statement of Operations – Anticipated Parking Demand
 - c. Exhibit C – Existing Vegetation Narrative
7. Master Development Plan
8. Summary of Commitments
9. Certified Plat
10. Northfax WQIA Report
11. RPA Site Specific Study
12. Virginia Water Protection Individual Permit
13. Conditional Letter of Map Revision (CLOMR)
14. Traffic Impact Study
15. Brightview Parking Assessment Study
16. Fiscal Impact Analysis
17. Postings and Notices
18. Order and Motions – List
19. Sample Motions
20. Ordinance
21. Board of Architectural Review Staff Report

PREPARED BY:



Albert Frederick
Senior Planner

06-17-2020

DATE



Jason D. Sutphin
Community Development Division Chief

06-17-2020

DATE



Brooke Hardin
Director, Community Development & Planning

06-17-2020

DATE

ATTACHMENT 1
ANALYSIS
(Z-20-00006/SU-20-00007/SE-20-00150)

This attachment contains staff analysis on the submitted proposal for the redevelopment of the Northfax West site. It is divided into three primary sections:

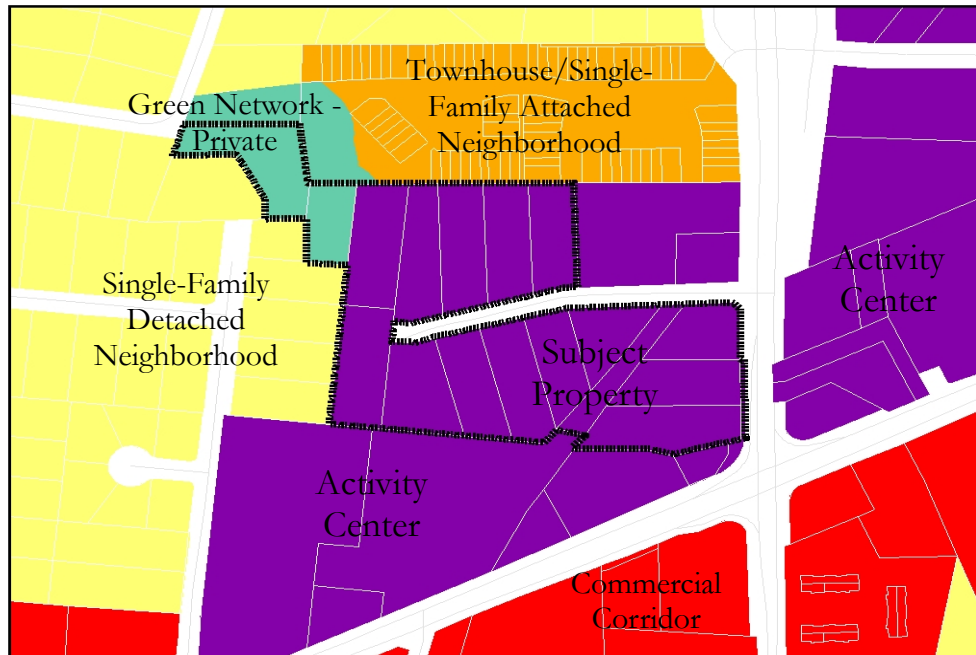
- A. Comprehensive Plan: Analysis of the conformance of the application with the Comprehensive Plan and the Future Land Use Map.
- B. City Policy: Analysis of the conformance of the application with general requirements of the Zoning Ordinance and other City goals and policy.
- C. Procedural Requirements and Review Criteria: Analysis of conformance of the plan with specific citations from the Zoning Ordinance.

PART A: CONSISTENCY WITH COMPREHENSIVE PLAN

The site has two existing single-family homes constructed around the mid-1950's-early 1960's, two parking lots for vehicle storage on approximately three (3) acres, a 3,100 square foot sit-down restaurant, a street that dead ends into a cul-de-sac and a wooded area in the northwest corner of the site that is approximately four (4) acres. The subject property is also located in the 100-year floodplain. The subject property lies within the Accotink Creek Watershed and is located in the Middle Potomac River drainage area identified by the Hydrologic Unit Code (HUC) 02070010. There is a perennial stream located near the center of the property and an intermittent stream is located along the southern boundary with an onsite confluence of the perennial stream traversing through the site that flows from the northwest to southeast into an eight (8) foot box culvert completed in 2019 that moves water under Chain Bridge Road (Route 123), near the intersection of Chain Bridge Road (Route 123) and Fairfax Boulevard (Route 50). The site has a history of flooding near the intersection of Chain Bridge Road (Route 123) and Fairfax Boulevard (Route 50).

The Future Land Use designation for the subject property is Activity Center and Green Network as indicated in Figure 1-1A. The Activity Center Place Type applies to locations in the City where pedestrian-oriented, mixed-use development is strongly encouraged. Mixed-use development is pedestrian-oriented development that allows multiple activities to take place by layering compatible land uses, public amenities, active streets accommodating multimodal transportation, and community serving commercial (City of Fairfax 2035 Comprehensive Plan, page 32). The Green Network Place Type includes public spaces, such as active and passive parks, trails, playing fields, public recreation facilities, cemeteries, open space, and private facilities such as golf courses and private open space (City of Fairfax 2035 Comprehensive Plan, page 38).

Figure 1-1A: Future Land Use



The Comprehensive Plan is a guide for future growth of the City, focusing on community needs through 2035. There are numerous nonresidential properties throughout the City with the potential for redevelopment or to reposition themselves for current market demands. The proposed applications are reviewed based on its consistency with the Comprehensive Plan as a whole. Descriptions of specific Comprehensive Plan strategies and other language that influence the staff recommendations are provided below.

Neighborhoods

Goal 1 – Enhance neighborhood character.

Outcome N1.1: Infill housing that complements the character of surrounding homes in existing neighborhoods.

Action N1.1.1: Maintain regulatory standards to ensure infill housing fits in with the surrounding neighborhood context.

Outcome N1.2: Residents have regular communication and positive interactions with other members of their neighborhood as well as the larger City community.

Action N1.2.1: Encourage and support community engagement through homeowner, condominium, and civic associations.

Action N1.2.2: Establish regular communication with homeowner, condominium, and civic associations and residential property managers as a means to keep individual citizens informed about City business.

Staff Analysis:

In order to develop this project, the applicant seeks a Rezoning from CR Commercial Retail and RM Residential Medium to PD-M Planned Development-Mixed Use in the ACOD and Activity Center Place Type, and approval of a four phased mixed use development as stated in the Statement of Justification and detailed in the Master Development Plan.

- *Phase One includes the construction of a storm drainage culvert, utility relocations, realignment of Orchard Street and other improvements (i.e., walking trail, sidewalks and bike lanes) shown on the Master Development Plan. The applicant seeks approval of a Special Use Permit to modify the current 100-year floodplain and approval of a Special Exception to impact the Resource Protection Area by culverting the stream that traverses the site from the northwest to the southeast into an existing box culvert on Chain Bridge Road. The existing floodplain and stream limits the development area to approximately half of the 11.46-acre site. The applicant has submitted a RPA Site Specific Delineation Plan and a Water Quality Impact Assessment. Likewise, the applicant has applied for and has received the approvals from the Virginia Department of Environmental Quality (VDEQ) with the issuance of a Virginia Water Protection Permit (Permit No. 18-1003), the US Army Corps of Engineers with the issuance of a State Program General Permit (17-SPGP-01), and a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA). As part of Phase One, the applicant plans to improve and realign Orchard Street to connect to the proposed Extension of Farr Avenue. This realignment would require a vacation of approximately 13,433 square foot of public right-of-way for Orchard Street and a dedication of land for a dedication of land for the Extension of Farr Avenue.*
- *Phase Two includes fifty-six (56) townhouses by Madison Homes with a density of 4.88 units per acres. Townhouses are a mix of front entry units at 24-feet in width and rear entry units at 20-feet in width. Each unit is required to have two parking spaces per unit and the applicant has provided two garaged spaces for each unit. The applicant has provided 134 parking spaces (112 garage spaces and 22 private surface spaces). The townhouses are proposed at approximately 44 feet in height. One acre of the site in the northwest corner is proposed as open space. As part of this phase, the applicant plans to provide a linear park on Orchard Street to the proposed trail in the northwest corner that connects to Howerton Avenue/Perry Street.*
- *Phase Three is the senior living building, owned and operated by Brightview Senior Living Development, LLC, with 114 Congregate Living Facility units and 86 Assisted Living Units with approximately 230,000 square feet of gross floor area that has structured parking in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The applicant is requesting City Council to modify the parking requirement to allow for a reduction in the required parking spaces from 194 spaces to 126 spaces for the senior living facility referenced in the Parking Assessment Memo in Attachment A15. Also as a part of Phase Three, the applicant is proposing off-site stream restoration for a portion of Accotink Creek within the boundaries of Van Dyck Park. The restoration effort is approximately 2,190 linear feet that ranges from eight (8) to fifteen (15) feet in width. The applicant received a joint permit to impact 1,646 linear feet of stream channel with authorization to compensate for permanent stream impacts through the purchase 1,675 stream credits or 4,761 Stream Condition Units from a VDEQ approved mitigation bank, as required by the VWP Permit (Permit No. 18-1003).*
- *Phase Four conceptualizes 25,000 square feet of office, retail, and restaurant uses; 180-units of residential dwelling units, and a 140-room hotel on approximately 3.3-acres. The applicant does not seek approval of the potential uses in Phase Four of this Master Development Plan. The owner would be required to amend this Master Development Plan, if approved, prior to the commencement of Phase Four. The applicant is proposing uses and thresholds that are subject to change as the applicant studies Phase Four of the site and prepares development options*

Goal 2 – Provide neighborhood pedestrian connections.

Outcome N2.1: Residents of all abilities safely and easily move about the community.

Action N2.1.1 Identify opportunities for future open space and trails in neighborhoods that are currently deficient in offering these amenities.

Action N2.1.2 Expand existing pedestrian network to increase connectivity within neighborhoods and to other destinations.

Staff Analysis:

A joint effort between two private property owners (Northfax JV LLC and Brown's Mazda), and the City of Fairfax will create a new north-south roadway connecting Fairfax Boulevard/Farr Avenue and Orchard Street. This will create a grid network within the northwest quadrant of Fairfax Boulevard and Chain Bridge Road that is consistent with the Comprehensive Plan and the draft Northfax Small Area Plan. This design will also provide an expanded street network for non-motorized traffic, and provide local access to existing commercial properties and a future redevelopment area. The street design includes 67-foot of right-of-way with 10-foot travel lanes, 8-foot on-street parking, 5-foot wide bike lanes, 4.5-foot planting strip or lights, pavers and trees, and a 6-foot wide sidewalk. The driveways in the townhouse section are 23-feet with alleyways of 19-feet for rear-loaded townhouses.

In Phase Two, the applicant has proposed fifty-six (56) townhomes with private alleys to serve rear entry townhouse units. The front entry townhouses abutting The Assembly have driveways off the private street. The applicant is seeking a modification of Section 4.4.4.A1 of the Zoning Ordinance and Section 2.3.1A of the Subdivision Ordinance to not provide sidewalks on both sides of all local streets. The Zoning Ordinance requires both sides of the street to have a sidewalk. The applicant has provided sidewalks on both sides of the proposed realigned Orchard Street and extension of Farr Avenue. There are three crosswalks planned for this corridor near the entrance of the parking structure on Farr Avenue Extension, at the three-way stop for Orchard Street and Farr Avenue Extension, and the mid-block of Orchard Street at the entrance of senior living building. The applicant also proposes a five (5) foot wide sidewalk along southern property line that connects from Farr Avenue Extension to the east side of the Senior Living Building. A multi-use trail is proposed along the property frontage on Chain Bridge Road.

Housing

Goal 1 – Support a wide range of housing types.

Outcome H1.1: Continued development of housing types that are underrepresented in the City's existing stock of housing units.

Action 1.1.1.2 Support development of housing types that are not heavily represented in the City's housing stock, as identified in the housing assessment, where reasonable.

Staff Analysis:

The applicant is providing a housing type that is underrepresented in the City's existing stock of housing units (Outcome H1.1). Phases Two is proposed as townhouses which serves as a transitional use to existing development outside of the Activity Center. Phase III is proposed as a senior living building that is comprised of a mixture of independent living units and assisted living units. The senior living building addresses Outcome H3.1, Action H3.1.1 and Action H.3.1.2 in the Comprehensive Plan as the applicant seeks to provide housing options for older adults that need the appropriate levels of support and care. The Zoning Ordinance considers independent living units as a residential use while the assisted living units are defined as a non-residential use. Phase Four is proposed with a combination of residential and non-residential uses.

Goal 2 - Ensure availability of housing that is affordable.

Outcome H2.1: Affordable housing units have been added to the City's housing stock through redevelopment and strategic investments.

Action H2.1.2 Provide regulatory and financial incentives to increase the supply of affordable housing, including amending the City's Zoning Ordinance to include an Affordable Dwelling Unit ordinance.

Staff Analysis:

The applicant has indicated that there is not an affordable housing component to this proposal.

Goal 2 – Provide viable and attractive mobility choices.

Outcome MM2.1: Pedestrian safety is improved.

Action MM2.1.1 Fill critical gaps in the pedestrian network. Develop and act on a prioritized list of sidewalk improvements in the commercial areas and provide sidewalks on at least one side of every residential street in neighborhoods that are in agreement.

Action MM2.1.2 Ensure the pedestrian network is accessible to all and meets the requirements of the Americans with Disabilities Act (ADA).

Action MM2.1.5 Expand the sidewalk network. Sidewalks should be provided with any significant street maintenance, rehabilitation, or reconstruction project and may be constructed independent of a street project.

Action MM2.2.1 Identify and fill gaps in the trail network. Find opportunities for future trails, complete connections to existing segments, implement projects proposed by the Parks and Recreation Master Plan, and pursue new trail connections to create a more functional trail network.

Staff Analysis:

A joint effort between two private property owners (Northfax JV LLC and Brown's Mazda), and the City of Fairfax will create a new north-south roadway connecting Fairfax Boulevard/Farr Avenue and Orchard Street. This will create a grid network within the northwest quadrant of Fairfax Boulevard and Chain Bridge Road that is consistent with the Comprehensive Plan and the draft Northfax Small Area Plan. This design will also provide an expanded street network for non-motorized traffic, and provide local access to existing commercial properties and a future redevelopment area. The street design includes 67-foot of right-of-way with 10-foot travel lanes, 8-foot on-street parking, 5-foot wide bike lanes, 4.5-foot planting strip or lights, pavers and trees, and a 6-foot wide sidewalk. In the northwest corner of the site an amenity center and an eight (8) foot wide walking trail is planned.

In Phase Two, the applicant has proposed fifty-six (56) townhomes with private alleys to serve rear entry townhouse units. The front entry townhomes abutting The Assembly have driveways off the private street. The applicant is seeking a modification of Section 4.4.4.A1 of the Zoning Ordinance and Section 2.3.1A of the Subdivision Ordinance to not provide sidewalks on both sides of all local streets. The Zoning Ordinance requires both sides of the street to have a sidewalk. The applicant has provided sidewalks on both sides of the proposed realigned Orchard Street and extension of Farr Avenue. There are three crosswalks planned for this corridor near the entrance of the parking structure on Farr Avenue Extension, at the three-way stop for Orchard Street and Farr Avenue Extension, and the mid-block of Orchard Street at the entrance of senior living building. The applicant also proposes a five (5) foot wide sidewalk along southern property line that connects from Farr Avenue Extension to the east side of the Senior Living Building. In Phase One, a multi-use trail is proposed along the property frontage on Chain Bridge Road.

Goal 3 – Integrate transportation with land use.

Outcome MM3.2 – Walkability to and within activity centers and between neighborhoods is increased.

Action MM3.2.4 – Improve the overall pedestrian environment, including pedestrian crossings, street trees, furnishing zones; buffering sidewalk from vehicle travel lanes; improved pedestrian scale lighting; and active ground floor uses along street edges.

Staff Analysis:

A joint effort between two private property owners (Northfax JV LLC and Brown's Mazda), and the City of Fairfax will create a new north-south roadway connecting Fairfax Boulevard/Farr Avenue and Orchard Street. This will create a grid network within the northwest quadrant of Fairfax Boulevard and Chain Bridge Road that is consistent with the Comprehensive

Plan and the draft Northfax Small Area Plan. This design will also provide an expanded street network for non-motorized traffic, and provide local access to existing commercial properties and a future redevelopment area. The street design includes 67-foot of right-of-way with 10-foot travel lanes, 8-foot on-street parking, 5-foot wide bike lanes, 4.5-foot planting strip or lights, pavers and trees, and a 6-foot wide sidewalk. In the northwest corner of the site an amenity center and an eight (8) foot wide walking trail is planned that connects to the areas in front of the townhouses and senior living building will serve as a linear park. In addition to these improvements, the applicant considers streetscape improvements for Orchard Street and the extension of Farr Extensive, as well as, the roof top green space on the senior living building as part of their overall development design and on-site open space improvements. The applicant has proposed LED street lights on Orchard Street.

Environmental Policies

The City has several types of environmental resources that are easily impaired by urban land uses. Encompassing the headwaters of Accotink Creek, measures taken by the City to protect water quality, riparian and floodplain areas, open space, and the urban forest are critical to support regional efforts to improve environmental health. Located within the Chesapeake Bay Watershed, the City is committed to reducing stormwater runoff in order to protect the Bay through the adoption of the Chesapeake Bay Preservation Act and enforcement of other federal, state, and local stormwater regulations. (City of Fairfax 2035 Comprehensive Plan, Pg. 99).

Outcome NE1.5: Restored and preserved natural open spaces and contiguous greenway corridors that provide natural habitats for plants and wildlife.

Action NE1.5.1 Restore disturbed areas along streams and in conservation easements with native species.

Action NE1.5.3 Encourage new development that protects and preserves environmentally-sensitive areas and natural features, such as tree cover (especially significant stands of trees and healthy, mature trees), native vegetation, streams, wildlife habitat, and natural topography.

Staff Analysis:

A portion of the site in the northwest corner would remain in the floodplain and would retain RPA on site. The applicant states that the improvements depicted on the MDP will remove hazardous trees and significantly reduce the impact of invasive vegetation on threes identified for preservation allowing those trees to thrive. The proposed application addresses in part Outcome NE1.5 to “restore and preserve natural open spaces and contiguous greenway corridors that provide natural habitats for plants and wildlife” as the northwest corner of the will remain in its natural state with a walking trail. Likewise, Action NE1.5.1 is addressed, in part, by “restoring disturbed areas along streams and in conservation easements with native species” as the applicant has committed to a stream restoration project for a portion of Accotink Creek within the boundaries of Van Dyck Park. This stream restoration project will implement this component of the approved master plan for Van Dyck Park. VA DEQ is also requiring contribution to regional bank for stream restoration improvements outside of the City.

Section 4.18.8.D.1 (Chesapeake Bay Preservation) of the Zoning Ordinance requires a Major Water Quality Impact Assessment shall be required for any development that exceeds 5,000 square feet land disturbance or that encroaches onto the seaward 50 feet of the 100-foot buffer area; or is located in the resource management area and is deemed necessary by the zoning administrator. The applicant is proposing to impact 1,749 linear feet of the stream channel on site. Appendix C in the Major Water Quality Impact Assessment provides a visual depiction of the areas impacted. The applicant also received a joint permit to impact 1,646 linear feet of stream channel with authorization to compensate for permanent stream impacts through the purchase 1,675 stream credits or 4,761 Stream Condition Units from a VDEQ approved mitigation bank, as required by the VWP Permit (Permit No. 18-1003).

The applicant received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA), dated April 1, 2019 - Case No. 18-03 2239R. A Conditional Letter of Map Revision (CLOMR) is a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP

requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study. The 100-year floodplain cuts through the site and causes half (1/2) of the property to be undevelopable. During the VWP permitting process, the applicant had to demonstrate avoidance and minimization efforts. It was deemed that both efforts would require flood control due to the location of the perennial stream and the history of flooding onsite. A complete avoidance would result in a developable area of 4.4 +/- acres. The flood elevations under this scenario would render approximately half of the developable land area in an unstable condition due to the presence of RPA and flood zones (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). A partial streaming piping scenario was also considered and deemed infeasible whereby "500 linear feet of stream channel would be piped leaving most of the perennial stream and all the intermittent stream intact" (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). However, the use of Orchard Street to access the western portion of the site "would necessitate significant alteration to the flood zones through the installation of a culverted road crossing, this constricting flood flows and increasing flooding to the northern portion of the property" (VWP Individual Permit No. 18-1003, March 5, 2019, page 3).

PART B: CITY POLICY

This section is divided into the following subjects:

1. Land Use
2. Scale
3. Circulation (including vehicular circulation, pedestrian circulation and parking)
4. Architecture and Landscaping
5. Historic Resources
6. Stormwater Management
7. Dry Utilities
8. Open Space
9. Tree Coverage
10. Fiscal Impact

Land Use

The current land use designation for the site is Activity Center and Green Network. Guidance from the Comprehensive Plan for this land use is provided below followed by a physical characteristic of the conformance of the development proposal with that guidance.

Activity Center Place Type

The Activity Center Place Type, identified in purple on the Future Land Use Map, applies to locations in the City where pedestrian-oriented, mixed-use development is strongly encouraged. (Mixed-use development is pedestrian-oriented development that allows multiple activities to take place by layering compatible land uses, public amenities, and active streets accommodating multimodal transportation, and community-serving commercial.) Uses should be integrated as a mix of commercial uses, multifamily housing, and townhouses, either in the same building (i.e., vertical mixed-use) or as a combination of single-use buildings featuring a range of complementary uses within the Activity Center (i.e., horizontal mixed-use).

Activity Centers can accommodate a variety of building types based on the different uses permitted and varying characteristics among individual Activity Centers. Recommended physical characteristics for specific uses are provided under Use Characteristics (p. 33) and more specific recommendations are provided for the Old Town Fairfax and Northfax Activity Centers on the following pages. The Comprehensive Plan also recommends Small Area Plans be developed for each of the City's five Activity Centers. As each of these plans is completed and adopted, the recommendations will supersede the pre-existing guidance of this Comprehensive Plan. In general, new development in Activity Centers should support a connected street network as recommended in the Multimodal Transportation Chapter of the Comprehensive Plan; provide

an improved streetscape and pedestrian connections to surrounding uses, including links to the existing pedestrian network; and include inviting public and/or private open spaces. Parking should be provided in structured or below-grade facilities where reasonable. Development in Activity Centers must meet the Code of Virginia definition for an Urban Development Area (Virginia Code § 15.2-2223.1) and follow the recommendations for Private Site Design and Elements in the applicable district of the City of Fairfax Design Guidelines.

Predicated on the underlying zoning district, the Activity Center Place Type supports a density of a minimum FAR of 0.4; at least six townhouses or at least 12 multifamily dwelling units per acre; or any proportional combination of residential and commercial densities with building heights predominantly five stories or less, unless otherwise specified in an adopted Small Area Plan. (Comprehensive Plan, Page 32).

The Green Network Place Type includes public spaces, such as active and passive parks, trails, playing fields, public recreation facilities, cemeteries, open space, and private facilities such as golf courses and private open space. There are currently no zoning districts specifically related to this Place Type. Green Network uses are permitted in the CR, Commercial Retail; CU, Commercial Urban; and CG, Commercial General zoning districts and constitute a special use in all of the residential zoning districts. Outdoor recreational uses, such as tennis courts and golf courses, are permitted as a special use in all of the nonresidential zoning districts except for CL, Commercial Limited.

New recreational facilities shall provide connections to the pedestrian and street network as recommended in the Multimodal Transportation Chapter of the Comprehensive Plan. Proposed connections to other green spaces to complete the network should be prioritized for recreation and transportation purposes as well as ecological benefits. Properties in the network also include natural areas for conservation and protection. Parking facilities for specific recreational uses shall be integrated into the site so as not to prioritize vehicular access over pedestrian connections.

Staff Analysis:

Staff believes the uses shown on the GDP is generally in conformance with the Future Land Use Map category and the guidance of the Comprehensive Plan. Phase One includes the construction of a storm drainage culvert, utility relocations, realignment of Orchard Street and other improvements (i.e., walking trail, sidewalks and bike lanes) shown on the Master Development Plan. The applicant seeks approval of a Special Use Permit to modify the current 100-year floodplain and approval of a Special Exception to impact the Resource Protection Area by culverting the stream that traverses the site from the northwest to the southeast into an existing box culvert on Chain Bridge Road. The existing floodplain and stream limits the development area to approximately half of the 11.46-acre site. Phases Two and Three are proposed as townhouses and a senior living building that is comprised of a mixture of independent living units and assisted living units. The Zoning Ordinance considers independent living units as a residential use while the assisted living units are defined as a non-residential use. Phase Four is proposed with a combination of residential and non-residential uses.

A joint effort between two private property owners (Northfax JV LLC and Brown's Mazda), and the City of Fairfax will create a new north-south roadway connecting Fairfax Boulevard/Farr Avenue and Orchard Street. This will create a grid network within the northwest quadrant of Fairfax Boulevard and Chain Bridge Road that is consistent with the Comprehensive Plan and the draft Northfax Small Area Plan. This design will also provide an expanded street network for non-motorized traffic, and provide local access to existing commercial properties and a future redevelopment area. The street design includes 67-foot of right-of-way with 10-foot travel lanes, 8-foot on-street parking, 5-foot wide bike lanes, 4.5-foot planting strip or lights, pavers and trees, and a 6-foot wide sidewalk. In the northwest corner of the site an amenity center and an eight (8) foot wide walking trail is planned that connects to the areas in front of the townhouses and senior living building will serve as a linear park. In addition to these improvements, the applicant considers streetscape improvements for Orchard Street and the extension of

Farr Extensive, as well as, the roof top green space on the senior living building as part of their overall development design and on-site open space improvements. The applicant has proposed LED street lights on Orchard Street

Scale

Density:

Predicated on the underlying zoning district, the Activity Center supports a density of a minimum FAR of 0.4; at least six (6) townhouses or at least twelve (12) multifamily dwelling units per acre; or any proportional combination of residential and commercial densities with building heights predominantly five stories or less, unless specified in an adopted Small Area Plan. (City of Fairfax 2035 Comprehensive Plan, Pg. 32). Residential townhouses should only be considered to serve as a transitional use to existing development outside of the Activity Center.

Staff Analysis:

Staff believes the use shown on the GDP is generally in conformance with the Future Land Use Map category and the guidance of the Comprehensive Plan. The applicant is proposing to develop fifty-six (56) townhouses in Phase Two. The townhouses are approximately 44 feet in height. Townhouses would be a mix of front entry units that are 24-foot wide and rear entry units that are 20-foot wide. In the middle of the site in Phase Three, the applicant is proposing 114-units for congregate living facility and 86-units for assisted living in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The senior living building includes a parking garage with 114 spaces and twelve (12) surface parking spaces on the east side of the building. The overall densities for other approved projects as compared to the subject application is provided in Table 1:

Table 1: Comparable Projects in the City

Project	Site Area	Number of Units	Density	Height
Northfax West Phases I-III	11.46	56 TH; 200 MF	22.3*	40 +/- feet; 83 +/- feet
Capstone	6.15	275	44.7*	48 +/- feet
Paul VI	18.51	266	14.4	45 +/- feet
Scout on the Circle	9.81	400	40.7*	85 feet

* Project is located in an Activity Center

The subject property is located in the Activity Center Place Type and is located in Northfax, one of five Activity Centers identified in the 2035 Comprehensive Plan. The Northfax Activity Center is undergoing a Small Area Plan, which “are neighborhood-level plans intended to provide the City with guidance on each of its five Activity Centers defined in the 2035 Comprehensive Plan. While the Comprehensive Plan advises the Activity Center’s development at a high level, Small Area Plans provide more specific guidance for each Activity Center, including the desired mix of uses, residential density, building density, design aesthetic, street locations, multimodal connections infrastructure improvements, parking, and open space. As each Small Area Plan is completed and adopted, its recommendations will supersede the pre-existing guidance in the 2035 Comprehensive Plan for its respective Activity Center” (City of Fairfax, <https://www.fairfaxva.gov/government/community-development-planning/planning/current-studies-projects-plans/small-area-plans>).

The draft Small Area Plan for Northfax is scheduled for a public hearing for City Council on June 23, 2020. This plan was presented to the Planning Commission on June 8, 2020, which recommended approval following the consideration of testimony at a public hearing. The Northfax SAP recommends improved stormwater infrastructure for the entire Activity Center, including increasing stormwater requirements 15% beyond state standards (City of Fairfax, Draft Northfax Small Area Plan, Page 49). The Northfax SAP also recommends the establishment of a connected street grid and improved pedestrian connections as provided by the Orchard Street/Farr Ave project and included in the Northfax West proposal. These recommendations are consistent with the Comprehensive Plan support for transforming the City’s Commercial Corridors and Activity Centers. The City will strive to transform these areas into distinctive regional destinations that can compete effectively with other development and mixed-use centers in Northern Virginia (City of Fairfax 2035 Comprehensive Plan, Pg. 120). Redevelopment in Commercial Corridors and Activity Centers should create destinations that attract tenants, customers, and residents (Outcome EV3.1, Pg. 120). Furthermore, the Northfax SAP encourages under-represented housing types, such as senior housing, and townhouses as

transitional densities to existing neighborhoods which is also consistent with the Comprehensive Plan and the Activity Center Place Type.

Height: Predicated on the underlying zoning district, the Activity Center Place Type supports a density of a minimum FAR of 0.4; at least six townhouses or at least 12 multifamily dwelling units per acre; or any proportional combination of residential and commercial densities with building heights predominantly five stories or less, unless otherwise specified in an adopted Small Area Plan. (Comprehensive Plan, Page 32).

Staff Analysis:

Staff believes the townhouses shown at a maximum height of forty-four (44) feet and the senior living building shown at a maximum height of eighty-three (83) feet on the GDP is generally in conformance with the Activity Place Type and guidance of the Comprehensive Plan. Height in the Planned Development Residential District is not restricted.

Circulation

Vehicular Network: A joint effort between two private property owners (Northfax JV LLC and Brown's Mazda), and the City of Fairfax will create a new north-south roadway connecting Fairfax Boulevard/Farr Avenue and Orchard Street. This will create a grid network within the northwest quadrant of Fairfax Boulevard and Chain Bridge Road that is consistent with the Comprehensive Plan and the draft Northfax Small Area Plan.

Staff Analysis:

Staff believes the street design provides an expanded street network for non-motorized traffic, and provide local access to existing commercial properties and a future redevelopment area. The street design includes 67-foot of right-of-way with 10-foot travel lanes, 8-foot on-street parking, 5-foot wide bike lanes, 4.5-foot planting strip or lights, pavers and trees, and a 6-foot wide sidewalk. The driveways in the townhouse section are 23-feet with alleyways of 19-feet for rear-loaded townhouses.

In Phase Two, the applicant has proposed fifty-six (56) townhomes with private alleys to serve rear entry townhouse units. The front entry townhouses abutting The Assembly have driveways off the private street. The applicant is seeking a modification of Section 4.4.4.A1 of the Zoning Ordinance and Section 2.3.1A of the Subdivision Ordinance to not provide sidewalks on both sides of all local streets. The Zoning Ordinance requires both sides of the street to have a sidewalk. The applicant has provided sidewalks on both sides of the proposed realigned Orchard Street and extension of Farr Avenue. There are three crosswalks planned for this corridor near the entrance of the parking structure on Farr Avenue Extension, at the three-way stop for Orchard Street and Farr Avenue Extension, and the mid-block of Orchard Street at the entrance of senior living building. The applicant also proposes a five (5) foot wide sidewalk along southern property line that connects from Farr Avenue Extension to the east side of the Senior Living Building. A multi-use trail is proposed along the property frontage on Chain Bridge Road.

The applicant is seeking a modification to Section 4.3.3.B (Cross access requirement) which requires "vehicular access shall be required between abutting nonresidential lots fronting on arterial and collector streets prior to the erection or establishment of a principal building on one of the lots in order to facilitate traffic flow between lots, except where topography or other physical conditions make such access unreasonable. The Zoning Administrator shall determine the location and dimensions of such easement based on public safety and convenience, not owner preference." (Zoning Ordinance, Pg. 4-11). The southern property line is shared by two non-residential uses, the Brightview senior living building and the Brown's Mazda dealership. However, the establishment of a connected street grid and improved pedestrian connections as provided by the Orchard Street/Farr Avenue project would provide access to the south.

The City's Transportation Division held a scoping meeting with the applicant's engineer to discuss the methodology and ITE data for the Traffic Impact Study (TIS). The applicant has provided a Traffic Impact Study estimating 274 AM peak hour trips, 354 PM peak hour trips and 4,415 daily trips upon buildout of the development before considering an internal capture ratio of

5% for a mixed-use development and a reduction of 5% for TDM/Transit. Table 2 provides a summary of existing trips and proposed trips:

Table 2: Trip Generation

<u>Land Use</u>		<u>ITE Code</u>	<u>Size</u>	<u>AM Peak Hour</u>	<u>PM Peak Hour</u>	<u>Daily</u>
Existing	Single-Family Detached Homes	210	2	1	2	19
Proposed (Phase I)	Multifamily Housing (Low-Rise)	220	56	27	35	383
	Continuing Care	255	200	28	32	480
<i>Total</i>				55	67	863
Proposed (Phase II)	Multifamily Housing (Mid-Rise)	221	180	61	78	979
	Hotel	310	140	65	79	1,170
	Quality Restaurant	931	8 ksf	6	62	671
	High-Turnover Restaurant (Sit-Down)	932	5 ksf	50	49	561
	General Office	710	10 ksf	36	13	114
	Shopping Center	820	2 ksf	2	8	76
<i>Total Phase 2 Development Trips (without reductions)</i>				220	289	3,571
<i>Total Phase 1 + Phase 2 Development Trips (without reductions)</i>				275	356	4,434
<i>Total Development Trips (with reductions)</i>				265	344	4,274
<i>Net New Trips Without Restrictions</i>				274	354	4,415
<i>Net New Trips with Reductions</i>				264	342	4,255

The proposed use would increase the number of daily vehicular trips; however, the level of service for Pickett Road would not be degraded. It should be noted that Phase Four will be subject to a Traffic Impact Study upon a request for an amendment to this plan.

Pedestrian Network: The street design includes 67-feet of right-of-way with 10-foot travel lanes, 8-foot on-street parking, 5-foot wide bike lanes, 4.5-foot planting strip or lights, pavers and trees, and a 6-foot wide sidewalk. The driveways in the townhouse section are 23-feet with alleyways of 19-feet for rear-loaded townhouses. The applicant is seeking a modification to provide sidewalks on both sides of a street in the townhouse section of the development. The Master Development Plan provides for a multi-use path of ten (10) feet along the property frontage on Chain Bridge Road as referenced in the Comprehensive Plan Multimodal Transportation Plan.

Staff Analysis:

Staff believes the pedestrian network provided in the master development plan is consistent with the Comprehensive Plan and the Zoning Ordinance. In Phase Two, the applicant has proposed fifty-six (56) townhomes with private alleys to serve rear entry townhouse units. The front entry townhouses abutting The Assembly have driveways off the private street. The applicant is seeking a modification of Section 4.4.4.A1 of the Zoning Ordinance and Section 2.3.1A of the Subdivision Ordinance to not provide sidewalks on both sides of all local streets. The Zoning Ordinance requires both sides of the street to have a sidewalk. The modification request is reasonable as internal sidewalks align with the fronts of every unit across the front loaded units and the rear loaded units have front sidewalks. All units have sidewalks in front except for the row of townhouses adjacent to The Assembly. Sidewalks are not provided in private alleyway. The applicant has provided sidewalks on both sides of the proposed realigned Orchard Street and extension of Farr Avenue. There are three crosswalks planned for this corridor near the entrance of the parking structure on Farr Avenue Extension, at the three-way stop for Orchard Street and Farr Avenue Extension, and the mid-block of Orchard Street at the entrance of senior living building. The applicant also proposes a five (5) foot wide sidewalk along southern property line that connects from Farr Avenue Extension to the east side of the Senior Living Building. A ten (10) foot wide multi-use trail is proposed along the property frontage on Chain Bridge Road.

Parking:

The applicant is proposing fifty-six (56) townhouses and the Zoning Ordinance requires two spaces per unit for a total of 112 parking spaces. The applicant has provide twenty-two additional parking spaces for visitors. The applicant is proposing 114-units for congregate living facility and 86-units for assisted living in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The senior living building includes a parking garage with 114 spaces and twelve (12) surface parking spaces on the east side of the building. The applicant is seeking a modification to Section 4.2.3.E to provide 1.5 parking spaces per unit for the independent living (congregate living facility in the Zoning Ordinance) portion of the proposed senior living building; while the assisted living facility has a parking requirement of one (1) space per four (4) beds. Table 3 provides a breakdown of the required and provided parking spaces for the senior living building.

Table 3: Senior Living Parking

Use	Units	Parking Requirements	Required Spaces	Provided Spaces
Independent Living (Congregate Living Facility)	114	1.5 spaces per unit	171	114
Assisted Living Facility	86 (92 Beds)	1 space per 4 beds	23	12
Total			194	126

Staff Analysis:

Staff believes that the applicant has sufficient demonstrated that the site would be adequately parked in Phase Two and Phase Three. The applicant has provided a technical memorandum to address the parking requirement for the senior living building. This memorandum is provide in Attachment 15 and provides an explanation for the reduction in spaces from 194 spaces to 126 spaces. The applicant also has provided a statement of operations (Exhibit B to the Statement of Justification) for the senior living building, which identified three user groups (i.e., residents, staff, and visitors) that would be the primary users of the parking spaces. With further evaluation of the site and past practices, the applicant has provided a total of the 126 spaces. The applicant is proposing to park the independent living units at one to one ratio; while the assisted living units would be parked at a rate of one (1) space per seven (7) beds. The contract purchaser and operator of the senior living building, Brightview, states the primary users are employee associates, followed by visiting family friends, with residents as the lightest users. The applicant further states that the average of resident is eighty-two (82) years old, the majority of whom are no longer driving. The applicant will be required to submit a Transportation Demand Management (TDM) program before site plan approval.

Along with parking for the senior living building, the Zoning Ordinance requires the applicant to provide two (2) off-street loading spaces since the building exceeds 50,000 square feet. The Master Development Plan shows one loading space on the east side of the building. This space would accommodate the day-to-day deliveries to the site without impeding traffic circulation. The plan also proposes another loading space on Farr Avenue Extension; however, loading zones in the public right-of-way does not count towards meeting the loading zone requirement.

Architecture and Landscaping:

The Architectural Control Overlay District (ACOD) is established 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 (Zoning Ordinance, Section 3.2.2.B.2, Pg. 3-3). The ACOD shall apply city-wide to all development outside of the historic and transition districts. The requirements of the ACOD include review and recommendation by the Board of Architectural Review (BAR) and issuance of a Certificate of Appropriateness for architecture and landscaping for City Council. Guidance on architecture and landscaping for new development in the ACOD is provided in the Design Guidelines.

Staff Analysis:

The applicant had a pre-application work session with the Board of Architectural Review on March 4, 2020. Staff recommends the following conditions:

1. *A minimum of two courses of masonry shall be used as the foundation material on all sides of the senior living building, including parking garage elevations.*
2. *All canopy trees shall be 3.5-inch caliper consistent with the requirements of the Zoning Ordinance.*
3. *Additional canopy and understory trees shall be planted in the front and side yards of townhouses in the northern portion of the site where practicable.*
4. *Additional shrubs shall be planted along the path and near the stream in the open spaces in the northwestern portion of the site. Shrub plantings shall be selected from Appendix III of the Design Guidelines for shrubs, herbaceous plants, groundcover, ferns, and grasses as listed in the section on Resource Protection Area (RPA) plantings.*
5. *Lattice screens for roof-mounted townhouse mechanical equipment shall be in a color to match the fourth-floor wall surfaces.*
6. *All ground-mounted appurtenances shall be screened from view in the right-of-way.*
7. *The proposed modifications shall be in general conformance with the review materials received by staff and included in the staff report, as modified through the date of this meeting, except as further modified by the Board of Architectural Review, the Director of Community Development and Planning, Zoning, or the Building Official.*

Stormwater Management:

Even though stormwater management typically is not fully designed until administrative site plan review, the General Development Plan will be subject to the requirements of the state code and the City's stormwater management regulations.

Staff Analysis:

The applicant must demonstrate during site plan review that the stormwater management system is sufficient to handle a 1-year and 10-year 24-hour storm event. Likewise, the design and construction of stormwater management facilities shall comply with Virginia Stormwater Management Program (VSMP) Permit Regulations.

Utilities:

Section 4.11 of the Zoning Ordinance requires all on-site above-ground utilities to be relocated underground for any development that will require site plan approval. All new on-site utilities serving Phase Two and Phase Three are proposed to be installed underground. However, the applicant is seeking a modification to Section 4.11.B and Section 4.11.C. There are utilities on Chain Bridge Road, Orchard Street and on the southeastern property line.

Staff Analysis:

Section 4.11.B states, "All on-site utilities shall be installed underground at the applicant's expense in accordance with city and applicable utility company standards; provided that temporary overhead facilities required for construction purposes shall be permitted." This request applies to the above ground utilities on Chain Bridge Road and the above ground utilities along the southeastern property line. The applicant is requesting that the undergrounding of utilities on Chain Bridge Road be addressed when the future development parcel comes back to the City Council for an amendment to the Master Development. The applicant states that the utilities along the southeastern property line and eastern property line would require coordination with adjacent property owners. There are four (4) utility poles in this area and only one (1) pole is located on the subject property. The applicant believes these existing utilities should be addressed as the adjacent properties are redeveloped.

The applicant is also seeking a modification to Section 4.11.C, which states "When the proposed development will result in moving or relocating existing overhead utilities located in adjoining rights-of-way, the applicant shall be responsible for placing such utilities underground and dedicating any additional right-of-way or easement that is necessary. Equipment such as electric distribution transformers, switch gear, meter pedestals and telephone pedestals which is normally installed above ground in accordance with generally accepted utility practice for underground distribution may be so installed." (Zoning Ordinance, Pg.4-54). This request applies to the existing above ground utility pole on the north side of Orchard Street. The applicant states that the pole is being relocated to accommodate the realignment of Orchard Street. A single terminal pole would also be added to off-

site to serve the office building at 3554 Chain Bridge Road, to close the loop once the senior building is constructed in Phase Three and the future development parcel is developed in Phase Four. Additionally, the applicant states the terminal pole provides the office building with a more reliable electric power source.

Parks and Open Space:

Section 3.8.2.G of the Zoning Ordinance requires that a master development plan provide recreation and open space. At least twenty (20) percent of each of each planned development site shall be designated and provided as recreation and open space.

Staff Analysis:

Open space is programmed as an amenity area at the northeast corner of Orchard Street and Farr Avenue, on the north west and east side of the senior living building, and in the northwest corner of the site that includes an amenity center and a 6-foot wide walking trail. The applicant is retaining a large area of RPA and Floodplain in the northwest corner of the site, and only half that acreage can be counted towards the open space. The plan currently proposes four areas of open space with a linear park on the north side of Orchard Street that connects to the proposed trail as discussed in the draft Northfax SAP for a total of 1.61 +/- acres (70,132 square feet) or 15% of the property. The applicant has provided approximately 0.80 acres or 8% of the site measuring less than 49-feet. If these areas are included in the amount of open space, the development would have approximately 23% (2.41 acres/ 104,980 square feet) of the land area provided as open space. Sheet 7 of the Master Development Plan illustrates the Open Space and Circulation Plan. The applicant also states that the areas in front of the townhouses and senior living building will serve as a linear park. In addition to these improvements, the applicant considers streetscape improvements for Orchard Street and the extension of Farr Extensive, as well as, the roof top green space on the senior living building as part of their overall development design and on-site open space improvements. The applicant states that the open space would be provided in Phase One, Phase Two and Phase Three. The applicant is seeking a modification to Section 3.8.7.G of the Zoning Ordinance requiring 20% of the site be developed as open space. Staff acknowledges the importance of streetscapes and other features such as rooftop spaces but those features as presented in this plan do not meet the minimum open space requirements in Section 3.8.7. It is staff's position that at the end of the project, the twenty (20) percent open space requirement would be achieved.

Tree Coverage:

The applicant has provided a landscape plan as part of the master development plan. The applicant is seeking a modification to Section 4.5.5.C.2(b)(2) and Section 4.5.5.D of the Zoning Ordinance to provide the minimum tree plantings as well as the minimum fence or wall height of the TY3 transitional yard specifications along the Subject Property's boundaries. The applicant is also seeking two additional modifications to Section 4.5.6.B and Section 4.5.6.B.1 that apply to the location and spacing of street trees. The applicant has provided the required 10% tree coverage for the site.

Staff Analysis:

Staff believes that the landscape plan as presented with modifications to Section 4.5.5.C.2(b)(2) and Section 4.5.5.D is consistent with the Comprehensive Plan and Zoning Ordinance. A transitional yard buffer of 15 feet (TY3) is required along the site area boundary. The applicant is seeking a modification to the planting requirements along the northern, western, southern and eastern property lines. The northern property line adjacent to The Assembly townhouse community has an existing dense tree line that the applicant intends to preserve and six (6) canopy trees, add eleven (11) understory trees and twenty-three (23) shrubs along the property line. In the northeast corner of the site abutting The Assembly and the office building on Orchard Street, the applicant is requesting a reduction in the width and number of canopy trees due to the proposed alley and sanitary sewer easement.

The applicant is seeks to modify to the transitional yard requirement (from 15-foot to 8.5 feet) along the western property line adjacent to single-family detached homes fronting along McLean Avenue. The applicant intends to maintain the required fencing, quantity and type of plant species along the western property line but would reduce the width of the transitional yard. The

applicant states that the constraints for this area are caused by the right-of-way dimensions for the extension of Farr Avenue, as well as the required width for the private alley providing access to the townhomes that front on Farr Avenue.

The southern property line shared with Brown's Mazda is proposed to be developed with two parking structures. The applicant is proposing to construct a parking garage for the senior living building on the southern property line. Brown's Mazda dealership is proposing to develop their parking structure directly adjacent to the applicant's parking structure. The applicant is installing a five (5) foot wide sidewalk along this property line that connects from Farr Avenue Extension to the east side of the Senior Living Building. On the east side of the senior living building and on the southern property line, the applicant has provided additional surface parking and a turnaround for fire access. Therefore, the applicant is seeking to eliminate the requirement to install a transitional yard including a fence or wall, and the required plantings.

The eastern property line has an existing dense tree line on the office building property with frontage on Orchard Street and Chain Bridge Road. Along this property line, the applicant proposes an alleyway for a row of rear-entry townhouses and the installation of a sanitary sewer line. It should also be noted that the eastern property line abutting the future development parcel will be determined during the review of an amendment to the Master Development Plan. The applicant has provided temporary plantings to screen the future development parcel known as Phase Four. The northwestern corner of the site will have a transitional yard with existing vegetation as the area is located in the floodplain.

The applicant is also seeking two additional modifications that apply to street trees. Section 4.5.6.B states "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" and Section 4.5.6.B.1 states "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." The applicant is requesting these modifications due to the proposed location of on-street parallel parking spaces and proposed utilities. The proposed street design provided by the City's consultant for the Farr Avenue Extension has been added to the MDP. The design for Orchard Street is consistent with the Farr Avenue Extension. The street design may also need to accommodate underground stormwater utilities, curb cuts and filterstrips that would potentially space trees beyond the maximum requirement of 50 feet. The street design as presented creates challenges to meeting the requirement of 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. The applicant states the design shows a four-foot planting strip in between the curb and six-foot wide sidewalk that cannot conform to the required three-foot minimum distance from paved surface.

Likewise, the applicant is seeking a modification to Section 4.5.6.B.1 for Chain Bridge Road due to the existing utilities that would remain during Phases One, Phases Two and Phase Three. The applicant proposes to plant evergreen and deciduous shrubs to the back of the proposed 10-foot multiuse trail on Chain Bridge Road that would be constructed during Phase One. These trees may grow up to fifteen (15) feet and could provide year round screening of Phase Four until developed.

Fiscal Impact:

The anticipated fiscal impact estimate for the proposed redevelopment of Northfax West Phases I-III ranges from -\$29,000 to \$215,000 with an average net gain annually of \$93,000.

PART C: PROCEDURAL REQUIREMENTS AND REVIEW CRITERIA

Following is an analysis of citations from the Zoning Ordinance related to procedural requirements and review criteria from Section 6.6.8 of the Zoning Ordinance:

A. Substantial conformance with the comprehensive plan;

Staff believes the uses shown on the GDP is generally in conformance with the Future Land Use Map category and the guidance of the Comprehensive Plan. Phase One includes the construction of a storm drainage culvert, utility relocations, realignment of Orchard Street and other improvements (i.e., walking trail, sidewalks and bike lanes) shown on the Master Development Plan.

The applicant seeks approval of a Special Use Permit to modify the current 100-year floodplain and approval of a Special Exception to impact the Resource Protection Area by culverting the stream that traverses the site from the northwest to the southeast into an existing box culvert on Chain Bridge Road. The existing floodplain and stream limits the development area to approximately half of the 11.46-acre site. Phases Two and Three are proposed as townhouses and a senior living building that is comprised of a mixture of independent living units and assisted living units. The height of the buildings are consistent with the Comprehensive Plan. A joint effort between two private property owners (Northfax JV LLC and Brown's Mazda), and the City of Fairfax will create a new north-south roadway connecting Fairfax Boulevard/Farr Avenue and Orchard Street. This will create a grid network within the northwest quadrant of Fairfax Boulevard and Chain Bridge Road that is consistent with the Comprehensive Plan and the draft Northfax Small Area Plan. This design will also provide an expanded street network for non-motorized traffic, and provide local access to existing commercial properties and a future redevelopment area.

B. Any greater benefits the proposed planned development provides to the city than would a development carried out in accordance with the general zoning district regulations;

The subject property is currently split-zoned with RM Residential Medium and CR Commercial Retail Districts. Thirteen (13) of the seventeen (17) parcels are zoned RM Residential Medium. The subject property is zoned RM Residential Medium and CR Commercial Retail. Under the current configuration, the proposal could not be developed and the site would remain largely as a residential site with limited commercial opportunities. Therefore, the applicant is requesting to rezone the property from RM Residential Medium and CR Commercial Retail to PD-M Planned Development-Mixed Use. The PD-M, Planned Development Mixed Use District, is intended to provide for coordinated mixed use developments which may include general residential and nonresidential uses within a planned development. The variety of land uses available in this district allows greater flexibility to respond to market demands and the needs of tenants, thereby providing for a variety of physically and functionally integrated land uses (Section 3.2.3.B, Pg. 3-3).

C. Suitability of the subject property for the development and uses permitted by the general zoning district regulations versus the proposed district;

The current uses are limited due to the property having two zoning districts. Staff believes that the proposed uses are consistent with the Comprehensive Plan and Zoning Ordinance. Residential townhouses should only be considered to serve as a transitional use to existing development outside of the Activity Center. The applicant is proposing to develop fifty-six (56) townhouses in Phase Two. The townhouses are approximately 44 feet in height. Townhouses would be a mix of front entry units that are 24-foot wide and rear entry units that are 20-foot wide. In the middle of the site in Phase Three, the applicant is proposing 114-units for congregate living facility and 86-units for assisted living in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The senior living building includes a parking garage with 114 spaces and twelve (12) surface parking spaces on the east side of the building. Phase Four will require an amendment to this MDP if approved.

D. Adequacy of existing or proposed public facilities such as public transportation facilities, public safety facilities, public school facilities, and public parks;

The site has adequate public facilities to support an approval of a rezoning from RM Residential Medium and CR Commercial Retail to PD-M Planned Development-Mixed Use. The subject property is located on a mass transit route and the adjoining road has capacity to support the proposed use. There are adequate public safety facilities in the area.

The subject property is located in the Providence Elementary School zone. Providence ES (PES) has a capacity of 910 students. This year, the school is at 99% capacity with a membership of 908 students. According to Fairfax County Public Schools (FCPS), PES is projected for a student membership of 951 in SY20-21 and 1012 in SY21-22 placing the school as much as 110% overcapacity. Providence ES currently has two trailers; both are used as resource rooms. Providence's Special Use Permit (SUP) for the trailers was renewed in November 2019 for five years. It is projected that the Northfax student yield ratio will be .230. According to City staff's projections, 13 students are estimated from the Northfax development based on Phase Two with additional students to be determined in Phase Four. Prior to the issuance of the final occupancy permit for Phase Two, the

applicant has proposed a contribution of \$108,000 to the City of Fairfax to be used for capital improvements to Providence Elementary School.

E. Adequacy of existing and proposed public utility infrastructure;

The public utility infrastructure is adequate and proposed on-site stormwater facilities would reduce impact on infrastructure. Fairfax Water has reviewed the project and there are no noted issues for the project.

F. Consistency with the applicable requirements of this chapter, including the general provisions of §3.8.2;

The proposed planned development is consistent with the general requirements set forth in Section 3.8.2 and Section 6.6 of the Zoning Ordinance.

G. Compatibility of the proposed planned development with the adjacent community;

The proposed rezoning is consistent with the surrounding area. The surrounding zoning districts are a combination of RL Residential Low, RM Residential Medium, RT Residential Townhouses, CO Commercial Office, and CR Commercial Retail. The subject property is immediately surrounded by uses that range from single-family homes to townhouses, auto dealers to offices, gas station to a restaurant and City property. Immediately to the west of the site is a single-family neighborhood on McLean Avenue and Orchard Street. To the north of the site is a townhouse community, office building and a Shell gas station. The subject property is located near two major corridors of Fairfax Boulevard and Chain Bridge Road that serve predominately non-residential uses.

H. Consistency with the general purpose of the planned development districts in §3.8.1 and the stated purposes of §3.2.3;

The PD-M, Planned Development Mixed Use District, is intended to provide for coordinated mixed use developments which may include general residential and nonresidential uses within a planned development. The variety of land uses available in this district allows greater flexibility to respond to market demands and the needs of tenants, thereby providing for a variety of physically and functionally integrated land uses (Section 3.2.3.B, Pg. 3-3). The applicant is proposing to develop fifty-six (56) townhouses in Phase Two. The townhouses are approximately 44 feet in height. Townhouses would be a mix of front entry units that are 24-feet wide and rear entry units that are 20-feet wide. In the middle of the site in Phase Three, the applicant is proposing 114-units for congregate living facility and 86-units for assisted living in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The senior living building includes a parking garage with 114 spaces and twelve (12) surface parking spaces on the east side of the building. Phase Four will require an amendment to this MDP if approved.

I. Compatibility of each component of the overall development with all other components of the proposed planned development;

The proposed planned development is compatible with the surrounding uses. The applicant is proposing to develop fifty-six (56) townhouses in Phase Two. The townhouses are approximately 44 feet in height. Townhouses would be a mix of front entry units that are 24-feet wide and rear entry units that are 20-feet wide. In the middle of the site in Phase Three, the applicant is proposing 114-units for congregate living facility and 86-units for assisted living in a seven (7) story building measuring at 83-feet on 2.24 +/- acres. The senior living building includes a parking garage with 114 spaces and twelve (12) surface parking spaces on the east side of the building. Phase Four will require an amendment to this MDP if approved.

J. The quality of design intended for each component of the project and the ability of the overall master development plan to ensure a unified, cohesive environment at full build-out;

The work that is required in Phase One establishes the developable area for Phase Two and Phase Three by constructing storm drainage culvert, relocating utilities and realigning Orchard Street. In Phase One, the applicant would preserve the northwest corner for the site to be used as open space with a pedestrian trail. The applicant has submitted a cohesive project with multiple phases that provide a variety of housing types in Phase Two and Phase Three. Phase Four will require an amendment to this MDP if approved. It is anticipated the Phase Four would have mixture of residential and non-residential uses.

K. Self-sufficiency requirements for each phase of the overall project of §3.8.2.H;

The applicant is proposing to develop the site in four phases with a modification to the Development schedule as stated in Section 3.8.2.I of the Zoning Ordinance, which states “No zoning permit shall be issued for a mixed use development to authorize the occupancy of more than 66 percent of the approved residential dwelling units as part of a PD-C or PD-M district development prior to the issuance of a zoning permit to authorize the occupancy of 100 percent of the approved nonresidential floor area for that development. The foregoing shall be binding on the applicant unless the applicant proposes a modification to this requirement in the master development plan and the city council approves such modification when it approves the master development plan.” (Pg. 3-63). Phases Two and Three are proposed as townhouses and a senior living building that is comprised of a mixture of independent living units and assisted living units. The Zoning Ordinance considers independent living units as a residential use while the assisted living units are defined as a non-residential use. Phase Four is proposed with a combination of residential and non-residential uses. Strict application of the ordinance would prohibit occupancy of all of the townhouse units prior to the completion of the senior building. Therefore, the applicant is seeking a modification to the development schedule requirement.

L. The effectiveness with which the proposed planned development protects and preserves the ecologically sensitive areas within the development; and

The City recognizes that there is a delicate balance between development and protecting the environment as the City is largely built-out. The City has several types of environmental resources that are easily impaired by urban land uses. Encompassing the headwaters of Accotink Creek, measures taken by the City to protect water quality, riparian and floodplain areas, open space, and the urban forest are critical to support regional efforts to improve environmental health. Located within the Chesapeake Bay Watershed, the City is committed to reducing stormwater runoff in order to protect the Bay through the adoption of the Chesapeake Bay Preservation Act and enforcement of other federal, state, and local stormwater regulations. (City of Fairfax 2035 Comprehensive Plan, Pg. 99). The proposed application addresses in part Outcome NE1.5 to “restore and preserve natural open spaces and contiguous greenway corridors that provide natural habitats for plants and wildlife” as the northwest corner of the will remain in its natural state with a walking trail. Likewise, Action NE1.5.1 is addressed, in part, by “restoring disturbed areas along streams and in conservation easements with native species” as the applicant has committed to a stream restoration project for a portion of Accotink Creek within the boundaries of Van Dyck Park. This stream restoration project will implement this component of the approved master plan for Van Dyck Park. VA DEQ is also requiring contribution to regional bank for stream restoration improvements outside of the City. The applicant had sought and received approvals from the state and federal government on various permits. During the permitting process, there was a public comment phase and we are not aware of any public comments on the permits that were applied for.

The 100-year floodplain cuts through the site severely limiting development on half (1/2) of the property. During the VWP permitting process, the applicant had to demonstrate avoidance and minimization efforts. It was deemed that both efforts would require flood control due to the location of the perennial stream and the history of flooding onsite. A complete avoidance would result in an undevelopable area of 4.4 +/- acres. The flood elevations under this scenario would render approximately half of the developable land area in an unstable condition due to the presence of RPA and flood zones (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). A partial streaming piping scenario was also considered and deemed infeasible whereby “500 linear feet of stream channel would be piped leaving most of the perennial stream and all the intermittent stream intact” (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). However, the use of Orchard Street to access the western portion of the site “would necessitate significant alteration to the flood zones through the installation of a culverted road crossing, this constricting flood flows and increasing flooding to the northern portion of the property” (VWP Individual Permit No. 18-1003,

March 5, 2019, Pg. 3). In order for the subject property to be developed, a special use permit is required to allow disturbance in within the 100-year floodplain boundary.

The subject property has a perennial and two intermittent streams that flow through the site from west to east. The perennial stream enters the site at the northwest corner of the project area and flows southeast before entering an 8-foot box culvert that conveys water under Route 123 that was installed by the City of Fairfax to improve drainage and reduce flooding. The two intermittent streams flow into the perennial stream from the west. As a result of having streams on site, a RPA Site-Specific Study in accordance with Section 4.18 (Chesapeake Bay Preservation) of the City's Zoning Ordinance is required by the applicant. In conjunction with an RPA Site-Specific Study, the applicant is required to submit a Water Quality Impact Assessment (WQIA) for land disturbance, development or redevelopment within the RPA including any buffer area modification or reduction. Due to the level of land disturbance proposed by the applicant, a major WQIA is required and Special Exception to impact the RPA with the construction of a culvert. Ultimately, the proposal would allow the new culvert to tie into the system installed by the City of Fairfax.

The City has adopted regulations that implement the requirements of Chesapeake Bay Preservation Act (Code of Virginia, Section 62.1-44.15:75 et seq). The purpose of Section 4.18 (Chesapeake Bay Preservation) is to: a. protect sensitive environmental lands within the city; b. safeguard the quality of state waters; c. prevent further increase in pollution of state waters; d. reduce existing pollution of state waters; and e. promote water resource conservation in order to provide for the health, safety, and welfare of the present and future citizens of the city (Zoning Ordinance, Page 4-99). These regulations also establish criteria for use by the city in approving, disapproving or modifying requests to rezone, subdivide, use, develop and/or redevelop land in Chesapeake Bay preservation areas. The Zoning Ordinance provides for opportunities for land to be developed or redeveloped through the review process outlined in Section 4.18 and Section 6.13 (Chesapeake Bay Reviews).

Section 4.18.6 (Chesapeake Bay Preservation) of the Zoning Ordinance requires for any property that is depicted on the city's Chesapeake Bay preservation area map as a resource protection area, the applicant shall determine the site-specific boundaries of the Resource Protection Area (RPA) components through the performance of a RPA site-specific study. The Chesapeake Bay preservation area map shall be used only as a guide to the general location of resource protection areas within the city. The applicant has submitted a Resource Protection Area Site Specific Study to evaluate the existing, pre-development conditions of the project area and the anticipated post-development impact on the RPA based on the submitted master development plan. Appendix E of the RPA site-specific study documents the presence of one perennial stream and two intermittent streams. The applicant concludes "that the perennial stream is include in the onsite RPA, as well as the 100-foot buffer adjacent and landward of the perennial stream and the intermittent streams were determined to be non-RPA features due to unnatural channel conditions resulting from adjacent development" (RPA Site-Specific Study conducted by Apex Companies, LLC, Pg. 3). In conjunction with a RPA Site-Specific Study, the applicant is required to submit a Water Quality Impact Assessment (WQIA) for land disturbance, development or redevelopment within the RPA including any buffer area modification or reduction. Due to the level of land disturbance proposed by the applicant, a major WQIA is required. Ultimately, the proposal would allow the new culvert to tie into the system installed by the City of Fairfax.

The applicant has provided a pre-development floodplain and RPA boundary on Sheet 18 and a post-development boundary on Sheet 18A of the Master Development Plan. As part of the project approvals, the applicant intends to commit to a stream restoration project for a portion of Accotink Creek within the boundaries of Van Dyck Park. This stream restoration project will implement this component of the approved master plan for Van Dyck Park. VA DEQ is also requiring contribution to regional bank for stream restoration improvements outside of the City. Irrespective of these, City approval to construct and make these changes are required.

Likewise, Section 4.18.8.D.1 (Chesapeake Bay Preservation) of the Zoning Ordinance requires a Major Water Quality Impact Assessment shall be required for any development that exceeds 5,000 square feet land disturbance or that encroaches onto the seaward 50 feet of the 100-foot buffer area; or is located in the resource management area and is deemed necessary by the zoning administrator. The applicant is proposing to impact 1,749 linear feet of the stream channel on site. Appendix C in the Major Water Quality Impact Assessment provides a visual depiction of the areas impacted. The applicant also received a joint permit to

impact 1,646 linear feet of stream channel with authorization to compensate for permanent stream impacts through the purchase 1,675 stream credits or 4,761 Stream Condition Units from a VDEQ approved mitigation bank, as required by the VWP Permit (Permit No. 18-1003).

The applicant received a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA), dated April 1, 2019 - Case No. 18-03 2239R. A Conditional Letter of Map Revision (CLOMR) is a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study. The 100-year floodplain cuts through the site and causes half (1/2) of the property to be undevelopable. During the VWP permitting process, the applicant had to demonstrate avoidance and minimization efforts. It was deemed that both efforts would require flood control due to the location of the perennial stream and the history of flooding onsite. A complete avoidance would result in a developable area of 4.4 +/- acres. The flood elevations under this scenario would render approximately half of the developable land area in an unstable condition due to the presence of RPA and flood zones (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). A partial streaming piping scenario was also considered and deemed infeasible whereby "500 linear feet of stream channel would be piped leaving most of the perennial stream and all the intermittent stream intact" (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). However, the use of Orchard Street to access the western portion of the site "would necessitate significant alteration to the flood zones through the installation of a culverted road crossing, this constricting flood flows and increasing flooding to the northern portion of the property" (VWP Individual Permit No. 18-1003, March 5, 2019, page 3).

M. The extent to which the residential component of the proposed planned development promotes the creation and preservation of affordable housing suitable for supporting the current and future needs of the city.

This MDP does not have any affordable dwelling units proposed.

Section 4.15.8.A

A. Permitted uses, activities or developments (including redevelopments) within the floodplain shall be permitted only when all available alternative locations not within the floodplain have been properly considered and it is not possible to accommodate reasonable development outside the floodplain boundaries. Each application for a floodplain permit, together with required supporting documentation, shall clearly demonstrate that the proposed use, activity or development:

1. Shall minimize grading to the maximum possible extent.

The applicant has provided cross sections for the proposed development that illustrates the grading of the site and its relationship to adjoin properties.

2. Shall minimize the amount of impervious surface to the maximum possible extent through site design, the use of porous construction materials, grid or modular pavement, and other reasonable methods.

3. Shall minimize the loss of natural vegetation and natural stormwater characteristics.

The project proposes the total on-site preservation of approximately 37,000 square feet of existing tree canopy. The applicant estimates that 60% of the existing trees on the site are rated in poor condition are invasive species. The poor condition of the trees is primarily due to invasive plant and insect species.

4. Shall minimize the susceptibility of structures and their contents to flood damage.

The applicant is proposing to remove 5.44 acres of the site out of the floodplain which constrains development opportunities on the site. The floodplain area based on the post-development plans show approximately 0.76 acres that would remain the floodplain. A Conditional Letter of Map Revision (CLOMR) was issued by the US Federal Emergency Management Agency (FEMA) on April 1, 2019. A CLOMR is FEMA's comment on a proposed project that would affect a floodplain.

5. Shall not negatively affect water quality.

The proposed project is subject to the standard of post-development nutrient loading cannot exceed its pre-development nutrient loading. Findings by the Virginia Department of Environmental Quality state that the project, in compliance with its permit, "will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources."

6. Shall not increase the intensity or extent of flooding of lands above or below the property or jeopardize property or human life.

The construction the culvert would improve the hydrology of this site as the property has a history of flooding due to undersized culverts and impervious area from off-site development. FEMA has evaluated hydrology and hydraulics through review of the floodplain study and model for the proposed project submitted as part of CLOMR request. Upon completion of the project in accordance with the criteria from FEMA, a revision to the Flood Insurance Rate map to reflect the project is requested and FEMA issues a Letter of Map Revision (LOMR).

7. Shall not adversely affect the capacity of the floodplain channel or increase erosion within or adjacent to the floodplain. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within the city all applicable permits shall be obtained from the USACE, the VADEQ, and the Virginia Marine Resources Commission. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the DCR, and the Federal Insurance Administration.

The applicant has applied for and has received the approvals from the Virginia Department of Environmental Quality (VDEQ) with the issuance of a Virginia Water Protection Permit (Permit No. 18-1003), a State Program General Permit (17-SPGP-01) from the US Army Corps of Engineers through VDEQ, and a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA).

8. Shall minimize negative impacts upon wildlife habitat.

Findings by the Virginia Department of Environmental Quality state the project, in compliance with its permit, "will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources." The findings were supported by a review of the project by various state and federal agencies, including the US Environmental Protection Agency, US Fish & Wildlife Service, Virginia Department of game and Inland Fisheries, Virginia Department of Conservation and Recreation, and Virginia Department of Health.

9. Shall have its design incorporate base (100-year) flood elevation data for any proposed new activity or development greater than 50 lots or five acres, whichever is the lesser, if located within Zone A. In addition, the best available floodway information from federal, state, or other sources acceptable to the zoning administrator shall be used.

The applicant will create more than fifty (50) in the proposed Master Development Plan and the Finish Floor Elevation is provided on the preliminary grading plan (Sheet 5 and Sheet 5A).

10. Shall not result in more than a one-foot increase in the base (100-year) flood elevation. This shall include the cumulative effect of the proposed use, activity, or development when combined with all other existing and anticipated uses, activities, or development.

The applicant is proposing to remove 5.44 acres of the site out of the floodplain which constrains development opportunities on the site. The floodplain area based on the post-development plans show approximately 0.76 acres that would remain the floodplain. A Conditional Letter of Map Revision (CLOMR) was issued by the US Federal Emergency Management Agency (FEMA) on April 1, 2019. A CLOMR is FEMA's comment on a proposed project that would affect a floodplain.

11. Shall not negatively affect drainage.

The proposed development would improve the on-site drainage for the subject property. The pipe system will also help control flooding and reduce the adverse effects on uncontrolled stormwater discharge. The Virginia Water Protection permit requires that the culvert structure is constructed and maintained to prevent downstream sediment deposition, erosion, scour that may be associated with normal flow and any expected storm flows.

Section 4.18.8.F.2

2. Upon the completed review of a major water quality impact assessment, the zoning administrator shall determine if the proposed development is consistent with the purpose and intent of §4.16 and make a finding based upon the following criteria:

(a) The disturbance of any wetlands is minimized;

A wetland delineation was performed on the site and Preliminary Jurisdictional Determination was approved by the US Army Corps of Engineers on February 5, 2018. The Preliminary Jurisdictional Determination identified the limits of the on-site streams and confirmed that no wetlands were identified within the project area. Permitting requirements for the project by the Virginia Department of Environmental Quality condition “no net loss of wetland acreage and no net loss of functions in all surface waters, through the avoidance and minimization of wetland impacts to the maximum extent practicable; compensatory mitigation; and compensation monitoring and reporting.”

(b) The development will not result in significant disruption of the hydrology of the site;

The construction of the culvert would support the hydrology of this site as the property has a history of flooding due to undersized culverts and impervious area from off-site development.

(c) The development will not result in significant degradation to aquatic life;

Findings by the Virginia Department of Environmental Quality state that the project, in compliance with its permit, “will protect instream beneficial uses, will not violate applicable water quality standards, and will not cause or contribute to a significant impairment of state waters or fish and wildlife resources.” These findings were supported by a review of the project by various state and federal agencies, including the US Environmental Protection Agency, US Fish & Wildlife Service, Virginia Department of Game and Inland Fisheries, Virginia Department of Conservation and Recreation, and Virginia Department of Health.

(d) The development will not result in unnecessary destruction of plant materials on site;

The project proposes the removal of trees and other vegetation. Compensatory mitigation for this impact would be provided through the purchase of stream credits. Credited streams would include a 100-foot vegetated buffer, supporting the purpose and functions of the Resource Protection Area. The project proposes the on-site preservation of approximately 37,000 square feet of existing tree canopy. The applicant estimates that 60% of the existing trees on the site are rated in poor condition and are invasive species. The poor condition of the trees is primarily due to invasive plant and insect species.

(e) Proposed erosion and sediment control concepts are adequate to achieve the reductions in runoff and prevent off site sedimentation;

The proposed project is subject to an erosion and sediment control permit, and best management to protect water quality during and after construction.

(f) Proposed stormwater-management measures are adequate to control the stormwater runoff to achieve the required performance standard for pollutant control;

The application shall be subject to stormwater permit review since the redevelopment activity exceeds 2,500 square feet of disturbed land. Subsequent applications are subject to Section 4.16 (Stormwater Drainage Facilities) of the Zoning Ordinance. A Bank Erosion Hazard Index (BEHI) study and a Near Bank Stress (NBS) study were conducted

as part of the WQIA. The BEHI identified a high erosion hazard in the current condition. The NBS predicts potential sediment and nutrient loading, which identified future sediment loss through erosion. The proposed improvement would provide for reductions in sediment, nitrogen, and phosphorous transported from the project area to downstream waters within the Chesapeake Bay watershed.

(g) Proposed revegetation of disturbed areas will provide optimum erosion and sediment control benefits;

No revegetation within the onsite CBPA features is being proposed, because compensatory mitigation will be provided for stream and riparian buffer impacts via the purchase of 1,675 stream credits or 4,761 Stream Condition Units from a DEQ approved mitigation bank and/or in-lieu fee fund. The stream credits include a 100-foot riparian buffer that extends from the banks of the stream being credited as compensation for this project.

(h) The design and location of any proposed drainfield will be in accordance with the general performance standards outlined in §4.18.7;

The final design will be determined during site plan review. The requirement will be met by discharging stormwater into a manmade system that does not cause erosion to the system for the two-year storm (channel protection) and confines the stormwater runoff during the 10-year (flood protection). The extent of the review will be the twin box culvert, prior to its outfall at Accotink Creek, if it is determined during the site plan that detention is required, then stormwater vaults or arched pipes will be used to manage the stormwater runoff.

(i) The development, as proposed, is consistent with the purpose and intent of §4.16;

The Northfax West project proposes to impact perennial and intermittent streams by piping them under the proposed mixed-use development to tie into the existing twin box culverts near Route 123 (installed by the City and VDOT). Based on Apex's onsite assessments to determine erosion potential, the Northfax West project pipe system will eliminate potential sources of stream bank erosion to include the extreme and very high erosion along existing stream channels. The pipe system will also help to control flooding and reduce the adverse effects of uncontrolled stormwater discharge. The Virginia Water Protection permit requires that the culvert structure is constructed and maintained to prevent downstream sediment deposition, erosion, or scour that may be associated with normal flow and any expected storm flows.

(j) The cumulative impact of the proposed development, when considered in relation to other development in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

The proposed project is subject to the standard of post-development nutrient loading and cannot exceed its pre-development nutrient loading.

Section 4.18.11.D

D. Required findings

In granting an administrative waiver or a special exception, the zoning administrator or the city council shall make a written finding that:

1. The request is the minimum necessary to afford relief;

A wetland delineation was performed on the site and Preliminary Jurisdictional Determination was approved by the US Army Corps of Engineers on February 5, 2018. The Preliminary Jurisdictional Determination identified the limits of the on-site streams and confirmed that no wetlands were identified within the project area. Permitting requirements for the project by the Virginia Department of Environmental Quality condition “no net loss of wetland acreage and no net loss of functions in all surface waters, through the avoidance and minimization of wetland impacts to the maximum extent practicable; compensatory mitigation; and compensation monitoring and reporting.” A large portion of the site is impacted by floodplain and RPA boundary. The 100-year floodplain cuts through the site severely limiting development on half (1/2) of the property. During the VWP permitting process, the applicant had to demonstrate avoidance and minimization efforts. It was deemed that both efforts would require flood control due to the location of the perennial stream and the history of flooding onsite. A complete avoidance would result in an undevelopable area of 4.4 +/- acres. The flood elevations under this scenario would render approximately half of the developable land area in an unstable condition due to the presence of RPA and flood zones (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). A partial pipe scenario was also considered and deemed infeasible whereby “500 linear feet of stream channel would be piped leaving most of the perennial stream and all the intermittent stream intact” (VWP Individual Permit No. 18-1003, March 5, 2019, page 3). However, the use of Orchard Street to access the western portion of the site “would necessitate significant alteration to the flood zones through the installation of a culverted road crossing, this constricting flood flows and increasing flooding to the northern portion of the property” (VWP Individual Permit No. 18-1003, March 5, 2019, Pg. 3). In order for the subject property to be developed, a special use permit is required to allow disturbance within the 100-year floodplain boundary.

2. Granting the request will not confer upon the applicant any special privileges that are denied by §4.18 to other property owners who are subject to its provisions and who are similarly situated;

No special privileges will be conferred upon the applicant as other property owners can apply for a special exception.

3. The request is in harmony with the purpose and intent of this §4.18 and is not of substantial detriment to water quality;

The Northfax West project proposes to impact perennial and intermittent streams by piping them under the proposed mixed-use development to tie into the existing twin box culverts near Route 123 (installed by the City and VDOT). Based on Apex’s onsite assessments to determine erosion potential, the Northfax West project pipe system will eliminate potential sources of stream bank erosion to include the extreme and very high erosion along existing stream channels. The pipe system will also help to control flooding and reduce the adverse effects of uncontrolled stormwater discharge. The Virginia Water Protection permit requires that the culvert structure is constructed and maintained to prevent downstream sediment deposition, erosion, or scour that may be associated with normal flow and any expected storm flows.

4. The request is not based upon conditions or circumstances that are self-created or self-imposed; and

The applicant did not create the existing conditions or circumstances on the subject property.

5. Reasonable and appropriate conditions shall be imposed, as warranted, that will prevent the allowed activity from causing a degradation of water quality.

The proposed project is subject to the standard of post-development nutrient loading and cannot exceed its pre-development nutrient loading. The Northfax West project proposes to impact perennial and intermittent streams by piping them under the proposed mixed-use development to tie into the existing twin box culverts near Route 123 (installed by the City and VDOT). Based on Apex’s onsite assessments to determine erosion potential, the Northfax

West project pipe system will eliminate potential sources of stream bank erosion to include the extreme and very high erosion along existing stream channels. The pipe system will also help to control flooding and reduce the adverse effects of uncontrolled stormwater discharge. The Virginia Water Protection permit requires that the culvert structure is constructed and maintained to prevent downstream sediment deposition, erosion, or scour that may be associated with normal flow and any expected storm flows.



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.

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).

RECEIVED

04 / 15 / 2020

Community Dev & Planning

Application No. _____

REVISED

CITY OF FAIRFAX

PLANNED DEVELOPMENT APPLICATION

I/We Northfax JV LLC by Lynne J. Strobel, Attorney-in-Fact/Agent

(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 See Attachment 1, Block _____, Section _____ of the

See Attachment 1 Subdivision containing Approx. 492,228 (Sq. Ft.) on the premises known as

See Attachment 1 requests that the property currently zoned CR and RM be rezoned to PD-M. This property is recorded in the land records of Fairfax County in the name of

See Attachment 1 in Deed Book See Attachment 1, Page See Attachment 1

(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."

Lynne J. Strobel

(Signature of applicant or authorized agent) Lynne J. Strobel
Walsh, Colucci, Lubeley & Walsh, P.C.

Attorney-in-Fact/Agent

(Title or relationship)

Address 2200 Clarendon Boulevard, Suite 1300, Arlington, Virginia 22201 Phone (703) 528-4700

Email lstrobel@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 28th day of February, 2022, do hereby certify that this day personally appeared before me

in the State aforesaid Lynne J Strobel Attorney in Fact / Agent
(Name) (Title)

whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the 10th day of April, 2020, and acknowledged the same before me.

GIVEN under my hand and seal this 10th day of April

Harold H. Houst
Notary Public



THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER

I/We Northfax JV LLC by Lynne J. Strobel, Attorney-in-Fact/Agent hereby certify that the applicant named above has the authority vested by me to make this application.

Lynne J. Strobel Attorney-in-Fact/Agent
(Signature of owner 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

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 28th day of February, 2022, do hereby certify that this day personally appeared before me in the State aforesaid Lynne J. Strobel Attorney in Fact / Agent
(Name) (Title)
whose name(s) is (are) signed to the foregoing and hereunto annexed agreement bearing date of the 10th day of April, 2020, and acknowledged the same before me.

GIVEN under my hand and seal this 10th day of April, 2020.

Marjorie Nadime Moreno 7370570
Notary Public Registrar



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: _____

**AFFIDAVIT
CITY OF FAIRFAX**

I, Northfax JV LLC, by Lynne J. Strobel, Attorney/Agent 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):

None

Partnership Name: _____

Name	Address	Relationship

2. That neither the Mayor nor any 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, neither the Mayor nor any member of the City Council, Mayor, 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

Northfax JV LLC by Lynne J. Strobel, Attorney/Agent

WITNESS the following signature:

Lynne J. Strobel

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 10th day of April, 2020, in the State of Virginia, County of Arlington

My commission expires: 2/28/2022

Marjorie Nadime Moreno 7370570
Notary Public Registration #



ATTACHMENT A

Northfax JV LLC
3900 Jermantown Road, Suite 300
Fairfax, VA 22030
Agent: John E. Napolitano

Applicant/Title Owner of
Tax Map 52-2-02-020

Orchard RE Investments, LLC
3900 Jermantown Road, Suite 300
Fairfax, VA 22030
Agent: John E. Napolitano

Title Owner of Tax Map
57-2-08-010, 57-2-02-005, 57-2-08-005,
57-2-08-006, 57-2-08-007, 57-2-08-008,
57-2-02-003, 57-2-07-015-B, 57-2-47-000-A

A.R.G. II, L.L.C.
3900 Jermantown Road, Suite 300
Fairfax, VA 22030
Agent: John E. Napolitano

Title Owner of Tax Map
57-2-02-017, 57-2-02-018, 57-2-02-019,
57-2-08-011, 57-2-08-012, 57-2-08-013, 57-2-08-014

City of Fairfax
10455 Armstrong Street,
Fairfax, VA 22030

Title Owner of Orchard Street right-of-way

MHI-Northfax, LLC
1950 Old Gallows Road, #200
Tysons, VA 22182
Agents: Andrew S. Rosenberger
Russell S. Rosenberger, Jr.
Milton (nmi) Schneiderman
Mark E. Westmoreland

Contract Purchaser

Brightview Senior Living Development
LLC
218 N. Charles Street
Baltimore, MD 21201
Agents: David D. Carliner
Steven M. Marker
Alan D. Siegfried

Contract Purchaser

Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201
Agents: Lynne J. Strobel
Robert D. Brant
Elizabeth D. Baker
Anna B. Smith

Attorneys/Planners/Agent

M. Catharine Puskar
Kathryn R. Taylor
Bernard S. Suchicital

Christopher Consultants, Ltd.
9900 Main Street, Suite 400
Fairfax, Virginia 22031
Agents: Eli Goldman
Kevin M. Washington
Giovanni (John) B. Rinaldi
Laurie Beth Donnachie

Civil Engineers/Planners/Agent

Devereaux & Associates, P.C.
1481 Chain Bridge Road, Suite 302
McLean, Virginia 22101
Agent: William J. Devereaux, Jr.

Architect/Agent for MHI-Northfax, LLC

Gorove/Slade Associates, Inc.
1140 Connecticut Avenue, NW, Suite 600
Washington, DC 20036
Agents: Chad A. Baird
Kevin D. Sitzman
Niraja Chandrapu

Transportation Consultant/Agent

Apex Companies, LLC
203 Wylderose Court
Midlothian, VA 23113
Agent: John H. Brooks III

Environmental Consultant/Agent for MHI-Northfax, LLC

SK&I Architectural Design Group LLC
7735 Old Georgetown Road, #1000
Bethesda, Maryland 20814
Agent: Toygun Mar

Architect/Agent for Brightview Senior Living
Development LLC

Hills-Carnes Engineering Consultants, Inc.
14155 Sullyfield Circle, Suite A
Chantilly, VA 20151
Agent: Steve Marker

Environmental Consultant/Agent

ATTACHMENT B

RECEIVED

04 / 15 / 2020

Community Dev & Planning

Northfax JV LLC

Members: Orchard RE Investments, LLC
A.R.G. II, L.L.C.
Managers: John E. Napolitano
Andrea Sylos-Labini

Orchard RE Investments, LLC

Members: John E. Napolitano
ELENA, LLC
Members: Andrea Sylos-Labini
Elena Sylos-Labini
Victoria Sylos-Labini
Maura Archetti
Chiara Archetti
Paola Archetti
ELEVIAN, LLC
Members: Andrea Sylos-Labini
Elena Sylos-Labini
Victoria Sylos-Labini

A.R.G. II, L.L.C.

Members: John E. Napolitano
Roberto Beolchini
ELEVIAN, LLC
Members: Andrea Sylos-Labini
Elena Sylos-Labini
Victoria Sylos-Labini
John E. Napolitano, Operating Manager
Andrea Sylos-Labini, Vice Operating Manager

Brightview Senior Living Development LLC

Sole Member: Brightview Group, LP

General Partner: Brightview Group GP, LLC
Members: Arnold I. Richman
Marilynn K. Duker
Jeffrey K. Hettleman
David D. Carliner

Limited Partners: The Arnold I. Richman Revocable Trust
Richman Family Limited Partnership, L.L.L.P.
General Partner: Arnold I. Richman, Trustee
Limited Partners: Katherine R. Voglmayr & Jonathan D. Eisner,
Co-Trustees
Lauri G. Richman Hidalgo & Jonathan D. Eisner,
Co-Trustees
Daniel Geary & Jonathan D. Eisner, Co-Trustees
Allison L. Richman & Jonathan D. Eisner, Co-Trustees

Arnold I. Richman, Trustee
The Marilyn K. Duker Revocable Trust
Jeffrey K. Hettleman
David D. Carliner

MHI-Northfax, LLC

Manager: Madison Homes, Inc.

Member: Madison Communities II, LLC

Madison Communities II, LLC

Manager: Madison Homes, Inc.

Members: Russell S. Rosenberger, Jr., Milton Schneiderman, Andrew S. Rosenberger, Mark E. Westmoreland

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

Shareholders:

Wendy A. Alexander	John H. Foote	Charles E. McWilliams	Kathleen H. Smith
David J. Bomgardner	H. Mark Goetzman	Antonia E. Miller	Lynne J. Strobel
E. Andrew Burcher	Bryan H. Guidash	J. Randall Minchew	Erin M. Thiebert
Thomas J. Colucci	Michael J. Kalish	Andrew A. Painter	Garth M. Wainman
Michael J. Coughlin	Michael R. Kieffer	M. Catharine Puskar	Matthew A. Westover
Peter M. Dolan, Jr.		John E. Rinaldi	

Christopher Consultants, Ltd.

Shareholders: William R. Zink, William R. Goldsmith, Jr., Michael S. Kitchen, Jeffrey S. Smith, Ruth R. Fields, Kevin M. Washington, Brent E. Evans, Christopher C. Filmore, Giovanni (John) B. Rinaldi

Devereaux & Associates, P.C.

Shareholder: William J. Devereaux, Jr.

Gorove/Slade Associates, Inc.

Shareholders: Christopher M. Tacinelli, Chad A. Baird, Daniel B. VanPelt, Erwin N. Andres, Tushar A. Awar

Apex Companies, LLC

Sole Shareholder: Apex Intermediate, LLC

SK&I Architectural Design Group LLC

Members: Meral Iskir, Sami M. Kirkdil

Hills-Carnes Engineering Consultants, Inc.

REVISED

EQUITABLE OWNERSHIP DISCLOSURE STATEMENT

I. GENERAL DISCLOSURE REQUIREMENTS

In accordance with § 6.2.3.B of the Zoning Ordinance, any application for a change in zoning shall include as part of the application a statement on a form provided by the zoning administrator providing complete disclosure of the legal and equitable ownership in any real estate to be affected by the requested change in zoning.

In the case of corporate ownership of real estate, the disclosure shall include the names of stockholders, officers and directors and in any case the names and addresses of all the real parties in interest; provided, however, that the requirement of listing the names of stockholders, officers and directors shall not apply to a corporation whose stock is traded on a national or local stock exchange and having more than 500 shareholders. Such disclosure shall be sworn to under oath before a notary public or other official before whom oaths may be taken.

II. IDENTIFICATION OF REAL PROPERTY AFFECTED

Map Number Parcel Number Street Address Current Owner of Record
See Attachment 1

III. DESCRIPTION OF CHANGE IN ZONING REQUESTED

Completely describe the action being requested, attach narrative if desired.

Proposed rezoning from CR and RM to PD-M to allow for the development of seventeen (17)
parcels and a portion of Orchard Street right-of-way to be vacated/abandoned with a mix of uses,
including residential, institutional, retail, and restaurant.

IV. SPECIFIC EQUITABLE OWNERSHIP DISCLOSURE

The following individuals have legal and equitable ownership in the real estate to be affected by the requested change in zoning. (Include name, address and telephone number)

See Attachment 1

THE DISCLOSURE MADE ON THIS FORM IS IN ACCORDANCE WITH § 110-5 (D) OF THE CODE OF THE CITY OF FAIRFAX MUST BE SWORN UNDER OATH BEFORE A NOTARY PUBLIC OR OTHER OFFICER BEFORE WHOM OATHS MAY BE TAKEN. ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURE NOTARIZED. ATTACH A SEPARATE SHEET IF NECESSARY.

I hereby swear to the best of my knowledge that the information provided in this statement is true and complete.

Lynne J. Strobel, Attorney-in-Fact/Agent

Lynne J. Strobel
Signature

Subscribed and sworn before me this 10th day of April, 2020.
My commission expires: 2/28/2022

Marjorie Moreno
Notary Public



**REVISED
ATTACHMENT 1**

Planned Development Application
Equitable Ownership Disclosure Statement
Land Use Application – Special Use Permit

Northfax West Property, City of Fairfax, Virginia

Tax Map No.	Parcel No.	Subdivision	Property Address	Current Owner of Record	Deed Book	Page
57-2-02	003	Fairfax Acres	10516 Orchard Street	Orchard RE Investments, LLC	20080	1218
57-2-02	005	Fairfax	10517 Orchard Street	Orchard RE Investments, LLC	19218	1148
57-2-02	017	Fairfax	3590 Chain Bridge Road	A.R.G. II, L.L.C.	15230	1182
57-2-02	018	Fairfax	3580 Chain Bridge Road	A.R.G. II, L.L.C.	15230	1182
57-2-02	019	Fairfax	10505 Orchard Street	A.R.G. II, L.L.C.	15230	1182
57-2-02	020	Fairfax	3570 Chain Bridge Road	Northfax JV LLC	25751	1696
57-2-07	015-B	Resub FFX AC	McLean Avenue	Orchard RE Investments, LLC	23812	0494
57-2-08	005	Fairfax Acres	10508 Orchard Street	Orchard RE Investments, LLC	17602	0631
57-2-08	006	Fairfax Acres	10510 Orchard Street	Orchard RE Investments, LLC	19837	1921
57-2-08	007	Fairfax Acres	10512 Orchard Street	Orchard RE Investments, LLC	17434	444
57-2-08	008	Fairfax Acres	10514 Orchard Street	Orchard RE Investments, LLC	18388	265
57-2-08	010	Fairfax Acres	10515 Orchard Street	Orchard RE Investments, LLC	18823	1535
57-2-08	011	Fairfax Acres	10507 Orchard Street	A.R.G. II, L.L.C.	15230	1182
57-2-08	012	Fairfax Acres	10509 Orchard Street	A.R.G. II, L.L.C.	15339	102
57-2-08	013	Fairfax Acres	10511 Orchard Street	A.R.G. II, L.L.C.	15339	102
57-2-08	014	Fairfax Acres	10513 Orchard Street	A.R.G. II, L.L.C.	16739	1026
57-2-47	000-A	Bajaj	McLean Avenue	Orchard RE Investments, LLC	23812	0479
			Orchard Street Right-of-Way	City of Fairfax	407	115

IV. SPECIFIC EQUITABLE OWNERSHIP DISCLOSURE

Northfax JV LLC, 3900 Jermantown Road, Ste. 300, Fairfax, VA 22030, Agent: John Napolitano, The Lann Companies, (703) 934-4600
A.R.G. II, L.L.C., 3900 Jermantown Road, Ste. 300, Fairfax, VA 22030, Agent: John Napolitano, The Lann Companies, (703) 934-4600
Orchard RE Investments, LLC, 3900 Jermantown Road, Ste. 300, Fairfax, VA 22030, Agent: John Napolitano, The Lann Companies, (703) 934-4600



Application #: _____

Receipt #: _____

LAND USE APPLICATION

- NON REFUNDABLE FEE -

Special Use Special Exception Variance Amendment Renewal

1. PROPERTY LOCATION INFORMATION

Property Address See Attachment 1 Tax Map # See Attachment 1

Project Name Northfax West Project Description The Applicant is requesting a special use permit to allow the modification of the 100-year floodplain boundary. See attached Statement of Justification, dated January 3, 2020, for more details.

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

Applicant Name Northfax JV 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, Virginia 22201

Phone (o) (703) 528-4700 (c) _____ Email lstrobel@thelandlawyers.com

Applicant or Authorized Agent Signature *Lynne J. Strobel*
Lynne J. Strobel, Attorney-In-Fact/Agent

Relationship to project (circle one): Property owner / Contract purchaser / Lessee / Agent

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) *Lynne J. Strobel* Date 1/3/20
Lynne J. Strobel, Attorney-In-Fact/Agent

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

Licensed Professional's Name John Rinaldi, Christopher Consultants, Ltd.

Licensed Professional's Address 9900 Main Street, Suite 400, Fairfax, Virginia 22031

Phone (o) (703) 237-6820 (c) _____ Email johnrinaldi@ccl-eng.com

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

Current status of business license and fees
Treasurer: _____

Commissioner of Revenue: _____

**AFFIDAVIT
CITY OF FAIRFAX**

I, Northfax JV LLC, by Lynne J. Strobel, Attorney/Agent 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):

None

Partnership Name: _____

Name	Address	Relationship

2. That neither the Mayor nor any 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, neither the Mayor nor any member of the City Council, Mayor, 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

Northfax JV LLC by Lynne J. Strobel, Attorney/Agent

WITNESS the following signature:

Lynne J. Strobel

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 3 day of January, 2020, in the State of Virginia, County of Arlington

My commission expires:

Kimberly K Follin 283945
Notary Public Registration #



ATTACHMENT A

Northfax JV LLC
3900 Jermantown Road, Suite 300
Fairfax, VA 22030
Agent: John Napolitano

Applicant/Title Owner of
Tax Map 52-2-02-020

Orchard RE Investments, LLC
3900 Jermantown Road, Suite 300
Fairfax, VA 22030
Agent: John Napolitano

Title Owner of Tax Map
57-2-08-010, 57-2-02-005, 57-2-08-005,
57-2-08-006, 57-2-08-007, 57-2-08-008,
57-2-02-003, 57-2-07-015-B, 57-2-47-000-A

A.R.G. II, L.L.C.
3900 Jermantown Road, Suite 300
Fairfax, VA 22030
Agent: John Napolitano

Title Owner of Tax Map
Tax Map 57-2-02-017, 57-2-02-018, 57-2-02-019,
57-2-08-011, 57-2-08-012, 57-2-08-013, 57-2-08-014

MHI-Northfax, LLC
1950 Old Gallows Road, #200
Tysons, VA 22182
Agents: Andrew S. Rosenberger
Russell S. Rosenberger, Jr.
Milton (nmi) Schneiderman
Mark E. Westmoreland

Contract Purchaser

Brightview Senior Living Development
LLC
218 N. Charles Street
Baltimore, MD 21201
Agents: David D. Carliner
Steven M. Marker
Alan D. Siegfried

Contract Purchaser

Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300
Arlington, Virginia 22201
Agents: Lynne J. Strobel
Robert D. Brant
Elizabeth D. Baker
Anna B. Smith

Attorneys/Planners/Agent

M. Catharine Puskar
Kathryn R. Taylor
Bernard S. Suchicital

Christopher Consultants, Ltd.
9900 Main Street, Suite 400
Fairfax, Virginia 22031
Agents: Eli Goldman
Kevin M. Washington
Giovanni (John) B. Rinaldi
Laurie Beth Donnachie

Civil Engineers/Planners/Agent

Devereaux & Associates, P.C.
1481 Chain Bridge Road, Suite 302
McLean, Virginia 22101
Agent: William J. Devereaux, Jr.

Architect/Agent for MHI-Northfax, LLC

Gorove/Slade Associates, Inc.
1140 Connecticut Avenue, NW, Suite 600
Washington, DC 20036
Agents: Chad A. Baird
Kevin D. Sitzman
Niraja Chandrapu

Transportation Consultant/Agent

Apex Companies, LLC
203 Wylderose Court
Midlothian, VA 23113
Agent: John H. Brooks III

Environmental Consultant/Agent for MHI-Northfax, LLC

SK&I Architectural Design Group LLC
7735 Old Georgetown Road, #1000
Bethesda, Maryland 20814
Agent: Toygun Mar

Architect/Agent for Brightview Senior Living
Development LLC

ATTACHMENT B

Northfax JV LLC

Members: Orchard RE Investments, LLC
A.R.G. II, L.L.C.

Orchard RE Investments, LLC

Members: John E. Napolitano
ELENA, LLC

Members: Andrea Sylos-Labini
Elena Sylos-Labini
Victoria Sylos-Labini
Maura Archetti
Chiara Archetti
Paola Archetti

ELEVIAN, LLC

Members: Andrea Sylos-Labini
Elena Sylos-Labini
Victoria Sylos-Labini

A.R.G. II, L.L.C.

Members: John E. Napolitano
Roberto Beolchini
ELEVIAN, LLC

Members: Andrea Sylos-Labini
Elena Sylos-Labini
Victoria Sylos-Labini

Brightview Senior Living Development LLC

Sole Member: Brightview Group, LP

General Partner: Brightview Group GP, LLC

Members: Arnold I. Richman
Marilynn K. Duker
Jeffrey K. Hettleman
David D. Carliner

Limited Partners: The Arnold I. Richman Revocable Trust
Richman Family Limited Partnership, L.L.L.P.

General Partner: Arnold I. Richman, Trustee

Limited Partners: Katherine R. Voglmayr & Jonathan D. Eisner,
Co-Trustees
Lauri G. Richman Hidalgo & Jonathan D. Eisner,
Co-Trustees
Daniel Geary & Jonathan D. Eisner, Co-Trustees
Allison L. Richman & Jonathan D. Eisner, Co-
Trustees
Arnold I. Richman, Trustee

The Marilyn K. Duker Revocable Trust
Jeffrey K. Hettleman
David D. Carliner

MHI-Northfax, LLC

Manager: Madison Homes, Inc.

Member: Madison Communities II, LLC

Madison Communities II, LLC

Manager: Madison Homes, Inc.

Members: Russell S. Rosenberger, Jr., Milton Schneiderman, Andrew S. Rosenberger, Mark E. Westmoreland

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

Shareholders:

Wendy A. Alexander	William A. Fogarty	Charles E. McWilliams	Kathleen H. Smith
David J. Bomgardner	John H. Foote	Antonia E. Miller	Lynne J. Strobel
E. Andrew Burcher	H. Mark Goetzman	J. Randall Minchew	Erin M. Thiebert
Thomas J. Colucci	Bryan H. Guidash	Andrew A. Painter	Garth M. Wainman
Michael J. Coughlin	Michael J. Kalish	M. Catharine Puskar	Nan E. Walsh
Peter M. Dolan, Jr.	Michael R. Kieffer	John E. Rinaldi	Matthew A. Westover

Christopher Consultants, Ltd.

Shareholders: William R. Zink, William R. Goldsmith, Jr., Michael S. Kitchen, Jeffrey S. Smith, Ruth R. Fields, Kevin M. Washington, Brent E. Evans, Christopher C. Filmore, Giovanni (John) B. Rinaldi

Devereaux & Associates, P.C.

Shareholder: William J. Devereaux, Jr.

Gorove/Slade Associates, Inc.

Shareholders: Christopher M. Tacinelli, Chad A. Baird, Daniel B. VanPelt, Erwin N. Andres, Tushar A. Awar

Apex Companies, LLC

Sole Shareholder: Apex Intermediate, LLC

SK&I Architectural Design Group LLC

Members: Meral Iskir, Sami M. Kirkdil

ATTACHMENT 1

Planned Development Application
Equitable Ownership Disclosure Statement
Land Use Application – Special Use Permit

Northfax West Property, City of Fairfax, Virginia

Tax Map No.	Parcel No.	Subdivision	Property Address	Current Owner of Record	Deed Book	Page
57-2-02	003	Fairfax Acres	10516 Orchard Street	Orchard RE Investments, LLC	20080	1218
57-2-02	005	Fairfax	10517 Orchard Street	Orchard RE Investments, LLC	19218	1148
57-2-02	017	Fairfax	3590 Chain Bridge Road	A.R.G. II, L.L.C.	15230	1182
57-2-02	018	Fairfax	3580 Chain Bridge Road	A.R.G. II, L.L.C.	15230	1182
57-2-02	019	Fairfax	10505 Orchard Street	A.R.G. II, L.L.C.	15230	1182
57-2-02	020	Fairfax	3570 Chain Bridge Road	Northfax JV LLC	25751	1696
57-2-07	015-B	Resub FFX AC	McLean Avenue	Orchard RE Investments, LLC	23812	0494
57-2-08	005	Fairfax Acres	10508 Orchard Street	Orchard RE Investments, LLC	17602	0631
57-2-08	006	Fairfax Acres	10510 Orchard Street	Orchard RE Investments, LLC	19837	1921
57-2-08	007	Fairfax Acres	10512 Orchard Street	Orchard RE Investments, LLC	17434	444
57-2-08	008	Fairfax Acres	10514 Orchard Street	Orchard RE Investments, LLC	18388	265
57-2-08	010	Fairfax Acres	10515 Orchard Street	Orchard RE Investments, LLC	18823	1535
57-2-08	011	Fairfax Acres	10507 Orchard Street	A.R.G. II, L.L.C.	15230	1182
57-2-08	012	Fairfax Acres	10509 Orchard Street	A.R.G. II, L.L.C.	15339	102
57-2-08	013	Fairfax Acres	10511 Orchard Street	A.R.G. II, L.L.C.	15339	102
57-2-08	014	Fairfax Acres	10513 Orchard Street	A.R.G. II, L.L.C.	16739	1026
57-2-47	000-A	Bajaj	McLean Avenue	Orchard RE Investments, LLC	23812	0479

IV. SPECIFIC EQUITABLE OWNERSHIP DISCLOSURE

Northfax JV LLC, 3900 Jermantown Road, Ste. 300, Fairfax, VA 22030, Agent: John Napolitano, The Lann Companies, (703) 934-4600
A.R.G. II, L.L.C., 3900 Jermantown Road, Ste. 300, Fairfax, VA 22030, Agent: John Napolitano, The Lann Companies, (703) 934-4600
Orchard RE Investments, LLC, 3900 Jermantown Road, Ste. 300, Fairfax, VA 22030, Agent: John Napolitano, The Lann Companies, (703) 934-4600



Application #: _____

RESOURCE PROTECTION AREA (RPA)

SITE-SPECIFIC STUDY

- \$290.00 NON REFUNDABLE FEE -

1. JOB LOCATION INFORMATION:

Job Location Address 10510 Orchard St. Fairfax, Virginia 22030

Project Name Northfax West

Tax Map # See Attached List

2. APPLICANT INFORMATION:

Name Northfax JV LLC c/o The Lann Companies

Address 3900 Jermantown Rd., Suite 300, Fairfax VA, 22030

Phone (703) 934-4600 Email john@lann.com

3. PROPERTY OWNER INFORMATION: (Same as Applicant)

Name _____

Address _____

Phone _____ Email _____

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

Name Christopher Consultants; Attn: Christopher Fillmore, LS; License No. 2607

Address 9900 Main St., Suite 400, Fairfax, VA, 22031

Phone (703) 273-6820 Email chrisfillmore@ccl-eng.com

5. WETLANDS EXPERT: (Same as Applicant)

Name Apex Companies, LLC; Attn: John Brooks, III, PWD; Certification No. 3402000003

Address 203 Wylderose Ct., Midlothian, VA 23113

Phone (804) 897-2718 Email john.brooks@apexcos.com

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

Receipt # _____ Fee Paid _____

*****ZONING OFFICE APPROVAL SIGNATURE*****

This Application is Approved By _____ Date _____
Zoning Official

The City of Fairfax is committed to the letter and spirit of the Americans with Disabilities Act. To request a reasonable accommodation for any type of disability, please call 703-385-7930, (TTY 711)

- I. RPA Delineation Elements** – The RPA site-specific study shall be drawn to the same scale as the site plan or subdivision plan and shall be certified as complete and accurate by a class IIIB certified land surveyor and a professional wetlands expert. The study should clearly delineate the RPA components. Wetland delineations shall be performed consistent with the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.

Mark below which features are included in your RPA Site-Specific Study:

Present (Y/N)	Resource Protection Area Elements §110-4.18.2
N	a) Tidal Wetlands
N	b) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow
N	c) Tidal shores
N	d) Intermittent streams that remain largely in a natural condition and that have not been significantly impacted by adjacent development
Y	e) Water bodies with perennial flow
Y	f) A 100-foot vegetated buffer area located adjacent to and landward of the above components and expanded to include noncontiguous wetlands within the floodplain that are partially located within the buffer, along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the resource protection area notwithstanding the presence of permitted uses, encroachments or permitted vegetation clearing in compliance with the performance criteria of this division.

II. Site Information

Total Parcel(s) Area: 493,099.2 sf

Total Delineated RPA: 250,966.5 sf

Will you be developing in an RPA? (Circle one) Yes No

If Yes, check the type of development:

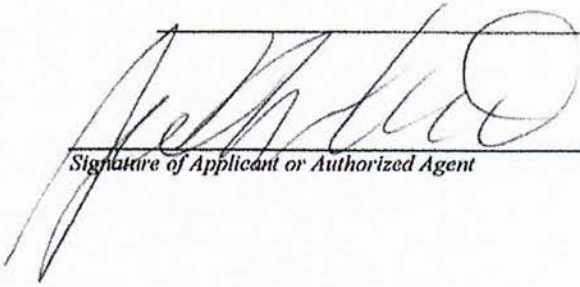
- Redevelopment (see §110-4.18.7.C) and §110-4.18.7.D
- Roadway or driveway meeting the requirements of §110-4.18.4.B.2
- Flood control or stormwater management facility meeting the requirements of §110-4.18.4.B.3
- New Development (see §110-4.18.4.B.4)

RPA Study Summary

I hereby certify that the RPA Site-Specific Study does not conflict with the City of Fairfax Chesapeake Bay Area Preservation Map (adopted November 25, 2003).

I hereby certify that the RPA Site-Specific Study does conflict with the City of Fairfax Chesapeake Bay Area Preservation map. The Zoning Administrator will review and consider the inconsistencies in order to determine whether or not the City's map should be adjusted.

Describe conflicting features:



Signature of Applicant or Authorized Agent

Co-Operating

Title or Relationship

MAR. 3-2-2020

Date

NORTHFAX JV LLC

Statement of Justification

Revised: June 1, 2020

Please accept this Statement of Justification in support of a rezoning application to allow the redevelopment of an assemblage of seventeen (17) parcels and a portion of Orchard Street right-of-way to be vacated/abandoned. A complete list of all 17 parcels, the right-of-way, and each associated property address is attached to this Statement of Justification as **Exhibit A**. This Statement is submitted in conjunction with a Master Development Plan, prepared by Christopher Consultants, Ltd., dated January 3, 2020 and revised through June 1, 2020, consisting of thirty-five (35) sheets (the “MDP”), and other submitted supporting materials. The contents of this Statement of Justification address the requirements set forth in Section 3.8.2.C.1 of the City of Fairfax Zoning Ordinance, as amended by City Council through June 25, 2019 (the “Zoning Ordinance”).

Northfax JV LLC, an affiliate of The Lann Companies, is the Applicant in the proposed rezoning of that area referred to as Northfax West. The 17 properties and the portion of Orchard Street right-of-way to be vacated/abandoned, which are identified on Exhibit A, comprise approximately 11.46 acres and are identified as Tax Map 57-2-02-003, 57-2-02-005, 57-2-02-017, 57-2-02-018, 57-2-02-019, 57-2-02-020, 57-2-07-015-B, 57-2-08-005, 57-2-08-006, 57-2-08-007, 57-2-08-008, 57-2-08-010, 57-2-08-011, 57-2-08-012, 57-2-08-013, 57-2-08-014, and 57-2-47-000-A (collectively, the “Subject Property”). Exhibit A includes the Title Owner of each parcel. The Subject Property is located along the western frontage of Chain Bridge Road (Route 123) and north of Fairfax Boulevard (Route 50). The uses surrounding the Subject Property are varied. The northern boundary is adjacent to The Assembly townhouses, a service station and an office building; the eastern boundary is Chain Bridge Road; the southern boundary is adjacent to City property, a used car lot, the 29 Diner, Brown’s Fairfax Mazda, and the DarCar’s Used Car Center; and the western boundary is adjacent to the rear property line of single-family detached dwellings fronting on McLean Avenue. The Subject Property is currently zoned CR (Commercial Retail) and RM (Residential Medium) and located within the Architectural Control Overlay District (“ACOD”). Existing improvements on the Subject Property include two (2) one-story houses located on the RM portion of the Subject Property. Commercial uses on the Subject Property include vehicle storage and an existing restaurant that fronts Chain Bridge Road. Approximately 4.0 acres on the western portion of the Subject Property is undeveloped, with approximately 5.5 acres located within a 100-year floodplain. The extent of the 100-year floodplain boundary is depicted on the Existing Conditions Plan on Sheets 2 and 2A of the MDP.

PROPOSED DEVELOPMENT

The Applicant proposes to rezone the Subject Property from the CR and RM Districts to the Planned Development Mixed Use (“PD-M”) District to permit its redevelopment with a mix of residential and commercial uses that would be completed in four phases as generally depicted on the MDP. Phase One includes construction of a storm drainage culvert, utility relocations, the realignment of Orchard Street, and various improvements on the area generally designated on the MDP as the “Future Development Parcel.” Phase Two is the development of fifty-six (56)

townhouses and associated infrastructure, including an eight-foot wide trail in the northwest portion of the Subject Property, and a linear park on the north side of Orchard Street Realigned. Phase Three is a senior living building with up to two hundred (200) units and associated infrastructure. Phases Two and Three are anticipated to be completed by 2023. . Phase Four contemplates development of the Future Development Parcel that is anticipated to be completed by 2027. The Applicant will submit an amended MDP for approval once the uses for Phase Four have been determined.

Phase One

Preliminarily, before construction of the proposed residential community and senior living building, the Applicant will submit the necessary materials to modify the 100-year floodplain on a portion of the Subject Property. The current 100-year floodplain cuts through the Subject Property and causes approximately one-half of the site to be undevelopable. A stream generally flows from the northwest to the southeast into a box culvert, which is located at the Chain Bridge Road frontage of the Subject Property and recently installed by the City of Fairfax and the Virginia Department of Transportation as part of their road and drainage improvement project (the “City/VDOT Northfax Project”). Despite the installation of this culvert, the existing floodplain still includes a substantial portion of existing Orchard Street. The Applicant intends to complement and continue the City’s storm drainage improvements by enclosing the on-site stream in a box culvert, thereby modifying the area of the floodplain. The result will be the removal of Orchard Street and the area proposed for dedication of the planned Farr Avenue Extension from the floodplain, and an increase in the developable portion of the Subject Property. To accomplish the on-site stream channel improvements, the Applicant has applied for and has been issued the required approvals from governmental agencies, including a Virginia Water Protection (“VWP”) Permit, Permit No. 18-1003, on March 5, 2019 issued by the Virginia Department of Environmental Quality (“VDEQ”) and a Conditional Letter of Map Revision (“CLOMR”) from the Federal Emergency Management Agency (“FEMA”), Case No. 18-03 2239R, on April 1, 2019. These approvals have been coordinated with the City of Fairfax and are included as part of the MDP. As a result of the on-site stream channel improvements, the Applicant will effectively reduce the Resource Protection Area (“RPA”) on the Subject Property from 5.99 acres to 1.15 acres. Prior to the approval of the proposed rezoning, the Applicant will submit an RPA Delineation Plan and a Water Quality Impact Assessment.

In connection with the floodplain modification, the Applicant proposes to grade within the redefined RPA area to install the box culvert. Pursuant to Section 4.18.10 of the Zoning Ordinance, this improvement will be located outside the RPA to the degree possible, and no more land will be disturbed than is necessary to construct the proposed improvement. Moreover, the installation and maintenance of this improvement will be in compliance with all applicable state and federal permits and will be designed and conducted in a manner that protects water quality. In addition, the Applicant proposes to construct an eight-foot wide trail in the redefined RPA area. Prior to any land disturbance related to the trail construction, the Applicant will obtain any required permits. The Applicant will also submit sufficient and reasonable proof that this intended use will not deteriorate water quality and will not conflict with any nearby planned or approved uses. Finally, the Applicant will comply with all erosion and sediment control requirements if any land

disturbance in association with the construction of these improvements in the redefined RPA exceeds an area of 2,500 square feet.

Additionally, as part of Phase One, the Applicant proposes to improve and realign Orchard Street to connect to the proposed extension of Farr Avenue (the "Farr Avenue Extension"). The Farr Avenue Extension will be completed by the City and will provide vehicular access between Chain Bridge Road and Fairfax Boulevard, through the Subject Property and the adjoining Brown's Mazda property. The Farr Avenue Extension will include a five-foot wide bike lane and a six-foot wide sidewalk to promote pedestrian connectivity. Similarly, the Orchard Street improvements will also include five-foot wide bike lanes as well as six-foot wide sidewalks. In conjunction with the proposed Orchard Street and Farr Avenue Extension improvements, approximately 0.31 acre of Orchard Street right-of-way will be vacated and approximately 0.97 acre of right-of-way will be dedicated to the City, the majority of which will facilitate the City's completion of the Farr Avenue Extension project. The Applicant is not proposing any vehicular access connections to adjoining residential neighborhoods nor proposing interparcel access to non-residential uses in Phases One, Two, or Three. Given the proposed adjacent development, a vehicular connection is not warranted. The request for an interparcel access will be reevaluated in Phase Four during the redevelopment of the Future Development Parcel.

Phase Two

To oversee and facilitate the townhouse development of Phase Two, the Applicant has contracted with MHI-Northfax, LLC, an affiliate of Madison Homes, Inc. ("Madison Homes"). The proposed townhouse development will include 56 units. This results in a proposed density of approximately 11.34 dwelling units per acre, when the proposed density is associated with only the townhouse portion of the development. The townhouses will be a mix of front entry units that are 24 feet wide, and rear entry units that are 20 feet wide. Each of the proposed townhouses will have an integrated two-car garage on the ground level, which will provide one hundred and twelve (112) total garage parking spaces. Twenty-two (22) additional guest parking spaces will be located on-site, including one handicap van-accessible space. The one hundred and thirty-four (134) parking spaces for the townhouse development will result in a parking ratio of 2.39 spaces per unit, which exceeds the required parking ratio of two (2) spaces per unit for townhouses. The townhouse layout includes rear entry units that will front on Orchard Street to activate the streetscape. Open space has been integrated into the layout. The proposed townhouses will be designed with architecture that will be compatible with the surrounding neighborhoods and will provide the appropriate transition between the surrounding residential neighborhoods and the higher density senior living facility planned with Phase Three, as well as the future uses of Phase Four. Building materials may include, but are not limited to, masonry, cementitious siding, and other quality materials. Additional residential amenities include a proposed pocket park within the townhouse development and a proposed amenity area in the northwest portion of the Subject Property, as generally shown on the MDP. These amenity areas will be programmed open spaces that may include a tot lot and seating areas. In addition, because the amenity area in the northwest portion is proximate to the beginning of the box culvert, the Applicant proposes to install culvert safety signage, four-foot high fencing, and a guardrail on the headwall. The Applicant will also heavily landscape the area around the culvert. Lastly, the Applicant has designed an eight to nine

foot wide linear park between the townhouses and the dedicated Orchard Street right-of-way, that will include plantings and benches to create a sense of place.

Approximately one (1) acre in the northwest corner of the Subject Property will remain as preserved open space, as generally shown on the MDP. As a part of Phase Two, the Applicant proposes to construct an eight-foot wide trail in this portion of the site, which will create connectivity to the adjacent neighborhoods. Specifically, the Applicant will connect the proposed linear park to the proposed trail, which will provide connectivity of the green spaces through the site to surrounding communities. Within the discretion of the City, the preserved open space will be owned by the City or the umbrella association established for the development. If the open space is privately owned and maintained, the Applicant will grant a public ingress/egress easement to the City to allow access by surrounding communities. The trail will provide a connection to Perry Street. The Applicant will remove invasive vines and dead trees from this area. Supplemental plantings will be selectively added to ensure a natural wooded environment. This area is part of approximately 20% of total area of the Subject Property that will remain in open space. However, the Zoning Ordinance permits only 50% of the land area located in a floodplain to qualify as open space; thereby the open space calculation on the Subject Property in accordance with the Zoning Ordinance is 15%. Combining this land area with the permitted open space options and uses outlined in Zoning Ordinance Section 3.8.7, the Applicant is effectively providing 23% open space. In addition, at least 60 percent of the required recreation and open space is contiguous, as the Applicant proposes pavers in the private street between the pocket park and the preserved open space. This designated walkway will link the linear park to the preserved open space. The Applicant also proposes crosswalks on realigned Orchard Street and Farr Avenue Extension in order to provide safe and adequate pedestrian access from both sides of the streets to the various recreation and open spaces throughout the Subject Property. Thus, Phases One, Two, and Three will meet the intent of the 20% open space requirement for the Subject Property without placing an open space requirement on the Future Development Parcel.

Phase Three

To develop and operate the proposed senior living facility on the Subject Property, the Applicant has contracted with Brightview Senior Living Development, LLC (“Brightview”). The proposed senior living facility will contain approximately 230,000 square feet of gross floor area in a seven-story building that incorporates a structured parking garage containing one hundred and fourteen (114) parking spaces with twelve (12) surface parking spaces, resulting in a total of one hundred and twenty (126) parking spaces. Based on the extensive industry experience of Brightview and market trends, the proposed number of parking spaces will meet the parking demand of a fully occupied community. A statement of operations to support the anticipated parking demand by the residents, staff, and visitors has been provided as **Exhibit B**. The proposed facility will have up to 200 units comprised of approximately one hundred and fourteen (114) independent living units, each with a full kitchen, sixty (60) assisted living units and twenty-six (26) memory care units. Resident amenities will include multiple dining venues, an area for fitness/wellness/yoga, physical therapy and occupational therapy services, an art studio, a multi-purpose space, a movie theater, and a hair and nail salon. In addition to the indoor amenities, the community will include outdoor courtyards and garden spaces for the enjoyment of the residents, residents’ visitors, and the neighboring community. The outdoor courtyards will include features

such as landscaping, hardscape, fountains, fire pits, lighting, and/or seating areas, as generally depicted on the MDP. These courtyards will be designed to encourage community use and will activate the streetscape. The design of the proposed building will include contemporary architecture that will be residential in style and scaled to be consistent with the proposed townhouse development on the north and west sides of the facility. The proposed residential community developed in Phases Two and Three will be served by public water and public sewer, as generally shown on the MDP.

The Subject Property will be served by a primary vehicular access point at realigned Orchard Street to Chain Bridge Road at an existing signalized intersection. The Applicant's traffic consultant, Gorove/Slade Associates, Inc., has prepared a Traffic Impact Study for the Subject Property, dated January 2, 2020 and revised on April 15, 2020 (the "TIS"). The TIS takes into account the redevelopment of the Subject Property and considers a number of external factors, such as the Farr Avenue Extension, the University Boulevard Extension, and redevelopment of other approved but incomplete proximate development projects. For Phases One, Two, and Three, the TIS concludes that the redevelopment of the Subject Property will have a negligible impact on the surrounding transportation and roadway network. Fairfax Boulevard shows an increase of less than 1.0% in peak hour traffic, and Chain Bridge Road shows an increase of less than 1.1% in peak hour traffic attributable to the proposed redevelopment of the Subject Property.

A series of on-site stormwater management devices, such as hydrodynamic separators, stormfilters, and filterras, will be utilized to meet stormwater management quality and quantity requirements. In addition to the stormwater management devices, the Applicant proposes to provide best management practices ("BMP") planter boxes in the linear park along Orchard Street within the townhouse portion of the development. The proposed senior living building will also incorporate two (2) green roofs. Any proposed on-site stormwater management and BMP facilities will comply with all applicable stormwater regulations. As the site design progresses, the design team will incorporate sustainable design features into the development to the extent possible.

Finally, the Applicant will commit to the completion of an off-site stream restoration project for that portion of Accotink Creek within the boundaries of Van Dyck Park, where the stream has a width ranging from 8 to 15 feet and extends for a distance of approximately 2,190 linear feet. This stream restoration project has received preliminary funding from the City and has been designated by the City as an important public improvement project that is part of the approved master plan for Van Dyck Park. The Applicant intends to complete the stream restoration project at no additional cost to the City. Recognized as a nutrient offset trading bank project, the Applicant will ensure that the off-site improvements will comply with the regulations of VDEQ. In addition, the Applicant will purchase 1,675 stream credits or 4,761 Stream Condition Units from a VDEQ approved mitigation bank, as required by the VWP Permit (Permit No. 18-1003), approved by VDEQ. By completing this stream restoration project, the Applicant will make a significant contribution to the implementation of the approved master plan for Van Dyck Park. Additional City benefits from this stream restoration project include improving the water quality of the stream through Van Dyck Park, reducing erosion in this stretch of the Accotink Creek, decreasing the effects of flooding, and enhancing and beautifying the natural habitat for native species in this area. The City may select an alternative stream restoration project on property under City ownership and equal in length, accessibility, and stream condition to that portion of Accotink

Creek within the boundaries of Van Dyck Park for the Applicant's consideration. Upon selection of the alternative by the Applicant, the Applicant will diligently pursue the required approvals and implement the alternative stream restoration project.

Phase Four

Phase Four anticipates the redevelopment of approximately 3.3 acres of the Subject Property, which is identified as the "Future Development Parcel" on the MDP. Specific uses on this area remain to be determined, which allows the Applicant to preserve maximum flexibility for optimal development that will benefit the City in the future. Possible uses will be those permitted in the PD-M District under the Zoning Ordinance, to include permitted temporary uses. These uses may include, but are not limited to, approximately 25,000 square feet of office, retail, and restaurant uses; an additional 180 residential dwelling units; and a 140-room hotel. The Applicant is not seeking approval of these possible uses with the development of Phases One, Two, and Three. The Applicant may also consider opportunities to coordinate development of this parcel with adjoining properties, including the City-owned property at the corner of Chain Bridge Road and Fairfax Boulevard. Specific uses that will be excluded are cemeteries, detention facilities or jails, adult uses, building supplies and lumber sales, fuel stations, vehicle repair facilities, vehicle sales and leasing establishments, and vehicle service establishments.

An additional one-way, right-in only access from Chain Bridge Road will be constructed and completed in Phase Four of the development. The proposed access will ultimately connect to the realigned Orchard Street. In addition, the Applicant will provide an additional proposed location for ingress/egress at Orchard Street. The Applicant reserves the right to construct these future access points into the Future Development Parcel, as generally depicted on the MDP. The traffic impacts of Phase Four were considered as part of the TIS. Although the Applicant is not seeking approval of the possible uses listed above that are contemplated for Phase Four, the TIS takes into account the redevelopment of the Subject Property with such possible uses to ensure that all potential traffic impacts are considered. The TIS also considers a number of external factors, such as the Farr Avenue Extension; signalization of the Fairfax Boulevard and Farr Avenue intersection; the realignment of Warwick Avenue, Fairfax Boulevard, and McLean Avenue; the University Boulevard Extension; and redevelopment of other approved but incomplete proximate development projects. For Phase Four, the TIS concludes that the ultimate redevelopment of the Subject Property will have negligible impact on the surrounding transportation and roadway network. Fairfax Boulevard shows an increase of less than 3.3% in peak hour traffic and Chain Bridge Road shows an increase of less than 3.2% in peak hour traffic attributable to the proposed redevelopment of the Subject Property. At such time when the uses for Phase Four are selected and an amendment to the MDP is requested for the redevelopment of the Future Development Parcel, the Applicant will prepare and submit an amended TIS for review and approval.

With regard to stormwater management, similar devices to those provided in Phases One, Two and Three will be utilized in Phase Four to meet stormwater management quality and quantity requirements. The proposed development on the Future Development Parcel will include on-site stormwater management and BMP facilities that will comply with all applicable stormwater regulations. These measures will be evaluated by City staff when an amendment to the MDP is submitted.

In the interim, the Applicant proposes temporary improvements on the Future Development Parcel. These improvements include, but are not limited to, removing existing gravel areas to be replaced with sodding/seeding/ground cover; installing landscaping along the Chain Bridge Road frontage; and incorporating a six-foot sidewalk as well as providing a temporary linear park and landscaping along the south side of the realigned Orchard Street, as shown on the MDP. In addition, a multi-use trail will be installed along the Chain Bridge Road frontage, as shown on the MDP. While a majority of the trail will be ten (10) feet wide, the existing sidewalk at the corner of Orchard Street and Chain Bridge Road will be retained and transition to a six foot wide sidewalk being installed along the south side of Orchard Street. Likewise, at the southern end, the ten-foot trail will narrow to six feet to connect with the existing off-site sidewalk near the intersection of Chain Bridge Road and Fairfax Boulevard. In addition, the Applicant may seek permitted temporary uses on the Future Development Parcel in accordance with the Zoning Ordinance Section 3.5.6.B and C, including, but not limited to, temporary uses and temporary special events. Specifically, the Applicant seeks to retain the existing restaurant building on the Future Development Parcel. In accordance with the Zoning Ordinance, the Applicant may choose to convert the building to permitted temporary uses, including, but not limited to, temporary residential sales and/or leasing offices and temporary construction offices.

REZONING APPLICATION/COMPREHENSIVE PLAN

The Applicant proposes a rezoning of the Subject Property from the CR and RM Districts to the PD-M District in order to permit the proposed development. The proposed rezoning fulfills each of the approval considerations set forth in Section 6.4.9 of the Zoning Ordinance, as discussed below:

A. *Substantial conformance with the Comprehensive Plan.*

The proposed development is in substantial conformance with the recommendations of the Comprehensive Plan (the “Plan”) and the Future Land Use Map for the City of Fairfax. The Comprehensive Plan and Future Land Use Map, which were adopted by City Council in February of 2019, designate the Subject Property as an Activity Center. Specifically, the Subject Property is located in the Northfax Activity Center, which the Plan considers the most appropriate location in the City to accommodate a regional mixed-use destination. Consolidating 17 parcels, the Applicant is proposing to integrate a mix of residential, retail, restaurant, and hotel uses on the Subject Property in a development that will be implemented in four phases. With Phase One, in addition to the improved vehicular access along realigned Orchard Street and the Farr Avenue Extension, the proposed development will create a pedestrian friendly streetscape that includes a five-foot wide bike lane and a six-foot wide sidewalk, providing a convenient, safe pedestrian access from Chain Bridge Road to Fairfax Boulevard.

In Phases Two and Three, urban-style townhouses and a modern senior living facility will activate an urban streetscape along realigned Orchard Street and the Farr Avenue Extension, and have been designed to implement the “active street” concept contemplated in the Plan. The townhouses front on Orchard Street and Farr Avenue Extension, with front stoops that lead to the sidewalk. Similarly, the senior living building includes first

floor units on Orchard Street with front stoops. Additional uses, such as a hair and nail salon and fitness room, will be located on the first floor of the senior living building to activate the street level. Lastly, courtyards on the east and west sides of the senior living building will connect to the adjacent sidewalks creating an active and inviting environment. Moreover, the proposed townhouse residential use, combined with the incorporation of a senior living community, will diversify housing types in the City as well as address a growing need in the City for senior housing that allows City residents an opportunity to age in the City of Fairfax. The introduction of additional multifamily residential, hotel, restaurant, and retail uses in Phase Four will complete the Northfax Activity Center's objective to provide a well-designed, desirable place to live, work, shop, and dine, as envisioned by the Plan.

While the proposed development is in substantial conformance with the recommendations of the Plan and the Future Land Use Map, the Plan recommends Small Area Plans be developed for each of the City's five Activity Centers, including Northfax. Currently, the City is undergoing a process to develop Small Area Plans for Northfax and Old Town Fairfax that will provide more specific guidance for these Activity Centers, including the desired mix of uses, residential density, building intensity, design aesthetic, street locations, multimodal connections, infrastructure improvements, parking, and open space. As each Small Area Plan is completed, its adopted recommendations will supersede the pre-existing guidance in the 2035 Comprehensive Plan for its respective Activity Center. Based on meetings coordinated by Cunningham/Quill Architects, the proposed development will be designed to be consistent with the overall vision for the Northfax Small Area Plan. Specifically, a significant feature of the envisioned Northfax Small Area Plan includes a linear park concept. Taking this into consideration, the Applicant has designed an eight to nine foot wide linear park between the dedicated Orchard Street right-of-way and the townhomes. The linear park will include plantings and benches to create a sense of place. Stormwater management planter boxes will create opportunities for on-site infiltration. Additionally, connecting the linear park to the proposed trail through the northwest portion of the site provides connectivity through the site itself, but also to surrounding neighborhoods.

- B. Any greater benefits the proposed rezoning provides to the City than would a development carried out in accordance with the current zoning district, and otherwise applicable requirements of this chapter.*

The proposed development will provide greater benefits to the City than a development in accordance with current zoning district regulations. The proposed rezoning to the PD-M District will consolidate 17 parcels to create a single zoning classification on the Subject Property. The rezoning will allow for the development of a mixed-use destination in Northfax that more properly aligns with and advances the goals of the City's vision in this Activity Center. Moreover, because the development will be completed in four Phases, with the development of the fourth Phase being subject to future evaluation and approval by the City Council, the proposed rezoning affords the Applicant flexibility to respond to market demands and the needs of City residents. As currently envisioned, it is planned that the contemplated mix of uses in Phase Four will create a critical mass of residential density

that will support retail and restaurant uses in the Northfax Activity Center. In addition, the proposed development will provide road improvements to existing Orchard Street that will, in conjunction with the City's Farr Avenue Extension project, complete the connection between Fairfax Boulevard and Chain Bridge Road. This connection facilitates establishment of the Northfax street grid. The Farr Avenue Extension is a new roadway link that will improve the area's traffic circulation. Associated with these road improvements is the installation of a five-foot wide bike lane and a six-foot wide sidewalk along the realigned Orchard Street that will extend off-site to Chain Bridge Road, resulting in enhanced pedestrian connectivity. The pedestrian connectivity will also extend to the west with the installation of an eight-foot wide trail from the Subject Property to Perry Street. In addition, the proposed development will include the installation of a box culvert as part of a public improvement project on the Subject Property.

C. *Suitability of the Subject Property for the development and uses permitted by the current versus the proposed district.*

The Subject Property is highly suitable for the proposed development given its location proximate to a mix of existing residential and commercial uses. Under the existing zoning designations, the Subject Property is zoned to two different zoning classifications. While most of the proposed uses are permitted either by right or with a special use permit approval in the respective zoning districts, a townhouse residential use specifically is not permitted in either the RM or CR zoning districts. A townhouse component creates an appropriate transition use adjacent the existing townhouses of The Assembly. The consolidation and rezoning of the 17 parcels that comprise the Subject Property to the proposed PD-M District allows for a development of uses in a manner that will be compatible with nearby communities and consistent with the Plan's recommendations for the Northfax Activity Center. The proposed rezoning results in a more suitable development than could be achieved by the existing zoning.

D. *Adequacy of existing or proposed public facilities such as public transportation facilities, public safety facilities, public school facilities, and public parks.*

The proposed development will not have an adverse impact on public facilities such as public transportation facilities, public safety facilities, public school facilities, and public parks. Part of the proposal incorporates a separate Public Improvement Plan (the "PI Plan") that includes the construction of a storm drainage culvert, utility relocations, the realignment of Orchard Street, a multi-use trail on Chain Bridge Road, and temporary landscaping and linear park on the south side of Orchard Street. The PI Plan will be reviewed and approved by the City in coordination with the City's plans for the construction of the Farr Avenue Extension. The completion of Orchard Street and the Farr Avenue Extension creates a street grid that connects Chain Bridge Road to Fairfax Boulevard and improves transportation use. In addition, the Applicant proposes to construct an eight-foot wide trail within a public access easement in the northwest corner of the Subject Property, creating additional usable public open space. The Applicant will also extend a sidewalk to Chain Bridge Road and construct a multi-use trail on Chain Bridge Road. These improvements provide pedestrian connectivity on and off-site.

Finally, the Applicant's commitment to stream restoration in Van Dyck Park will improve the health of Accotink Creek and benefit, not just Van Dyck Park, but the entire City.

E. Adequacy of existing and proposed public utility infrastructure.

The existing public utility infrastructure is adequate to serve the proposed development. All new utilities serving the proposed townhouse development and the senior living community development constructed in Phases Two and Three will be installed underground. Offsite overhead utilities along the north side of Orchard Street in an existing easement or the existing right-of-way of Orchard Street will be maintained above ground and will be modified by the Applicant to relocate the pole at the southwestern corner of the adjacent office building property and add a new terminal pole to serve the Application Property and the office building. In addition, existing above ground utilities along the Chain Bridge Road frontage and the southeastern corner of the Subject Property will remain and will be addressed during the redevelopment of the Future Development Parcel in Phase Four.

F. Compatibility of the proposed development with adjacent and nearby communities.

The proposed development has been designed to ensure compatibility with the surrounding residential uses to the north and west of the Subject Property as well as the retail uses to the south. The construction of townhomes on the north and west portions of the Subject Property creates an appropriate transition to the existing Assembly townhomes and the single-family homes on McLean Avenue. The senior living building was designed to place the senior living parking garage adjacent to the parking facility being proposed as part of the redevelopment of the Brown's Mazda dealership to the south. The Applicant intends to utilize the open space in the northwest corner of the Subject Property to foster connectivity to the adjacent neighborhoods. Furthermore, the Farr Avenue Extension that extends through the Applicant's site and will connect to an improved Orchard Street will provide a connected street network for motorists, bicyclists, and pedestrians. This will effectively unify the proposed projects on both sites and contribute to the creation of a pedestrian-oriented, mixed-use destination at Northfax. *G. Consistency with the stated purpose of the proposed district.*

The stated purpose of the PD-M District is to provide for coordinated mixed-use developments, which may include general residential and nonresidential uses within a planned development. The variety of land uses available in this district allows greater flexibility to respond to market demands and the needs of tenants, thereby providing for a variety of physically and functionally integrated land uses. The proposed mixed-use development planned for Phases Two and Three is consistent with the purpose of the PD-M District. In addition, while the uses for Phase Four have not yet been specified, the uses ultimately selected will be in response to market demands and will fully integrate with, not only the uses of Phases Two and Three, but with the broader mixed-use development of the Northfax Activity Center.

The additional considerations of Section 6.6.8 of the Zoning Ordinance are met as follows:

- In order to ensure compatibility of each component within the overall development, the design of the proposed townhouses incorporates an aesthetic transition between the traditional style townhouses of The Assembly and the contemporary style of the proposed senior living building. In addition, the senior living community integrates a contemporary design that complements both the transitional architecture and massing of the adjacent townhouses to its north and west as well as the adjacent Brown's Mazda dealership to its south.
- The development will be completed in four Phases, with Phase Four being subject to future evaluation and approval by City Council. This ensures that the proposed rezoning will create a unified, cohesive environment at full build-out that will be responsive to market demands and the needs of the City to ultimately develop a mixed-use destination in the Northfax Activity Center.
- The overall development of the Subject Property will occur in phases that are connected but are independent projects, in accordance with the MDP. Development will occur in the following Phases:
 - Phase One: Construction of storm drainage culvert, utility relocations, the realignment of Orchard Street, and various improvements on the Future Development Parcel, as depicted on the MDP. Phase One will be subject to the PI Plan to be prepared by the Applicant and reviewed and approved by the City of Fairfax in coordination with the City's plans for the construction of the Farr Avenue Extension. The PI Plan was submitted to the City in May 2020. It is anticipated that construction of this Phase could begin in early 2021, subject to obtaining all necessary approvals, with completion in late 2021. The culmination of Phase One will be the submission and approval of a Letter of Map Revision ("LOMR") by FEMA, consistent with the approved CLOMR.
 - Phase Two: Development and construction of the townhouse component, including an eight-foot wide trail in the northwest portion of the Application Property and a linear park on the north side of Orchard Street, as shown on the MDP. Subject to final site plan approval and coordination with the LOMR resulting from the Phase One work, this work could begin in mid to late 2021. Timing for the completion of this Phase Two will be dependent upon market conditions for the sale of the proposed townhouses, but it is anticipated that this Phase will be developed, constructed, and sold over a 2-3 year period from commencement.
 - Phase Three: Development and construction of the senior living building, as shown on the MDP. Subject to final site plan approval and coordination with the LOMR resulting from the Phase One work, this work could begin in mid to late 2021. Construction of the improvements included in Phase Three should be completed in approximately 18 months from commencement. Occupancy of the senior living building will commence upon completion of construction.

- Phase Four: Development and construction of the Future Development Parcel will occur after approval by the City Council of an amendment to the MDP, specifying the improvements and uses to be constructed on this Phase Four of the project. Details with regard to the timing of this development and construction will be provided as part of a future application for amendment to the MDP.
- To protect and preserve the ecologically sensitive areas within the Subject Property, the Applicant intends to complement and continue the City's storm drainage improvements that will ultimately reduce the impact of the floodplain on the Subject Property and on adjacent properties, including The Assembly. The Applicant is also proposing to maintain approximately one acre in the northwest corner of the Subject Property primarily in its current condition. The existing trees in the northwest corner of the site have been evaluated for health, structure, and impact from invasive species. The focus of this area will be on tree preservation with minimal development. The invasive species and dangerous trees will be removed so the higher quality trees can thrive. In addition, the trail and proposed amenity area will be designed to maximize the preservation of good quality trees. Supplemental trees will be planted in this area to ensure a natural wooded environment. A narrative describing the condition of existing trees on-site and the Applicant's proposal to improve the current condition of the tree canopy is attached as **Exhibit C**. Finally, by completing the Van Dyck Stream restoration project, the Applicant will improve the water quality and reduce erosion in this portion of the Accotink Creek, decrease the effects of flooding, and enhance and beautify the natural habitat for native species in the area.
- The Applicant is not displacing any existing affordable housing on the Subject Property. The Applicant is providing a diverse mix of housing that includes single-family attached units as well as a senior living building that will include independent living, assisted living, and memory care units. The proposed development meets the housing goals of the City's Comprehensive Plan, as it is comprised of housing types that are underrepresented in the City's stock of housing units. The Applicant will provide a variety of housing types at various price points that will meet the needs of the City's residents, including its senior citizens.

MODIFICATIONS, WAIVERS, AND SPECIAL USE PERMIT REQUESTS

In conjunction with the proposed rezoning, the Applicant requests approval of the following modifications and special use permits:

1. Pursuant to Section 4.15.7.C.2.b.1 of the Zoning Ordinance, a special use permit is hereby requested to allow for disturbance within the 100-year floodplain boundary.

The proposed floodplain boundary modification meets the approval considerations for a special use permit as set forth in Section 6.7.7 of the Zoning Ordinance. The modification of the floodplain boundary is consistent with the Comprehensive Plan and the Future Land Use Map, which designates the Subject Property as an Activity Center. The modification will relocate the on-site stream into a box culvert and remove the 100-year floodplain from the developable area of the site, which will allow a mixed-use development consistent with the Comprehensive Plan. The

modification is compliant with all applicable Zoning Ordinance requirements related to floodplain regulations, Chesapeake Bay preservation, and open space. In addition, the modification of the floodplain will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use nor will it have a negative, adverse effect on public welfare, property, and improvements in the neighborhood. Rather, the modification will have a positive and beneficial impact on the proposed development as well as the surrounding neighborhood by permitting the Applicant to properly redevelop this site in accordance with the mixed-use development planned for this area. Furthermore, the proposed floodplain boundary modification has already been identified by the City as a necessary public improvement project in order for the City to complete its Farr Avenue Extension project.

2. Pursuant to Section 3.8.2.I of the Zoning Ordinance, a modification is hereby requested of the development schedule requirement, as set forth in this provision.

The development of the project is proposed to occur in phases. Phases Two and Three will include the development and construction of townhouses and a senior living facility. As previously discussed, the senior living community will be comprised of a mix of independent living units, assisted living units, and memory care units. While the independent living component is considered a residential use, the assisted living and memory care components are considered non-residential uses. Additional non-residential uses are anticipated in Phase Four. As such, strict compliance with this provision precludes occupancy of the townhouses prior to the completion of the senior living facility. Therefore, a modification of this requirement is appropriate.

3. Pursuant to Section 3.8.7.G of the Zoning Ordinance, a modification is hereby requested of the requirement of a 20% minimum recreation and open space, as set forth in Section 3.8.2.G.

Pursuant to Section 3.8.7.B.3 of the Zoning Ordinance, the minimum required width for recreation and open space is fifty (50) feet. As shown on Sheet 7 of the MDP, a total of 11% of the site is provided as open space that meets this dimensional requirement. In addition, by accounting for only 50% of the northwest corner of the site, which contains floodplain and/or steep slopes, this results in an additional 4% open space. Accordingly, the Applicant is providing 15% open space that meets the Zoning Ordinance requirements, which includes the area in the northwestern portion of the site, the open space within the townhouse development, and the courtyards to the east and west of the senior living community.

However, approximately 0.8 acres of recreation and open space is provided that does not fall within a strict reading of the Zoning Ordinance requirements. These areas include 0.8 acre of sidewalks and planted areas within the townhouse and senior living building parcels that are not fifty (50) feet in both directions. An eight to nine foot wide linear park will be located between the townhomes and the

Orchard Street right-of-way. Adding these components increases the green space by 8%, effectively resulting in a total recreation and open space of 23%. At least 60 percent of the required recreation and open space is contiguous as the Applicant is connecting open space with crosswalks and a pedestrian connection delineated by pavers in a private street between the pocket park and the open space in the northwest portion of the site.

In addition, there is 0.55 acre that includes streetscape improvements along Farr Avenue Extension and Orchard Street, which provide 6-foot wide sidewalks, street trees, and lighting. The senior living building will also provide a six-foot wide planting strip along the main entrance area on the eastern side of the senior living building, several rooftop amenitized green spaces that includes landscaping and seating areas for assisted living and memory care residents, as well as a number of green roofs. Therefore, by including these additional recreational amenities and exceptionally designed green spaces, this modification request is appropriate.

4. Pursuant to Section 3.8.2.D of the Zoning Ordinance, a modification is hereby requested of the requirement that no more than two of any ten or one of any three to five abutting dwelling units have the same front yard setback, as set forth in Section 3.5.1.C.2

The proposed townhouse development consists of a total of 56 townhouse units. As shown on the MDP, the townhouse sticks include a mix of four, five, and six units. Within the townhouse sticks, some varying setbacks have been incorporated. The Applicant also proposes an architectural variation of the design of the units, including façade, color, among other features, that will provide a visual appearance of various depths, despite several units having the same setback. For example, for the proposed rear entry townhouses units fronting Realigned Orchard Street and Farr Avenue Extension, the Applicant is providing twelve (12) inch offsets. This allows for a better overall design that creates an aesthetically-pleasing community.

5. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide 1.5 parking spaces per unit for the independent living portion of the proposed senior living facility, as set forth in Section 4.2.3.E.

The Applicant proposes a seven-story senior living facility of up to 200 units that includes a combination of independent living units, assisted living units, and memory care units. Included in the building will be a structured parking garage that provides 114 parking spaces. There will be an additional twelve (12) surface parking spaces provided, resulting in a total of 126 parking spaces. Based on the Zoning Ordinance, the parking ratio for an assisted living facility is one (1) parking space per four (4) beds. There are 92 proposed assisted living and memory care beds, resulting in a parking requirement of 23 spaces. Currently, parking for an independent living use is not specified in the Zoning Ordinance. The most similar use may be a congregate living facility, which yields a parking ratio requirement of

1.5 spaces per unit. Therefore, the Applicant would be required to provide 171 parking spaces for the proposed 114 independent living units. Combined with the requisite spaces for the assisted living and memory care units, the requirement is 194 parking spaces, which exceeds what is practically needed given that many residents will not be driving or even have a vehicle. Based on the extensive experience of Brightview, and its research of optimal operating conditions, its industry knowledge dictates a much lower parking demand, which is also consistent with the Institute of Transportation Engineers' Parking Generation Manual and surrounding jurisdictions. Brightview has determined that the requisite number of parking spaces for its proposed senior living facility to efficiently operate is 126 spaces. The Applicant has submitted a parking analysis that supports the proposed parking reduction. In addition, a statement of operations prepared by Brightview to support anticipated parking demand is attached as Exhibit B.

6. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide two (2) loading spaces for the independent living portion of the proposed senior living building, as set forth in Section 4.2.9.B.

The Applicant is providing one loading space located in front of the senior living building. A 78-foot drop off bay, inclusive of the proposed loading space, at the main entrance on the eastern side of the senior living building will serve as the drop-off area for most day-to-day deliveries from Amazon, FedEx, UPS, and other delivery services. The loading space is located on the end of the bay closest to the parking garage entrance. Utilizing this loading space at the main delivery area of the senior living facility will help to facilitate efficient traffic flow and will not impede the circulation of vehicles traversing the site, as regular deliveries to the senior living facility would be made off the public right-of-way. In addition, though located in the public-right-of-way, the Applicant anticipates use of a loading zone on-street along the western side of the senior building facility on Farr Avenue Extension, as depicted on the MDP. Located closer to the back-of-house areas of the senior living building, this space will accommodate larger, less frequent deliveries. Thus, the Applicant meets the intent of the loading space requirement, and this modification request is appropriate.

7. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide vehicular access between abutting nonresidential lots fronting on arterial and collection streets prior to the erection or establishment of a principal building, as set forth in Section 4.3.3.B.

The southern property line of the Subject Property is the only location of abutting nonresidential lots. Along this property line, the Applicant proposes the parking garage of the senior living building, which is adjacent to the Brown's Mazda dealership, a commercial use. Specifically, the dealership proposes a parking garage adjacent to the Applicant's southern property line. Given the characteristics of the two uses, a vehicle access is not warranted or reasonable.

8. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide sidewalks on both sides of a collector and local street, as set forth in Section 4.4.4.A.1.

The rear entry townhouse units are served by alleyways, as depicted on the MDP. In addition, the front entry townhouse units will be primarily comprised of driveway entryways that limit the ability to install and effectively use a sidewalk in front of these units. Thus, given the driveway access to each unit type, the installation of a sidewalk on such side of the internal street is not practical.

9. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide the minimum tree plantings as well as the minimum fence or wall height of the TY3 transitional yard specifications along the Subject Property's boundaries, as set forth in Sections 4.5.5.C.2(b)(2) and 4.5.5.D.

The Applicant seeks to modify the minimum tree plantings requirements along the northern, western, southern and eastern property lines. Along the northern property line, the Applicant's proposed townhouse development is located immediately to the south of The Assembly townhouses. There is existing vegetation as well as existing privacy fences between the townhouse development and The Assembly townhouses that provide the requisite transitional yard. In the northeastern portion of this property line, the width and number of canopy trees must be reduced due to a proposed alley and sanitary easements. However, the Applicant intends to provide an increased number of understory trees.

Along the western property line, the required transitional yard width must be reduced due to constraints created by the right-of-way dimensions that have been determined by the City as part of the Farr Avenue Extension project. Such constraints necessitate a modified transitional yard width in order for the Applicant to provide the proper site design for the proposed townhouses and alleyways. Furthermore, although single-family detached dwellings are located on the adjacent properties, these homes remain a significant distance from the property line. The Applicant anticipates that reducing the transitional yard width between the proposed townhouse development and the adjacent single-family detached dwellings will have minimal effect on these neighboring properties as the full amount of required landscaping and fencing will be provided.

Along the southern property line, the Applicant proposes to locate the parking garage of the senior living facility on the southeast portion of the boundary. The Brown's Mazda dealership is directly adjacent to the parking structure. Because a commercial use will be abutting a proposed parking garage, extensive TY3 transitional yard along this portion of the property line, including a fence or wall between the adjacent properties, is not needed. In addition, the proposed installation of a concrete sidewalk, the extension of the fire turnaround, and incorporation of surface parking spaces also warrants a modification of the TY3 transitional yard along the southeastern portion of the border.

Finally, along the eastern property line, transitional yard modifications are needed for proper site design of the townhouses and alleyways. Specifically, rear entry units are proposed for the easternmost townhouse stick, and this precludes the Applicant's ability to provide the full transitional yard width. The Applicant is also proposing to provide a reduced number of trees along this border due to existing vegetation between the townhouse development and the adjacent office building as well as because of proposed sanitary sewer utilities and easements in the northeastern corner of the Subject Property.

In light of all of these conditions along the various property lines of the Subject Property, the Applicant will provide the appropriate transitional yard width and a modified number of canopy and understory tree plantings sufficient to mitigate any possible effects of the proposed development on the surrounding uses.

10. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement to provide street trees along all streets at a rate of one canopy tree for every 40 linear feet and spaced a maximum of 50 feet apart and the requirement to plant trees no less than three feet from the back of the curb or edge of pavement, as set forth in Section 4.5.6.B.

Street trees have been provided along Orchard Street and the Farr Avenue Extension to the extent possible. There are select areas where the requirements of Section 4.5.6 cannot be met due to proposed on-street parallel parking and various proposed utilities. The most current active street design provided by the City's consultant for the Farr Avenue Extension and labeled 60% complete has been added to the MDP. In coordination with the City, this is also the desired design for Orchard Street. The proposed active street design may also need to accommodate curb cuts, underground stormwater pipes, and filterstrips that will result in spacing greater than the required 50 feet maximum. In addition, the provided design shows a four-foot planting strip in between the curb and six foot wide sidewalk that cannot conform to the required three-foot minimum distance from paved surfaces.

Along the Chain Bridge Road frontage, the Applicant cannot provide the requisite street trees due to the presence of existing overhead utilities that will remain during Phases One, Two, and Three. Given the width of the three-foot grass strip, the proposed 10-foot multi-use trail, and the three-foot wide buffer requirement from paved surfaces, it is not possible to provide street trees within 15-feet of the edge of pavement. However, the Applicant has proposed a row of large evergreen and deciduous shrubs of varying size to be planted as close as possible to the back of the sidewalk, within 15-feet from the edge of pavement. These shrubs will be layered and may achieve a mature height of approximately 15 feet, thereby providing year round screening and meeting the intent of the street tree requirement.

Notwithstanding, at such time when an amendment to the MDP is submitted to redevelop the Future Development Parcel, the Applicant will install street trees along the Subject Property's Chain Bridge Road frontage. The final number and

location of street trees will be determined in accordance with the amendment to the MDP as required for Phase Four.

11. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirements to provide both interior islands with a minimum of 200 square feet per island and a minimum of 400 square feet per island that include sidewalks, where no parking space located more than 50 feet from a planting island, as well as curbed terminal islands at the end of a row of parking spaces, as set forth in Section 4.5.7.D.

The Applicant requests this modification to permit head-in parking spaces in the northwest corner of the townhouse area. As generally shown on the MDP, this area is constrained by the proposed box culvert improvement that will run underneath a portion of the parking spaces. Since this parking area will function within an urban development project, these conditions prevent the Applicant from installing terminal landscaped islands with the square footage specified in the Zoning Ordinance. The modification request also applies to the parallel parking spaces within the townhouse parcel due to utility easements, urban conditions, and the incorporation of visitor parking spaces. In addition, this modification is needed to the surface parking space areas of the senior living building, where various utilities easements and appurtenances preclude terminal landscaped islands, as depicted on the MDP.

12. Pursuant to Section 3.8.2.E.3 of the Zoning Ordinance, a modification is hereby requested of the requirement that all on-site utilities be installed underground, as set forth in Sections 4.11.B and C.

As part of Phases Two and Three, all new utilities serving the proposed townhouse and senior living developments will be located underground. This modification is requested to allow the existing overhead utility lines along the southeastern property line and the Chain Bridge Road frontage to remain, and the relocation of an existing utility on the north side of Orchard Street that will be maintained above ground.

Along the southern property line of the Future Development Parcel, the existing overhead utility lines primarily serve the Glascock property and the Brown's Mazda site and do not provide service to the Subject Property. Of the four (4) existing utility poles in this area, only one utility pole is located on the Subject Property. The remaining poles are located either on City property, the Glascock property, or the Brown's Mazda property. As such, undergrounding the overhead utility lines on the Subject Property would require coordination with adjacent property owners. The undergrounding of the existing utilities would be better addressed at the time that the adjacent properties are redeveloped. Additional utility poles are located on Chain Bridge Road adjacent to the Future Development Parcel. These utilities will be addressed when an amendment to the MDP is submitted to develop the Future Development Parcel.

An overhead utility pole along the north side of Orchard Street, primarily within an existing right-of-way or an existing easement, will be relocated approximately 20 feet east by the Applicant to the southwestern corner of the adjacent office building property (3554 Chain Bridge Road) and maintained above ground. The pole is being relocated to accommodate the proposed design of Realigned Orchard Street and Farr Avenue Extension. The design of this street section by the City includes on-street parallel parking, a proposed sidewalk, and a proposed storm pipe. To accommodate this road section, the existing pole must be relocated. A single terminal pole is added off-site to serve both the Subject Property and the existing office building at 3554 Chain Bridge Road. Specifically, this pole is needed to close the loop once the Senior Living Building is developed in Phase Three and the Future Development Parcel is redeveloped in Phase Four. Additionally, the proposed terminal pole will be a benefit to the office building to the north because it is currently on a dead-end circuit. By adding this pole, it will provide the existing office building with a more reliable and redundant electric power source.

13. Pursuant to Section 2.10.1 of the Subdivision Ordinance, a modification is hereby requested of the requirement to provide street improvements to Perry Street and Howerton Avenue.

The Applicant is not proposing vehicular access to Perry Street/Howerton Avenue. The only improvement shown in this area is the pedestrian trail connection. Given the minimal frontage and lack of vehicular connection or impact to these streets, street improvements at this location are not warranted. The trail will connect to Perry Street with a small refuge area for pedestrians and cyclists. The refuge will reduce conflicts with vehicular traffic. A sign will be installed within the Perry Street right-of-way to identify the trail location.

14. Pursuant to Section 401-01 of the Public Facilities Manual (“PFM”), support for a waiver is hereby requested of the requirement to provide a typical curb and gutter street on private accessways that is less than 30 feet from face of curb to face of curb or edge of pavement.

The proposed development is designed to be an urban community that is more compact and integrated with reduced roadway widths. The reduced road widths, in conjunction with other design features, will assist to discourage cut through traffic. Therefore, support of this waiver is appropriate in consideration of the intended urban design of the proposed development.

15. Pursuant to Section 2.4.5.3 of the PFM,¹ support for a waiver is hereby requested of the requirement that blocks shall not exceed 1,200 feet in length nor shall they be less than 300 feet in length.

Because the proposed development is designed to be an urban community, private alleys are proposed to improve circulation within the development. As such, some

alleys are approximately 100 feet. Therefore, the Applicant requests support for a waiver to allow for blocks that will be less than 300 feet in length.

The Applicant's proposal presents an opportunity to redevelop currently underutilized parcels and activate them with a mix of complementary uses that is consistent with the recommendations of the City's Comprehensive Plan and Future Land Use Map. The Applicant has designed a high-quality community that will advance the City's vision to make Northfax a regional mixed-use destination that will strengthen economic vitality, provide diverse residential and retail opportunities for sustained demand, and reinforce the City's regional appeal. The Applicant is committed to working with the City and the surrounding community to ensure that the proposed development fits into the fabric of the City of Fairfax.

A0919540.DOCX / 1 REVISED Statement of Justification - 06.01.20 (cln) 000577 000152

⁴Section 2.4.2.B of the Subdivision Ordinance also provides a block length requirement, stating that "[b]lock length shall not be less than 250 feet or more than 800 feet." This requirement provides a lesser standard than the similar PFM requirement. As such, Section 1.1 of the PFM states that "[w]henver any provision of this [PFM] imposes a greater requirement or a higher standard than is required in any State or Federal statute or City Ordinance or regulation, the provision of this PFM shall govern." Thus, the Applicant only seeks a modification of the block length requirement of the PFM requirement.

EXHIBIT A

Northfax West Property, City of Fairfax, Virginia

Tax Map No.	Parcel No.	Property Address	Current Owner of Record
57-2-02	003	10516 Orchard Street	Orchard RE Investments, LLC
57-2-02	005	10517 Orchard Street	Orchard RE Investments, LLC
57-2-02	017	3590 Chain Bridge Road	A.R.G. II, L.L.C.
57-2-02	018	3580 Chain Bridge Road	A.R.G. II, L.L.C.
57-2-02	019	10505 Orchard Street	A.R.G. II, L.L.C.
57-2-02	020	3570 Chain Bridge Road	Northfax JV LLC
57-2-07	015-B	McLean Avenue	Orchard RE Investments, LLC
57-2-08	005	10508 Orchard Street	Orchard RE Investments, LLC
57-2-08	006	10510 Orchard Street	Orchard RE Investments, LLC
57-2-08	007	10512 Orchard Street	Orchard RE Investments, LLC
57-2-08	008	10514 Orchard Street	Orchard RE Investments, LLC
57-2-08	010	10515 Orchard Street	Orchard RE Investments, LLC
57-2-08	011	10507 Orchard Street	A.R.G. II, L.L.C.
57-2-08	012	10509 Orchard Street	A.R.G. II, L.L.C.
57-2-08	013	10511 Orchard Street	A.R.G. II, L.L.C.
57-2-08	014	10513 Orchard Street	A.R.G. II, L.L.C.
57-2-47	000-A	McLean Avenue	Orchard RE Investments, LLC
		Orchard Street right-of-way	City of Fairfax

June 1, 2020

Brooke Hardin, AICP
Director of Community Development and Planning
City of Fairfax
10455 Armstrong Street
Fairfax, VA 20030

Re: REVISED Northfax West Senior Living Statement of Operations – Anticipated Parking Demand

Dear Brooke:

Following our Planning Commission and City Council work sessions last week, we want to follow up with a statement of operations as it relates to parking requirements of the senior living portion of the Northfax West application. As a developer, owner, and operator of senior living communities for over 20 years with 41 active communities located along the East Coast, we are confident in the proposed amount of parking that will be needed to adequately serve the proposed community at the City of Fairfax.

Senior Living communities differ greatly in their operations as compared to traditional multi-family, or even age-restricted multi-family buildings. The average age of our residents is 82 years old, the majority of whom are no longer driving. In addition, as we noted at the most recent Planning Commission work session, we do not offer nursing care, which typically generates higher staffing demands. We also provide transportation demand management tools to reduce the need for on-site parking. Due to the combination of these factors, the primary users of parking in our communities are employee associates, followed by visiting family and friends, with residents as the lightest users.

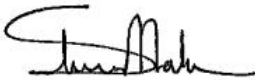
We operate three (3) 8-hour shifts: 7am-3pm (day), 3pm-11pm (evening), and 11pm-7am (night). For a 200-unit community, there will be 35 associates for the day shift, 25 for the evening shift, and 5 for the night shift. Each shift transition is staggered over a 1-hour period, 30-minutes before and 30-minutes after a shift begins. In addition, for those communities with bus/metro access, similar to the CUE/metrorail bus lines that will be accessible at Northfax West, approximately 10% of our associates utilize public transportation options. We expect similar usage rates at the proposed Brightview City of Fairfax location. Taking all of this into consideration, we anticipate that employee associates will account for the use of no more than 45 parking spaces in the garage at any point in time. This peak period will occur during the staff transition of the day shift to the evening shift, as some associates are arriving while others are leaving.

Next, family and friends visiting our residents comprise the second largest group of parking users in our communities. Family and friends visit throughout the day, but the most popular time for visiting is after work, in the evening hours. As such, for a community of 200 units, we expect that visitors coming to see our residents during the evening shift will utilize approximately 40 parking spaces. While there may be more visitors during this time, there are also fewer associates on site.

While most residents are car-free by the time they move into our community, we do have residents who may desire to drive their own vehicles. The need to drive, however, is mitigated by two community vehicles, a van and a sedan that are operated by Brightview staff and will provide transportation to group events, to/from metro, and can be scheduled for individual trips, like doctor's visits. Thus, due to the provision of community vehicles combined with the availability of public transportation, we anticipate that, of the 114 independent living units, less than 1/4 of these residents will bring cars to the community, resulting in the utilization of approximately 29 parking spaces.

In the end, by conservatively accounting for all three user groups during particular peak time hours (45+40+29), we expect that 114 spaces would be the maximum number of occupied spaces at any given time. Based on our decades of experience operating similar facilities, we remain confident that the proposed 126 parking spaces will be adequate to serve our community at the City of Fairfax and will not burden the surrounding neighborhoods or City streets with additional parking needs.

Sincerely,



Steve Marker
Brightview Senior Living
Director of Development

EXHIBIT C

EXISTING VEGETATION NARRATIVE

The existing tree canopy covers approximately 5.6 acres of the site. An ISA certified arborist (the “Arborist”) conducted a number of site visits to evaluate and record the health and structure of the existing trees on-site. Utilizing the condition rating system based on the ISA Guide for Plant Appraisal and the invasive species list of the Virginia Department of Conservation and Recreation Invasive Plant Species List, the Arborist determined that approximately 60% of the existing trees on the site are rated in poor condition or are invasive species. The poor condition of the trees is primarily due to invasive plant and insect species.

Approximately 4 acres of existing tree canopy is significantly impacted by invasive species. The following list covers many of the invasive species that the Arborist observed on-site: white mulberry, bush honeysuckle, wisteria, greenbrier, Japanese honeysuckle, bamboo, English ivy, mimosa, vinca, Tatarian honeysuckle, multiflora rose, Chinese privet, Oriental bittersweet, and poison ivy (native but undesirable). In some areas, the invasive vines have completely covered trees making them unidentifiable, have wrapped around the trunks, have strangled the trees, and have pulled tree canopies down to the ground until the limbs snapped. See the attached pictures below that illustrate several these conditions.

The proposed improvements depicted on the MDP will remove the hazardous trees and significantly reduce the impact of the invasive vegetation on those trees identified for preservation. Removing the invasive vegetation and dangerous trees will effectively allow the higher quality trees that are being preserved to thrive. In addition, the area surrounding the proposed 8-foot wide trail between Orchard Street and Perry Street/Howerton Avenue has been carefully surveyed to identify the existing hazardous trees to be removed, while protecting existing healthy trees that are likely to survive for years to come. A combination of techniques will be implemented over time to ultimately control the various invasive species on-site including:

- manual control through digging, hand-pulling, and smothering with impenetrable barriers;
- mechanical control through cutting, girdling, and chopping vines at the tree base;
- cultural control by planting desirable species to shade out certain shade intolerant species; and
- chemical control with herbicides that will be considered carefully due to the tree canopy’s location within a floodplain.

Furthermore, the Applicant will selectively plant supplemental trees that will be native, to the greatest extent feasible, and non-invasive species throughout the northwest corner of the site to ensure a natural, wooded environment, as generally shown on the MDP.

Photo 1: Existing conditions on-site looking north towards The Assembly townhouses. The groundcover and shrub layer consist mainly of invasives.



Photo 2: Existing conditions on-site looking south towards the McLean Avenue homes. The groundcover and shrub layer consist mainly of invasives. Many of the fallen trees on-site, such as those in this photo, are ash trees that have been destroyed by the invasive Emerald Ash Borer (EAB).



Photo 3: Existing conditions on-site looking northeast towards the existing single-family homes. In the foreground, invasive shrubs cover the ground, while harmful vines are covering the tree on the left. In the background, there is a large stand of invasive bamboo.



Photo 4: Existing conditions on-site looking south along an existing channel. There is extensive bank erosion in this area, which has caused the existing trees to lean towards and eventually fall into the channel. In addition, numerous invasive vine species are strangling the trees, making the area difficult to walk through.



Photo 5: Existing conditions on-site showing the large size of invasive wisteria vines.



Photo 6: An example of what the trail may look like once it is completed. The 8-foot wide trail will have all vegetation cleared a few feet off the trail edge to improve safety. In addition, where new trees are planted proximate to the proposed trail, they will be native species to the greatest extent possible and non-invasive.

