



# City of Fairfax, Virginia

## City Council Work Session

Agenda Item # 1a

City Council Meeting 12/5/2023

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TO: Honorable Mayor and Members of City Council

FROM: Robert A. Stalzer, City Manager *RA Stalzer*

SUBJECT: Request of TDC Acquisitions, LLC for a City Council work session to discuss the redevelopment of 4131 Chain Bridge Road.

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ISSUE(S): The applicant, TDC Acquisitions, LLC, proposes a Zoning Map Amendment (Rezoning) from RM Residential Medium to CU Commercial Urban while retaining the Transition Overlay District (TOD); a Special Use Permit to allow an upper story residential/mixed use building; Special Exceptions to allow the building height to exceed 48 feet in the Transition Overlay District (TOD), to allow the density to exceed 24 units per acre, to reduce the 75% ground floor nonresidential use, to exceed the maximum lot coverage of 90%, to eliminate the requirement for inter-parcel vehicular access, to eliminate the transitional yard on the northern property line, to eliminate the sidewalk requirement on the north side of the private street and to modify the parking space dimensional requirement, and a Major Certificate of Appropriateness for architecture and landscaping. The subject property is in the Old Town Activity Center and the Small Area Plan is applicable.

SUMMARY: The intent of this post-submission work session request is to receive feedback from the City Council on a proposal to replace an existing 1915 Colonial revival style single-family home with an upper-story mixed-use building that consists of 355 apartments and approximately 4,810 square feet of retail on 2.68 +/- acres.

FISCAL IMPACT: The fiscal impact analysis is under review.

RECOMMENDATION: Discussion and recommendation on proposed redevelopment that includes a Zoning Map Amendment (Rezoning), General Development Plan, Special Use Permit and Special Exceptions.

ALTERNATIVE COURSE OF ACTION: The City Council may choose not to conduct the discussion or defer the discussion to a future date.

RESPONSIBLE STAFF/  
POC: Albert Frederick, Senior Planner  
Jason Sutphin, Community Development Division Chief  
Brooke Hardin, Director, Community Development & Planning

COORDINATION: Community Development & Planning      Public Works  
Code Administration/Fire      Historic Resources  
City Schools      Real Estate  
Police      Parks and Recreation

**ATTACHMENTS:**

**Staff Report, Statement of Support, General Development Plan, Autoturn Analysis, Traffic Impact Statement, Compact Parking Space Ratio, Garage Floor Plan, Draft Commitments, and BAR Work Session Staff Report**



# CITY OF FAIRFAX

## Department of Community Development & Planning

### Zoning Map Amendment (Z-23-00073) Special Exception (SE-23-00074)

#### WORK SESSION DATE

December 5, 2023

#### APPLICANT

TDC Acquisitions, LLC  
1850 M Street NW  
Suite 820  
Washington, DC 20036

#### AGENT

G. Evan Pritchard, Attorney  
Cozen O'Connor  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

#### PARCEL DATA

#### *Tax Map ID*

◇ 57-4-02-040

#### *Street Address*

◇ 4131 Chain Bridge Road

#### *Zoning District*

- ◇ RM Residential Medium
- ◇ Old Town Fairfax  
Transition Overlay District

#### APPLICATION SUMMARY

The intent of this post-submission work session request is to receive feedback from City Council on a proposed Zoning Map Amendment (Rezoning) from RM Residential Medium to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD); Special Exceptions to allow the building height to exceed 48 feet in the Transition Overlay District (TOD), to allow the density to exceed 24 units per acre, to reduce the 75% ground floor nonresidential use, to exceed the maximum lot coverage of 90%, to eliminate the requirement for inter-parcel vehicular access, to eliminate the transitional yard on the northern property line, to eliminate the sidewalk requirement on the north side of the private street and to modify the parking space dimensional requirement. The applicant proposes to replace a single-family home with an upper-story mixed use building that consists of 355 apartments and approximately 4,810 square feet of retail on 2.68 +/- acres.



Background Information

The site is currently developed with a vacant 3,448 square foot Colonial Revival style single-family home that was constructed around 1915. The subject property is commonly known as the Davies Property and is located on the eastern side of Chain Bridge Road, at the intersection of Judicial Drive, and spans the block with frontage on the west side of University Drive, across from Breckinridge Lane, south of Sager Avenue and north of Armstrong Street. The Davies Property is approximately 2.68 acres as summarized in Table 1 (below):

Table 1: Property Information

Address	Description	Area	Current Zoning
4131 Chain Bridge Road	1915 Colonial Revival style single-family home	2.68 acres	RM Residential Medium/TOD

- 4131 Chain Bridge Road: a two and-a half story Colonial Revival style single-family home was constructed around 1915, a detached garage constructed around 1920 and a one-story concrete block shed (undetermined date).

The site has access from Chain Bridge Road. Further information on adjacent properties is provided in Table 2 (below):

Table 2: Surrounding Land Use and Zoning

	Existing Zoning	Existing Land Use	Future Land Use
Site	RM Residential Medium/Old Town Fairfax Transition Overlay District (TOD)	Single-family home	Activity Center/Old Town Fairfax Small Area Plan
North	CO Commercial Office/Old Town Fairfax Transition Overlay District (TOD)	Office building	Activity Center/Old Town Fairfax Small Area Plan
South	PDC Planned Development Commercial District/Old Town Fairfax Transition Overlay District (TOD)	Office building	Activity Center/Old Town Fairfax Small Area Plan
East	RT Residential Townhouse	Townhomes	Townhouse/Single-Family Attached Neighborhood
West	CR Commercial Retail/Old Town Fairfax Transition Overlay District (TOD) PDC Planned Development Commercial zoning in Fairfax County	Restaurant; Fairfax County Judicial Center (Fairfax County)	Commercial Corridor/Old Town Fairfax Small Area Plan Fairfax County Public Facilities

The Comprehensive Plan Future Land Use designation for the subject property is Activity Center, and the Old Town Fairfax Small Area Plan applies to this site. The subject property is currently zoned RM Residential Medium in the Old Town Fairfax Transition Overlay District. The subject site is located on the eastern side of Chain Bridge Road, at the intersection of Judicial Drive, and spans the block with frontage on University Drive, across from Breckinridge Lane. The three-story Fairfax County Judicial Complex in the County Public Facilities future land use designation and a one-story restaurant in the Commercial Corridor Place Type is located on the west side of Chain Bridge Road, a four-story office building in the Activity Center Place Type is located to the north, a three-story office-condo subdivision in the Activity Center Place Type is located to

the south, and a three-story townhome community is located to the east of the site and across University Drive in Townhouse/Single-Family Attached Neighborhood Place Type.

### Project History

On March 14, 2022, the Planning Commission held a pre-application briefing to review a concept plan for an apartment building with retail. Some of the comments voiced by the commissioners' included concerns about consistency with Small Area Plan, compliance with Affordable Dwelling Units Ordinance, pedestrian connections, proximity to George Mason University, cumulative traffic impacts on road network, fire and emergency access, and green building practices.

On April 5, 2022, the City Council held a pre-application briefing to review a concept plan for an apartment building with retail. The City Council expressed some concerns about density, height and building size, not enough commercial being proposed, lack of open space could be problematic, and this concept may not be the right project for this location.

On September 20, 2023, the Board of Architectural Review held a preliminary work session to discuss the proposed architecture for the proposed upper-story residential/mixed use building. Attachment 5 has the preliminary architecture for the proposed building. Section 6.17.5. (Special Exceptions) of the Zoning Ordinance requires the Board of Architectural Review (BAR) to make recommendations to the City Council on land use applications in the Transition Overlay District. One recommendation would be for the Special Exceptions and the second recommendation would be for the Major Certificate of Appropriateness for architecture and landscaping with a recommendation to the City Council. The applicant is requesting a total of eight (8) Special Exceptions to allow the building height to exceed 48 feet in the Transition Overlay District (TOD), to allow the density to exceed 24 units per acre, to reduce the 75% ground floor nonresidential use, to exceed the maximum lot coverage of 90%, to eliminate the requirement for inter-parcel vehicular access, to eliminate the transitional yard on the northern property line, to eliminate the sidewalk requirement on the north side of the private street and to modify the parking space dimensional requirement. The applicant would go back to the BAR for another work session as part of the review process.

Some of the comments voiced by the board included concerns about the architecture and building does not blend in well with Old Town Fairfax, height, building massing, density, and monolithic appearance. The proposed mural was also a concern for the board. The special exceptions were not defined nor discussed at the work session and would be discussed at a future work session with the BAR. There were several members of the public with comments in opposition to the proposed architecture.

On November 13, 2023, the Planning Commission held a post submission work session to discuss the proposed Map Amendment (Rezoning) from RM Residential Medium to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD) and General Development Plan. After a presentation by staff and the applicant, the Planning Commission made the following comments and observations:

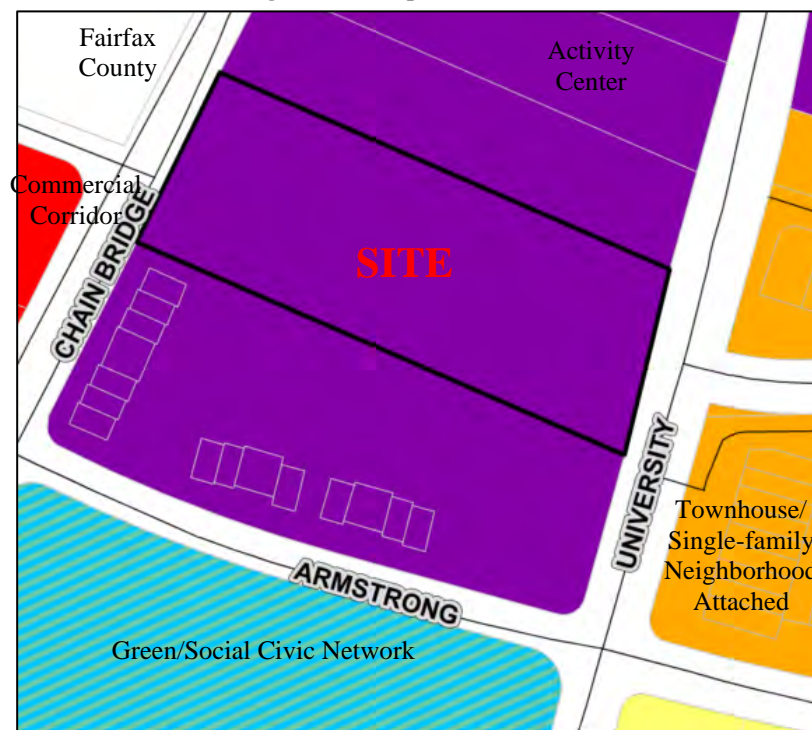
- Project could be scaled back in terms of height, density, massing and impervious surface area
- On-site Affordable Dwelling Units is a plus for the project
- Loss of trees and open space is a concern
- Road width of 26 feet and fire lane requirements are not negotiable
- The pedestrian pathway through the middle of the site is a key feature, could use some retail or other features to engage the public
- Traffic is a concern, provide more alternatives such as transit and bike share

- Traffic Impact Study should consider pre-pandemic numbers
- Explore the possibility of left turn movements out to University Drive, challenges with off-set alignment with Breckinridge Lane
- Provide EV stations to meet a growing demand
- Provide more retail than 5,000 square feet; potential to be multiple fast/casual restaurants, or a larger restaurant or fitness facility
- The Zoning Ordinance standards for the CU district needs to catch up with the Small Area Plan
- The applicant has made a rational argument for compact spaces
- Inquiry was made on the types of tenants and number of units by type
- Need to consider all the units proposed throughout the city in Activity Centers

## **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. Figure 1 (below) illustrates the Future Land Use Map for the subject property and surrounding area:

Figure 1: Comprehensive Plan



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). 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>).

Refer to the Old Town Fairfax Small Area Plan, dated June 2020, for specific recommendations within Old Town Fairfax, including locations for future streets and open spaces, opportunities for pedestrian connections across Commercial Mains, building form (including appropriate locations for more or less restrictive building heights from the Activity Center standards), and general land use and development limitations. (City of Fairfax 2035 Comprehensive Plan, Page 35).

### Old Town Fairfax Small Area Plan

In June 2020, the City Council adopted the Old Town Fairfax Small Area Plan to provide guidance on a neighborhood level for development in the Activity Center Place Type. The guidance provides specifics on the desired mix of uses, recommended height and density, building typologies, street locations, multi-modal connections, infrastructure improvements, parking, and open space. Old Town Fairfax is intended to bring in regional populations to come visit, interact, work, play, shop and dine in the city. It is a unique place within the region, with its historical downtown fabric and its adjacency to George Mason University (Old Town Small Area Plan, Introduction, Page 2).

### Mix of Uses

- Old Town has an opportunity to transform into a mixed-use Activity Center that centers and anchors the surrounding communities. Transitioning to a more balanced mix of uses will help create a better sense of place, bringing more activity around the clock, potentially reduce single-use peak traffic, and help create more dynamic public spaces.
- Residential uses are key to supporting new development in the Activity Centers, both of which are currently dominated by office space. New residential construction also provides diversification of residential product types since most of the City's existing residential inventory comprises older single-family homes and apartment complexes. Expanding residential choices to include new construction, including target market occupants (students and seniors), can help nurture a well-balanced sustainable community (Old Town Small Area Plan, Page 24).
- Retail thrives when concentrated in nodes of no more than two to three urban blocks, and in traditional two-sided walkable pedestrian friendly streets and continuous retail frontage. Public open space can be advantageously used by adjacent retail uses to strengthen the civic life of the park and help support the retail. Retail should be most concentrated in the pedestrian precinct and cultural core-building upon its unique existing retail opportunities (Old Town Small Area Plan, Page 21).
- In the medium to long term mix of uses, the following percentage of uses are anticipated:
  - o Multifamily (52%)
  - o Office (28%)
  - o Retail (11%)
  - o Hotel (5%)
  - o Institutional (4%)



- Retail frontage is not prescribed at this location. However, the Planning Commission and the City Council have encouraged developers to provide some commercial space at this location. The applicant has proposed 4,810 square feet of retail space on Chain Bridge Road.

### Height and Density

Density is not prescribed on a parcel-by-parcel basis. For a near term horizon of 15 years, it is estimated that Old Town will bring in substantial new development and land use changes, including:

- Residential: Increase of 1,250 residential units (includes townhouses, condos, market-rate apartments, senior living, student, and affordable housing units). To date, the city has approved 79 units in the Old Town Small Area Plan. The applicant proposes to develop 355 apartments with 21 affordable dwelling units.
- Office: Increase of at least 25,000 GSF new office space. To date, the City has approved 18,663 square feet of office space and 18,199 square feet of financial institution (bank) in the Old Town Small Area Plan.
- Retail: Increase of at least 60,000 GSF of new retail space and activation of at least 20,000 GSF of currently vacant retail space. To date, the city has approved 7,731 square feet of retail space in the Old Town Small Area Plan. The applicant is proposing to develop approximately 4,810 square feet of retail space on the ground floor fronting Chain Bridge Road.
- Most of the properties within the Old Town study area regulated by the Old Town Historic Overlay District and the Old Town Transition Overlay District, which limits buildings to a maximum height of 3 stories and 4 stories, respectively. The plan focuses on larger scale redevelopment in Old Town North and Old Town South. Taller buildings conform to the existing character established by the larger existing office buildings and nearby tall structures at the Massey Complex (Old Town Small Area Plan, Page 25).
- Recommended up to four (4) stories fronting on University Drive and five (5) stories for the remainder of the subject property.

### Building Typologies

A newly constructed building for the subject property should be designed with an architectural façade that is sensitive to University Drive. The building height is recommended for a limit of four and five stories.

Adjustment of this site and building layouts may be necessary to allow an appropriate full intersection across from Breckinridge Lane. Public outdoor space may be included with site design.

- The applicant is proposing the following building sizes: Building A is proposed as 180 feet in length on Chain Bridge Road, 205 feet in length on the proposed private street, 180 feet in length on the proposed greenway, and 205 feet on the southern property line. Building B is proposed as 281 feet in length along the private street, 181 feet in length along University Drive, 309 feet on the southern property line, and 180 feet in length along the proposed greenway.
- The proposed building placement is on the southern property line, and with a ten-foot setback on Chain Bridge Road and University Drive
- The proposal includes a public outdoor space with a 24-foot pedestrian greenway with plantings running north south through the middle of the site.

### Street Locations

- One of the key recommendations of this plan is to rethink the street grid and circulation system as a loop road surrounding a pedestrian precinct. Main Street, from West Street to Old Lee Highway, is Fairfax City's historic central street. Currently, Main Street is characterized by narrow sidewalks, no bicycle facilities, uncomfortable crossings, and traffic congestion.



- Main Street from Chain Bridge Road to Old Lee Highway, and University Drive from Sager Avenue to North Street can be designed as pedestrian-oriented streets. The Old Town Small Area Plan incorporates the 30% streetscape design plan as a near term recommendation for Main Street.
- This plan proposes new street connections to create more walkable blocks with a grid of connected streets. Not only is pedestrian connectivity enhanced by the creation of smaller blocks and higher intersection density, but a well-connected network allows choice for travelers to filter through a grid of streets and potentially shorten travel distances. The street grid will result in providing options for people to use other streets and may reduce additional traffic at major intersections than otherwise would be added in the absence of a new network (Old Town Small Area Plan, Page 28).

### Multi-modal Connections

- As identified in the City's Multi-modal Transportation Plan, most of the trips on the City's roadway network are people driving in cars that start and end beyond the City's limits.
- This Small Area Plan provides a unique opportunity to fundamentally rethink the role and design of Old Town's streets to prioritize people over cars. With this approach, streets can be designed to focus on local activities and local trips made by all modes rather than regional car trips that do not serve the City's goals.
- Mixed-use redevelopment built as walkable districts invite more local travel and produce much higher rates of "internal capture" than typical single-use automobile-dependent developments.
- This plan proposes new street connections to create more walkable blocks with a grid of connected streets. New street and trail connections are proposed to the surrounding neighborhoods around Old Town. These new connections will help provide a more direct option for current residents to walk and bike much shorter distances to get to their destinations in Old Town.
- Provide comfortable sidewalks and street crossings throughout the Activity Center. Develop a complete network of safe and comfortable bicycle facilities linked to destinations beyond the Activity Center.
- Establish a Transportation Demand Management (TDM) program to encourage active modes of transportation.

### Infrastructure Improvements

The plan recommends that future developments be encouraged to place existing overhead utilities underground. This is consistent with Section 4.11 of the Zoning Ordinance.

### Parking

Parking management for the Activity Center relies on the following five strategies:

- Create a park-once and walk district
- Encourage shared parking
- Establish district-wide parking regulations
- Encourage the use of on demand mobile parking apps
- Manage curbside space

### Open Space

The plan calls for a variety of green spaces - from trails and natural spaces to neighborhood parks and plazas. The range of green and open spaces can allow a variety of activities to take place for the residents and visitors.

## 2035 Comprehensive Plan Policies

Neighborhood: Neighborhood – the places where we live, learn, play, and increasingly work – constitute the largest geographical use of land in the city, though physical boundaries are not the only thing defining character trait of a neighborhood. The City’s neighborhoods each have their own unique character and offer a variety of housing and lifestyle opportunities. Neighborhoods are supported by a separate Guiding Principle in this Plan due to their importance to residents. City growth and development policies must both preserve the quality of neighborhoods and protect neighborhoods from adverse consequences of growth. However, this should not imply that Fairfax’s neighborhoods should remain static. Well-designed and properly scaled infill can be an appropriate strategy to foster walkability, better amenities, and housing affordability (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 45).

### Neighborhood 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.

### Neighborhood Goal 2

Provide neighborhood pedestrian connections.

Outcome 2.1: Residents of all abilities safely and easily move about the community.

Action 2.1.1: Identify opportunities for future open space and trails in neighborhoods that are currently deficient in offering these amenities.

Action 2.1.2: Expand existing pedestrian network to increase connectivity within neighborhoods and to other destinations.

Commercial Corridors and Activity Centers: Fairfax’s success in achieving the community’s vision for future development hinges upon effective growth strategies for the City’s areas of highest redevelopment potential. These areas will accommodate the majority of new commercial activity, higher density residential neighborhoods, and transportation improvements. Success in achieving this vision will be measured not by the magnitude of new investment, but rather by the attributes that can transform a disjointed pattern of development into an attractive and welcoming neighborhood. If the City’s Commercial Corridors and Activity Centers can be transformed into areas with attractive physical characteristics and a mix of uses, then the city will realize a major aspect of its goal to be a vibrant 21st century community. While higher intensity mixed-use redevelopment of older commercial properties can provide economic and social benefits to the community, these benefits would be most realized if concentrated in key areas to allow new developments to complement each other, avoid oversaturating the market, and minimize impacts to existing neighborhoods. These types of uses are primarily envisioned in Activity Centers, as indicated on the Future Land Use Map. While a mix of uses and connected street grids are envisioned in all Activity Centers, such development is always encouraged in the Old Town Fairfax and Northfax Activity Centers (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 49).

### Commercial Corridors & Activity Centers Goal 2

Promote redevelopment in the City’s Activity Centers.

Outcome CCAC2.1: Old Town Fairfax, including an expanded downtown area to its north and south, is a lively, economically viable, walkable cultural hub for the City.

Action CCAC2.1.4: Encourage redevelopment of privately-owned, underutilized sites north and south of Old Town Fairfax, such as the Courthouse Plaza shopping center and the area west of University Drive between Sager Avenue and Armstrong Street, as mixed-use developments.

Outcome CCAC2.3: Old Town Fairfax, Northfax, and the other Activity Centers are well-designed and desirable places to live, work, shop, and dine.

Action CCAC2.3.1: Encourage structured parking and minimize surface parking, particularly adjacent to public rights-of-way.

Action CCAC2.3.2: Encourage structured parking and minimize surface parking, particularly adjacent to public rights-of-way.

Action CCAC2.3.3: Promote active streetscapes with minimal building setbacks, pedestrian amenities, street furniture, on-street parking, landscaping, and other features.

Action CCAC2.3.4: Support land planning that balances connectivity for pedestrians, bicyclists, and motorists.

Housing: The Comprehensive Plan provides guidance to the types of housing choices that are necessary to meet the needs and demands of current and future residents. The 2035 Comprehensive Plan has identified a shortage of multifamily and condominiums. Although significant single-family development is not anticipated as the city is primarily built-out, potential redevelopment and infill housing that keep up with modern expectations and meet demand are encouraged, provided they comply with the Zoning Ordinance (Comprehensive Plan, Page 54). Therefore, the Comprehensive Plan encourages redevelopment and infill housing to meet the demand for underrepresented types of housing in the City's housing stock.

### Housing Goal 1

Support a wide range of housing.

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

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).

### Housing 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.

There are several tools available to encourage the establishment of new affordable residential units as well as to preserve existing “naturally occurring affordable housing” that is affordable to families earning below the region’s median household income. Affordable housing should be encouraged in higher density areas of the city, particularly in the Activity Centers. (Comprehensive Plan, Page 56).

The applicant is proposing 355 apartments on 2.68 +/- acres with a density of 132 dwelling units per acre. This land use application is subject to Section 3.9 (Affordable Dwelling Units) of the Zoning Ordinance, which states “the provision of affordable dwelling units shall apply to any site, or any portion thereof, at one location which is the subject of a complete Land Use Application submitted after the effective date of the city's Program, whenever such an application includes, upon approval, a total of 30 or more dwelling units. Any Affordable Dwelling Unit Development is allowed to apply the Affordable Dwelling Unit Development Regulations to that development as set forth in Section 3.9.3 of this Ordinance (Zoning Ordinance, Page 3-69). The applicant is required to set aside a minimum of 6% (or 21 units) of the total units in this upper story mixed-use residential development for affordable dwelling units. For land use applications in an adopted Small Area Plan, specific recommendations on growth in each Activity Center will be determined by the guidance of the adopted Small Area Plan.

Community Design: An attractive, well-designed City instills civic pride; improves the visual character of the community; creates a strong, positive image; and attracts quality developments. Community Design relates not just to what buildings look like, but to the spaces between buildings, as well as to the street and public realm. While accommodating new growth and change, consideration must be given to preserving significant elements of the community that contribute to the City’s unique character. The intent of the Community Design and Historic Preservation Guiding Principle is to capitalize on unique features of the city in a manner reflecting the community’s values and its connection to the history and traditions that distinguish it from other communities in the region (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 61).

Community Design and Historic Preservation Goal 1  
Require high-quality, sustainable design.

Outcome CDHP1.2: Attractive buildings, inviting public spaces, and welcoming gateways that contribute to our economic vitality and unique character.

Multimodal Transportation: Transportation is about more than mere movement – transportation grants us access to the needs of everyday life. Sustainable, connected, and integrated transportation is fundamental to the success and livability of the city. Multimodal refers to the multiple ways people use to get around – car, bus, train, bike, walking, etc. – and a multimodal plan incorporates these various transportation modes into an efficient and connected system (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 67).

Multimodal Transportation 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).

### Multimodal Transportation Goal 3

Integrate transportation with land use.

Outcome MM3.2: Walkability to and within Activity Centers and between neighborhoods is increased.

Action MM3.2.1 Whenever possible, increase connections – particularly nonmotorized connections – between neighborhoods, community facilities, and Activity Centers.

Action MM3.2.2 With development projects, break up large blocks to a more walkable scale. Pursue additional secondary and tertiary street network opportunities. Streets should be well-designed as complete streets and align at regular intersections for a continuous street grid.

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

Natural Environment: One of the characteristics of the city that makes it a desirable and healthy place in which to live is the extent, diversity, and quality of its environmental resources. The City's main environmental resources include wetlands, ponds, streams, public parks, open space, and urban forests. As the City continues to grow and redevelop, these resources are at risk of being impaired. (City of Fairfax 2035 Comprehensive Plan, Chapter 2: Land Use, Page 106).

### Natural Environment Goal 1

Preserve, promote, and enhance a healthy environment.

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

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.

Rezoning: The applicant is requesting a Zoning Map Amendment (Rezoning) from RM Residential Medium to CU Commercial Urban while retaining the Old Town Fairfax Transition Overlay District (TOD).

§ 3.2.1.A.2 The RM Residential Medium District is established to provide areas for single-family detached residences with a minimum lot area of 7,500 square feet.

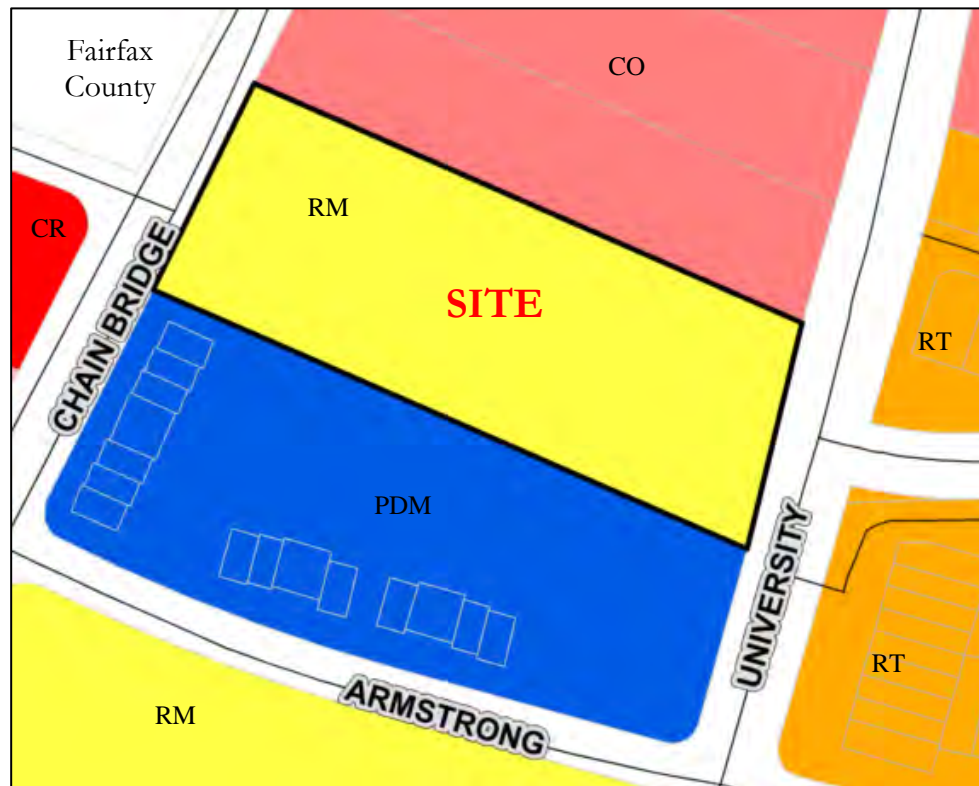
§ 3.2.1.B.1.d. The CU Commercial Urban District is established to provide an urban, mixed use development option for appropriate parts of the downtown area and sites in the general vicinity of the

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.

The Transition District is established in areas surrounding Old Town Fairfax as a means to ensure the character of those areas complements that of the historic districts. This is accomplished through regulations in the Zoning Ordinance limiting the height of new construction, encouraging buildings to be oriented toward the street, and requiring more extensive streetscape improvements than the base standards (The City of Fairfax, 2035 Comprehensive Plan, Page 64).

Figure 2 (below) illustrates the zoning districts for the subject property and the surrounding properties.

Figure 2: Current Zoning Map



The subject site is located on the eastern side of Chain Bridge Road, at the intersection of Judicial Drive, and spans the block with frontage on University Drive, across from Breckinridge Lane. The Fairfax County Judicial Complex are across Chain Bridge Road to the west has PDC Planned Development Commercial zoning in Fairfax County and CR Commercial Retail in the City, commercial office to the north has Commercial Office zoning and the office to the south is in Planned Development-Mixed Use zoning district, and single-family townhomes are to the east and across University Drive in Residential Townhouse zoning district. The subject site is located within the Old Town Activity Center and is currently zoned RM Residential Medium. The site is located within the Old Town Fairfax Transition Overlay District and Old Town Fairfax Small Area Plan.

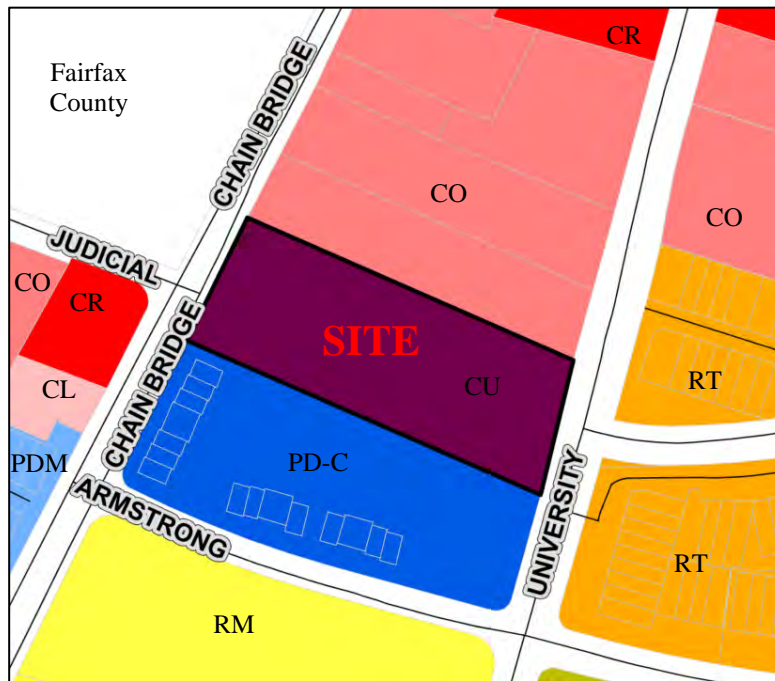
Under the current configuration, the proposal could not be developed, and the site would remain with residential uses because commercial uses are not permitted in the RM Residential Medium zoning district. Therefore, the applicant has requested to rezone the property from RM Residential Medium to CU

Commercial Urban. The applicant could develop up to fifteen single-family homes on the site (not including roads and stormwater management improvements).

§3.2.1.B.1.d. The CU, Commercial Urban District is established to provide 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.

Figure 3 (below) shows the proposed CU Commercial Urban district and the zoning designations of the surrounding area.

Figure 3: Proposed Zoning Map



The proposed rezoning from RM Residential Medium to CU Commercial Urban could allow for the site to be developed with an upper story residential/mixed use building. An upper story residential/mixed use building is permitted use in the Transitional Overlay District. Where the underlying zoning is the CL, CO, CR, CG or CU district in the Transition Overlay District, uses permitted include upper story residential/mixed use (Zoning Ordinance, Section 3.7.3.B.1.a). An amendment to the City’s Zoning Ordinance approved in July 2022 added CU Commercial Urban to the list of underlying zoning districts in which upper story residential/mixed use is permitted by-right in the Transition Overlay District. Staff notes that the CU Commercial Urban district does not have a tree canopy requirement and street trees are not required in the CU Commercial Urban. Likewise, the minimum landscape strip requirement for street trees in Section 4.5.6 shall not apply in the Old Town Fairfax Transition Overlay District. However, the Old Town Fairfax Small Area Plan provides guidance for the streetscape and the applicant is expected to provide a streetscape that is consistent with the small area plan. The development standards for upper story residential/mixed uses (Section 3.5.1.D of the Zoning Ordinance) are outlined below:

D. Upper story residential/mixed uses

1. Use

(a) Upper story residential units are allowed above the ground floor of an upper story residential/mixed use building as set forth in principal use table (See Section 3.3.1).



The applicant has proposed up to 355 multifamily units in a proposed upper-story residential/mixed-use building.

(b) At least 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings shall be used solely for nonresidential uses. The remaining 25 percent of the first floor may be used for residential uses and/or residential accessory uses, such as entry lobbies and amenities.

The applicant has proposed approximately 4,810 retail space on the first floor. Figure 4 (below) provides the first-floor plan with non-residential uses.

Figure 4: Proposed ground floor uses



(c) Lobby and similar areas on the first floor, which serve upper story residential uses, shall be considered residential accessory uses.

The applicant has proposed amenities in Building A (adjacent to Chain Bridge Road) and Building B (adjacent to University Drive). In Building A, the lobby and amenity area on the first floor is approximately 10,341 square feet. In Building B, the amenities space covers three floors with a total of 24,034 square feet.

## 2. Dimensional standards

Upper story residential/mixed use buildings shall adhere to all dimensional standards of the nonresidential use specified in Section 3.6.2.

The applicant has submitted special exceptions to the required yard requirement, maximum height, and maximum density.

## 3. Floor height

(a) Ground floor

- (1) The ground floor shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage, if any, for a minimum depth of at least 25 feet.

*The height of the first floor is approximately 21'3" to accommodate for the retail space on the west of the building to 10' on the east end of the building. Building A is proposed as 180 feet in length on Chain Bridge Road, 205 feet in length on the proposed private street, 180 feet in length on the proposed greenway, and 205 feet on the southern property line.*

*The height of the first floor is approximately 13'5" on the east end of the building fronting University Drive. Building B is proposed as 281 feet in length along the private street, 181 feet in length along University Drive, 309 feet on the southern property line, and 180 feet in length along the proposed greenway.*

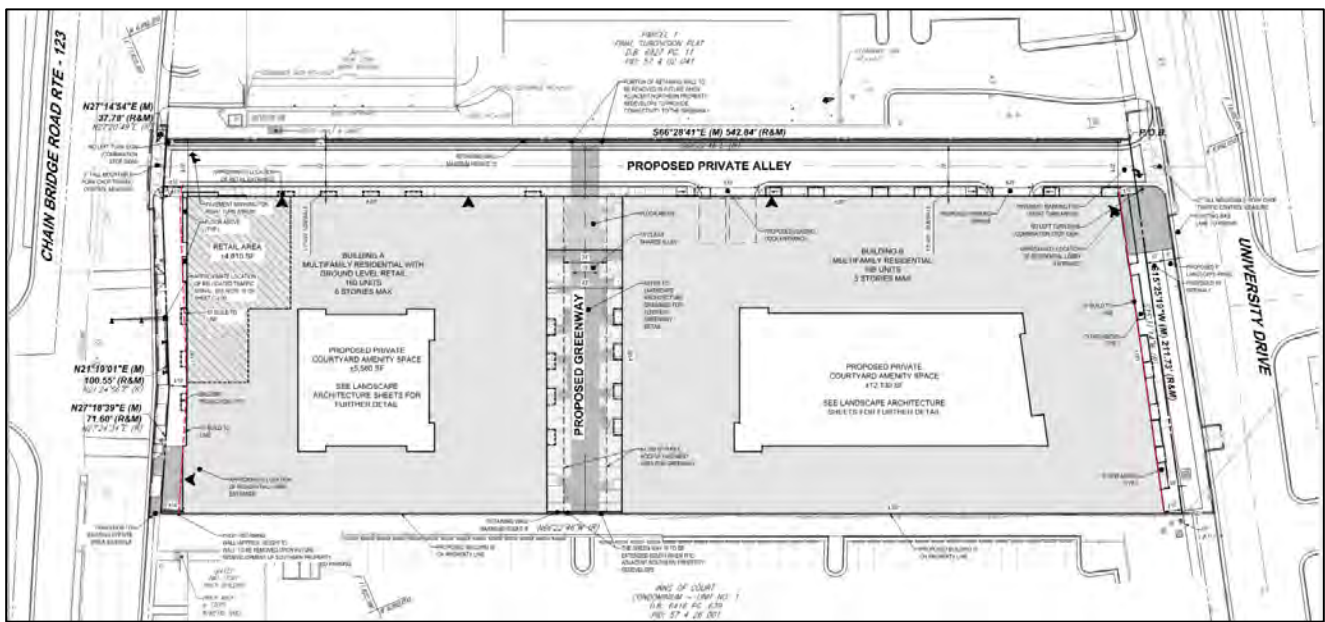
(b) Upper story residential/mixed use

- At least 80 percent of each upper story shall have an interior clear height (floor to ceiling) of at least nine feet).

*The applicant has proposed interior heights that exceed 9' but does not provide the dimensions from the ceiling to the above floor.*

Figure 5 (below) shows the building footprint for the proposed General Development Plan.

Figure 5: General Development Plan



Description of the General Development Plan

The applicant proposes to develop an upper-story residential mixed-use building with up to 355 apartments and 4,810 square feet of ground-floor retail. The proposal consists of two buildings: Building A and Building B. Building A is proposed as 160 multifamily units with 4,810 square feet of ground floor retail fronting Chain Bridge Road. Building A is proposed as six-stories with a residential lobby at the southwest corner of the building. Interior to Building A is a proposed courtyard for residents. Building A is proposed as 180 feet in length on Chain Bridge Road, 205 feet in length on the proposed private street, 180 feet in length on the proposed greenway, and 205 feet on the southern property line. The applicant proposes a sidewalk on Chain Bridge Road.

Building B is proposed as 195 units with a residential lobby fronting University Drive. The building height for Building B is proposed as four stories along University Drive and five stories near the center of the building. Building B shows four walk-up apartments fronting University Drive with plantings and a sidewalk on University Drive. Also, the applicant proposes a courtyard with a pool on the first floor and a terrace (62 feet by 60 feet) for the residents on the third level in Building B. Building B is proposed as 281 feet in length along the private street, 181 feet in length along University Drive, 309 feet on the southern property line, and 180 feet in length along the proposed greenway.

The applicant also proposes a bridge (43 feet x 30 feet) to connect Building A to Building B on floors two, three and four. The applicant has proposed a three-level parking garage under both buildings with a single-entry point in Building B from the private street, as well as an access point for a loading zone and trash service. The applicant proposes constructing a 22-foot private street from east-west providing access from University Drive to Chain Bridge. Both access points are designed as right-in and right-out. The applicant also proposes a 24-foot pedestrian greenway with plantings running north south through the middle of the site.

## **Requests**

### **Rezoning application**

The proposed redevelopment is dependent on City Council approval of a Map Amendment (Rezoning) from RM Residential Medium to CU Commercial Urban. The applicant proposes to replace a single-family home with an upper-story mixed use building that consists of 355 apartments and approximately 4,810 square feet of retail. The applicant is the contract purchaser for a 2.68-acre parcel in this land use application. In determining whether to approve or disapprove a proposed rezoning to any district other than a rezoning requesting a planned development district, the planning commission and city council shall consider any proffers, and the specific standards listed in Section 6.4.9.A-G. In granting applications for rezoning to districts other than planned development districts, the city council may accept, through proffering or otherwise as permitted by law, development of the subject property as shown on a general development plan (Section 6.4.10.B). Where the underlying zoning is the CL, CO, CR, CG or CU district in the Transition Overlay District, uses permitted include upper story residential/mixed use (Zoning Ordinance, Section 3.7.3.B.1.a).

**Scale:** The building form and mix of uses as prescribed by the Old Town Fairfax Small Area Plan provides guidance to the height and bulk size of the proposed building. The typical land use prescribed for this location is residential multifamily buildings with green space. Building height is recommended at four story on University Drive and five story on Chain Bridge Road. The plan focuses on larger scale redevelopment in Old Town North and Old Town South. Taller buildings conform to the existing character established by the larger existing office buildings and nearby tall structures at the Massey Complex (Old Town Small Area Plan, Page 25). Figure 6 (next page) shows the building heights in the Old Town Small Area Plan:

Figure 6: Building Heights in Old Town SAP

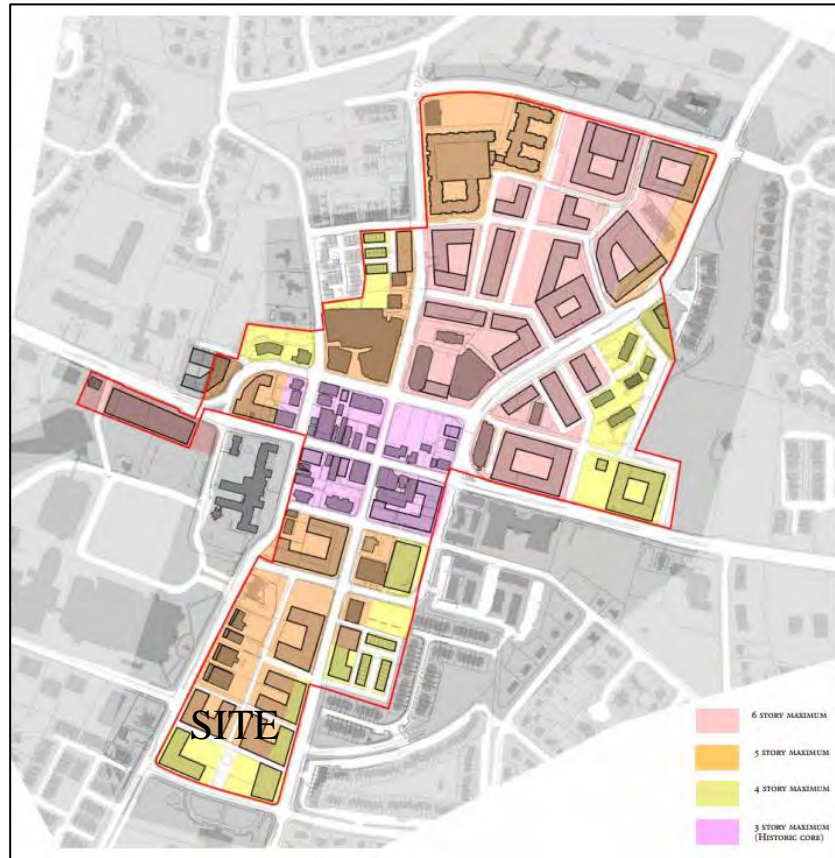


Table 3 (below) provides a comparison of building heights for the proposed development and other buildings in the city and general vicinity of the site.

Table 3: Building Height Comparison

Name	Floors	Height
TDC Acquisitions, LLC at Davies Property	Building A: 6-floors Building B: 5-floors	Building A: 77 +/- feet Building B: 56 +/- feet
City Centre West	7-stories (east side of building) 9-stories (west side of building)	94 +/- feet
Adult Detention Center (County)	7-stories	100 +/- feet
Capstone Collegiate	5-stories	64 +/- feet
Fairfax Building	6-stories	82 +/- feet
Fairfax at Gateway (The Moxley)	5-stories	53 +/- feet
Mosby Tower	7-stories	85 +/- feet
Providence Square	4-stories	60 +/- feet
Scout on the Circle	6-stories	85 +/- feet
N29 WillowWood Phase I (under review)	9-stories	87 +/- feet

- While the 56-foot step-back and loss of a story for the eastern building is a significant improvement over the previous submission, a minimum 60-foot step-back is still preferred, especially since the two-

story step up makes it appear as a six-story building when viewed from University Drive where a four to five story maximum height is recommended in the Small Area Plan.

- Significant portions of the western building have at least six exposed stories above ground. This may be acceptable in a few locations, such as where there are steep grade changes or where the grade is lowered to allow access to underground parking, but an overall six story height for a significant portion of any building is not supported on this site by the Small Area Plan.
- During the conversation on the previous submission, staff noted that the applicant could increase the building height along the Chain Bridge Road frontage where there is double-height retail space and still meet the intent of the Small Area Plan of having a maximum building height of five stories. It should be noted that this comment did not apply to the height of the entire western building, which now has a maximum height of six exposed stories across most of the exterior elevations.
- Although the exhibit in the GDP shows the building height, omitted is information regarding the average grade plane – a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane is required to be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.
- The applicant has requested a special exception for the maximum height requirement of 48 feet in the Transition Overlay District (TOD). Staff believes that the height, as shown, is not consistent with the recommendations of the Small Area Plan and further refinement is needed. It appears that building scale is tied to the developer's desired density.

In addition to a special exception for height, the applicant has requested a special exception for density to exceed 24 units per acre in the CU Commercial Urban district. The density for the proposed project is 132 dwelling units per acre. The overall residential densities and heights for other approved developments as compared to the subject land use application are provided in Table 4 (next page):

Table 4: Project Comparisons

Project	Site Area (Acres)	Number of Units	Density (Units/Acres)
TDC Acquisitions, LLC at Davies Property	2.68	355	132
City Centre West	1.78	79	44.3
Capstone Collegiate	6.15	275	44.7
Fairfield at Gateway (The Moxley)	8.32	317	38.1
Providence Square	2.21	96	43.4
Scout on the Circle	8.69	400	46
N29 WillowWood Phase I (Under review)	2.96	260	87.8

**Building Coverage:** Building coverage is the percentage of lot area that is permitted to be covered by buildings, including both principal structures and accessory buildings (Zoning Ordinance, Section 1.5.7.A.1, Page 1-5). The requirement for maximum building coverage in the Transition Overlay District is 80%. The existing building coverage is 3.1%. The applicant has provided a building and lot coverage sheet in the general development plan and states the proposed building coverage is 62%. Staff suggest that the applicant explores opportunities to reduce the building coverage as it will ultimately have an impact on the lot coverage.

Lot coverage: Lot coverage is the percentage of lot area that may be covered by buildings, including both principal and accessory structures, impervious surfaces such as driveways, uncovered porches or patios, swimming pools, or roof overhangs of more than three feet (Zoning Ordinance, Section 1.5.7.B, Page 1-6). The requirement for maximum lot coverage in the TOD is 90%. The existing lot coverage is 6.8%. The applicant has provided a building and lot coverage sheet in the general development plan and states the proposed lot coverage is 96.7%. Staff suggests that the applicant explore modifications to the plan to meet the district's lot coverage requirement and eliminate the request for a special exception.

Tree Canopy: The Comprehensive Plan and Small Area Plan both depict street trees along Chain Bridge and University Drive. There are only three street trees depicted along Chain Bridge Road. Adjust building and setback to implement the Small Area Plan and Multimodal Plan section of the Comprehensive Plan. Section 4.5.6 of the Zoning Ordinance prescribes a 10-year minimum tree canopy requirement by district. Staff notes that the CU Commercial Urban district does not have a tree canopy requirement and street trees are not required in the CU Commercial Urban. However, City staff has processed a proposed text amendment that is scheduled for the City Council January 23, 2024 agenda that could impact tree canopy coverage in the CU Commercial Urban district. If the ordinance is adopted, the code requirements would apply unless a special exception is granted.

Utilities: 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 (Section 4.11.B). 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 (Section 4.11.C).

- Staff recommends that the applicant provide an exhibit to demonstrate how the overhead on-site utilities would be placed underground according to Section 4.11 of the Zoning Ordinance.
- The applicant will need to demonstrate how the traffic pole will be replaced with a new pole on a new foundation both meeting current VDOT specs (8-bolt design). The current pole doesn't meet current specs and thus cannot be reused/relocated. The applicant will need to provide a construction methodology for the new replacement pole and arm.

Transportation: The proposed development is bound by Chain Bridge Road, University Drive, Sager Avenue and Armstrong Street. Chain Bridge Road is classified as a principal arterial street with four lanes with a range of 20,000 to 28,000 average daily trips. Judicial Drive is a collector street with two lanes and 9,000 average daily trips. University Drive is a four-lane collector road with a range of 10,000 to 15,000 average daily trips. Table 5 (next page) provides a summary of proposed trips:



Table 5: Trip Generation

Transportation Impact Study										
Land Use	ITE Code	Size	Units	AM Peak Hour			PM Peak Hour			Daily Total
				In	Out	Total	In	Out	Total	
Current Use										
Single-family detached home	210	1	DU	0	1	1	1	0	1	15
Proposed Uses										
Multifamily Housing (Mid-Rise)	221	355	DU	33	112	145	85	54	139	1,647
Retail-Shopping Center	820	5,034	Sq. Ft.	11	7	18	24	24	48	442
Total				44	118	162	108	78	296	2,370

- The Transportation Impact Study is under review.

Public Transportation Facilities: The subject property has several mass transportation routes in the vicinity of the subject property, such as the City’s CUE Bus Gold and Green Routes, MetroBus Route 29G, MetroBus Route 17G, and Fairfax Connector Route 306.

Circulation/Pedestrian Access: The applicant proposes to construct a new private street from Chain Bridge Road in an east-west direction to University Drive along the northern property line. The proposed private street is 22 feet in width with 11-foot travel lanes. The applicant proposes right-in, right-out at Chain Bridge Road and University Drive. The new east-west road provides access to the parking garage in Building B with one entrance in the front of the upper story residential/mixed use building. The three-level parking garage spans both Building A and Building B. Building B has two loading spaces to serve both buildings.

The Multi-Modal Transportation Plan requires a 10-foot wide sidewalk on Chain Bridge Road and University Drive. The applicant is proposing a sidewalk on Chain Bridge Road and University Drive, and a sidewalk on the south side of the east-west private street. A retaining wall is proposed to be installed on the southern and northern property lines due to a change in grade. The proposed alley would be continued as properties to the south and north redevelop. Sheet C-4.00 shows a retaining wall along the northern property line that extends into the sidewalk area on Chain Bridge Road. The sidewalk is not 10 feet at this location and is approximately 6 feet. Sidewalk requirement is 10 feet minimum along street frontage for this site from property line to property line.

The General Development Plan does not show a sidewalk on the north side of the east-west road necessitating a special exception for sidewalks on both sides of the street. The applicant is proposing a public pedestrian path (alley) that runs north south and through the center of the property. The proposed alley is 24 feet in width with a mix of plantings on both sides of the alley and between Building A and Building B. The applicant is seeking a special exception to Section 4.3.3.B of the Zoning Ordinance to eliminate the requirement to provide vehicular access to abutting nonresidential properties to the north and the south.

The applicant proposes a residential lobby at the southwest corner of Building A on Chain Bridge Road with a secondary access point for residents on the private street. Building A also has a retail access point on the northern face of the building near Chain Bridge Road. Building B has walk-up units facing University Drive, an access point on the east side of the building fronting University Drive and an access point on the north side of the building fronting the private street.



Parking: The subject property is in the Old Town Fairfax Transitional Overlay District and the minimum required parking shall be reduced by 50 percent for all uses, provided that each dwelling unit shall have no less than 1.50 spaces and can be further reduced by 10% with a parking garage in CU district. Table 6 (below) summarizes the required parking requirements.

Table 6: Parking Requirements

Use	Units	Zoning Requirement	Required Spaces	CU Reduction	TOD Reduction	Total Required After Reductions
Studio/Efficiency	86	1.25 spaces per unit	108	97	n/a	97
1-bedroom	152	1.5 spaces per 1 bed unit	228	205	n/a	205
2-bedroom/ 3-bedroom	117	2 spaces per 2 bed unit	234	211	176	176
Retail	4,810 sf	1 space/200 sf	24	22	11	11
Total			570	513	489	489

The applicant proposes 494 parking spaces in a three-level garage that includes 154 compact spaces (31%).

- The minimum required parking of Section 4.2.3.E “shall be reduced by 50 percent for all uses, provided that each dwelling unit shall have no less than 1.50 spaces, unless otherwise specified in Section 4.2.3.E” (Zoning Ordinance, Section 3.7.3.F, Page 3-58). This application is eligible for a parking reduction in the CU district when structured parking is provided. The minimum required parking of Section 4.2.3.E shall be reduced by the following (maximum) percentages: (c) Within the CU, Commercial Urban District, where structured parking is provided: 10 percent (Zoning Ordinance, Section 4.2.3.D, Page 4-2, 4-3). The parking information provided in the General Development Plan does not consider the CU District reduction in the parking totals.
- Staff will not support substandard dimensions for parking spaces and the requested special exception to allow for compact parking spaces as a replacement for required parking. The city design standards do not accommodate 16-foot spaces without overhang.

Loading Zone: The applicant proposes a mixed-use building with 355 units and 4,810 square feet of retail space, which requires a minimum of two loading spaces. The overall loading space requirement is one space for 50+ units in an upper story residential/mixed use building (4+ stories). The retail space does not require a loading zone space because the retail space is less than 10,000 square feet. The applicant has proposed two loading spaces in Building B to be accessed from the private street.

- City staff requests that the applicant provide truck turning movements for front loaded garbage trucks.

Bicycle Parking: Section 4.2.8.C of the Zoning Ordinance states that bicycle parking shall be in a visible, well-illuminated area that does not conflict with automobile or pedestrian traffic. The requirement is 20 spaces. The applicant has proposed providing bicycle parking spaces in Building B on Level P2. The smaller bicycle room (472 sf) would accommodate 30 bicycles (14 double decker racks + 2 horizontal accessible racks); while the larger bike room (1,460 sf) near University Drive would accommodate 81 bicycles (38 double decker racks + 5 horizontal accessible racks). On the overall landscape plan, the applicant shows a bicycle rack in the right-

of-way for Chain Bridge Road. Bicycle racks are not permitted in the right-of-way and the applicant will not get credit for off-site bicycle facilities.

**Inter-parcel connection:** Section 4.3.3.B of the Zoning Ordinance states, “All street frontages adjacent to building sites shall be improved in accordance with the standards in the public facilities manual to city standards, provided that residential lots lawfully existing as of the effective date of this chapter may be developed without providing frontage improvements.” (City of Fairfax, Zoning Ordinance, Page 4-11). The applicant is seeking a special exception to Section 4.3.3.B of the Zoning Ordinance to eliminate the requirement to provide vehicular access to abutting nonresidential properties to the north and the south. A retaining wall is proposed to be installed on the southern and northern property lines due to a change in grade. The applicant states that the proposed alley would be continued as properties to the south and north redevelop.

- The elevation of the Greenway has been lowered by approximately eight feet from the previous submission. This makes it within about two feet of the ground elevation of the site to the south (beyond the retaining wall) as well as the site to the north (below the parking deck). Staff believes that inter-parcel connection may not be required to the north; however, it may be required to the south.

**Stormwater Management:** Stormwater BMPs, on-site detention facilities, and on-site drainage facilities shall be designed and maintained in such a manner as to minimize economic and environmental costs to the city and its inhabitants (Zoning Ordinance, Section 4.16.2, Page 4-77). Development activity on the subject property preceded local and state stormwater regulations and therefore, the site does not have an existing stormwater system. On Sheet C-5.01, the applicant has proposed a 3,990 square foot underground detention vault for stormwater quality control and stormwater quality treatment.

In addition to the rezoning request from RM Residential Medium to CU Commercial Urban in the Old Town Fairfax Transition Overlay District (TOD). The applicant proposes the following land use requests for City Council action:

### **Special Exceptions**

- To allow the building height to exceed 48 feet in the Transition Overlay District (TOD),
- To allow the density to exceed 24 units per acre,
- To reduce the 75% ground floor nonresidential use,
- To exceed the maximum lot coverage of 90%,
- To eliminate the requirement for inter-parcel vehicular access,
- To eliminate the transitional yard on the northern property line,
- To eliminate the sidewalk requirement on the north side of the private street, and
- To modify the parking space dimensional requirement to allow compact spaces.

### **Building Height**

The applicant has requested a special exception to allow the building height to exceed 48 feet in the Transition Overlay District. The applicant proposes a maximum building height of 77 +/- feet with Building A. Staff notes that Building B is proposed at 56 +/- feet and 5 floors fronting University Drive. At the eastern end of the building where sensitivity to height is the greatest, the applicant has designed a building that would read as a six-story

building when viewed from University Drive where a four to five story maximum height is recommended in the Small Area Plan.

### **Maximum Density**

The applicant has requested a special exception to allow the maximum density to exceed the permitted density in CU Commercial Urban in the Transition Overlay District. Density is calculated as the number of dwelling units per gross acre located within the development site (Zoning Ordinance, Section 1.5.8A, Page 1-6). The maximum density in CU Commercial Urban is 24 du/acre (Section 3.6.2 – Nonresidential districts) for developments that are subject to the Affordable Dwelling Unit Ordinance (Section 3.9). The applicant is proposing 355 apartments on 2.68 +/- acres with a density of 132 dwelling units per acre. While the proposal exceeds the density of the desired zoning district and the Transition Overlay District, the building is generally consistent with the recommended form and scale. However, improvements could be made to the building size to accommodate the minimum road width requirement, streetscape requirement and adjust the placement of the building in relation to the southern property line. Density is not prescribed on a parcel-by-parcel basis.

### **Required ground floor nonresidential area in a mixed-use building**

At least 75 percent of the ground floor (floor area) of upper story residential/mixed use buildings shall be used solely for nonresidential uses. The remaining 25 percent of the first floor may be used for residential uses and/or residential accessory uses, such as entry lobbies and amenities. (Zoning Ordinance, Section 3.5.1.D.1.b, Page 3-15). The applicant is proposing to develop approximately 4,810 square feet of retail space on the ground floor fronting Chain Bridge Road, which is below the required 75 percent of the ground floor of an upper story residential/mixed use building. The requirement is approximately 30,000 square feet. The applicant states, “75% ground floor retail would entail more than the surrounding area could support, particularly given the large amount of retail already present in Old Town area to the north of and declining population needed to support a thriving a retail corridor.” (Statement of Support, Page 15). Retail frontage is not prescribed at this location. However, the Planning Commission and the City Council have encouraged developers to provide some commercial space at this location.

### **Maximum Lot Coverage**

Lot coverage is the percentage of lot area that may be covered by buildings, including both principal and accessory structures, impervious surfaces such as driveways, uncovered porches or patios, swimming pools, or roof overhangs of more than three feet (Zoning Ordinance, Section 1.5.7.B, Page 1-6). The requirement for maximum lot coverage in the Transitional Overlay District is 90%. The general development plan shows the proposed lot coverage is 96.7%. Staff will not support a Special Exception to exceed the maximum lot coverage. Staff has advised the applicant that adjustments to the general development plan be explored to meet the lot coverage requirement in the Transitional Overlay District.

### **Inter-parcel Vehicular Access**

The applicant is seeking a special exception to allow a waiver of the inter-parcel vehicular access requirement to the north and to the south. The applicant is proposing a public pedestrian path (alley) that runs north south and through the center of the property. The proposed alley is 24 feet in width with a mix of plantings on both sides of the alley and between Building A and Building B. A retaining wall is proposed to be installed on the southern and northern property lines due to a change in grade. The proposed alley would be continued as properties to the south and north redevelop. Sheet C-4.00 shows a retaining wall along the northern property line that extends into the sidewalk area on Chain Bridge Road. Staff believes that inter-parcel connection may not be required to the north; however, it may be required to the south.

### **Transitional Yard**

A transitional yard is a specified land area, located parallel to and within the outer perimeter of a lot or project and extending to the lot line, together with fencing or walls on the lot line, and planting and landscaping required on the land. A transitional yard is not intended to be commensurate with the term “yard” or “setback.” (Zoning Ordinance, Section 4.5.5.B, Page 4-14). The subject property is adjacent to CO Commercial Office district to the north, which requires a TY1 of 7.5 feet in width, 6-foot minimum height for fence/wall, and understory trees (minimum 4 trees per 100 feet). The applicant is seeking a special exception to this requirement because “the [proposed alley, sidewalk, and landscaping will provide an adequate transition to the property line to the north consistent with the Small Area Plan vision. (Statement of Support, Page 16).

### **Sidewalks on both sides of a street**

The applicant has requested a special exception to reduce the sidewalk requirement to one side of a street. The applicant states, “the Applicant is providing more than its fair share of the proposed service drive and southern sidewalk. The northern sidewalk can be provided when the property to the north is redeveloped.” (Statement of Support, Page 16). The Small Area Plan and Multimodal plans recommend sidewalks on both sides of streets in the activity center. The applicant has not demonstrated why the private street could not accommodate a sidewalk on both sides of the street. It is especially important to build sidewalks on both sides of the street since this is supposed to be a walkable, mixed-use development in the Old Town Activity Center. The design should support and encourage walkability. While there are places in the city where only having a sidewalk on one side of a street may be acceptable, Old Town is not one of those areas.

### **Parking Space Dimensional Requirement**

The applicant has requested a special exception to Section 4.2.6.B.3 to allow for up to 30 percent of the required parking space dimensions to be designed as compact spaces. The applicant states, “Compact parking spaces, which typically measure 8 feet in width by 16 feet in length, are smaller than the city-standard parking spaces of 9 feet in width and by 18 feet in length. These compact spaces are particularly beneficial in constrained urban areas with limited available land for parking infrastructure.” (Compact Parking Space Ratio Memo, Page 3). The applicant proposes 494 parking spaces in a three-level garage that includes 154 compact spaces (31%). Staff will not support substandard dimensions for parking spaces and the requested special exception to allow for compact parking spaces as a replacement for required parking. The city design standards do not accommodate 16-foot spaces without overhang.

- **Major Certificate of Appropriateness** for architecture and landscaping

No structure or improvement in the Old Town Fairfax Transition Overlay District, including signs and significant landscape features associated with such structure or improvement, located on land within the district shall be erected, reconstructed, substantially altered, or restored until the plans for architectural features, and landscaping have been approved in accordance with the provisions of this article and §6.5. (Section 3.7.3 – Old Town Fairfax Transition Overlay District, Page 3-56). Section 6.5 outlines the certificate of appropriateness process including when a certificate of appropriateness shall be required to any material change in the appearance of a building, structure, or site visible from public places (rights-of-way, plazas, squares, parks, government sites, and similar) and located in a historic overlay district (Section 3.7.2), the Old Town Fairfax Transition Overlay District (Section 3.7.3), or in the Architectural Control Overlay District (Section 3.7.4). The subject property is in the Old Town Fairfax Transition Overlay District (TOD). The Board of Architectural Review is required by the zoning ordinance to make a recommendation on special exceptions to the City Council.

Historic Resources: The small area plan recommended further evaluation of potentially historic properties in Old Town. The City's most recent survey of historic properties was conducted in 2020-2021 and noted that the Davies property as one needing more historical study and investigation. period. Photo documentation, measured drawings, an architectural study, and oral history interviews with family descendants and the current property owner will help answer questions about the structure's architectural importance and satisfy the recommendation in the Traceries report. Also, city archaeological surveys (1994 and 2008) highlight this property as having high potential for archaeological artifacts, especially from the Civil War.

The city notes the developer's commitments. However, City staff recommends these studies and reports be completed prior to any City action approving the redeveloper's application and these reports be part of the package presented to city officials. Doing these studies just prior to demolition and site work, as suggested by the developer, will be too late in the process to determine the feasibility of saving the house and fully evaluating the landscape. While the Davies House wasn't a unique architectural form in the early 20<sup>th</sup> century, the house is a unique survival in the city of that architectural style.

The Davies House was originally the home of attorney and politician Richard Ewell Thornton (1865-1928). Elected first president of the National Bank of Fairfax in 1902, Thornton served as state senator from Virginia's 14<sup>th</sup> District from 1905 – 1920. He resigned his elected office to accept an appointment as a Major in the U.S. Army and worked to codify military laws. Thornton is buried in Arlington National Cemetery.

Code Administration: The proposed private alley is required to be a designated fire lane and this lane must be a minimum of 26 feet wide. The auto turn exhibit must use the correct specifications for Tower Ladder 403.

City Schools: The subject site is in the following City School enrollment zones: Daniels Run Elementary School, Katherine Johnson Middle School, and Fairfax High School. The proposed land use action has the potential to generate an estimated enrollment of 37 students.

Police: City Police provided the applicant with comments based on the principles of Crime Prevention Through Environmental Design (CPTED).

Fiscal Impact: The fiscal impact analysis is under review and staff estimates that this proposal would most likely bring a modest net fiscal benefit to the city. The estimated net fiscal balance is calculated as a range between -\$344,000 and +\$405,000 annually (avg. = +\$61,000).

Attachments

A1 – Statement of Support

A2 – General Development Plan

A3 – Autoturn Analysis

A4 – Transportation Impact Study

A5 – Compact Parking Space Ratio Memo

A6 – Garage Floor Plan Exhibits

A7 – Draft Proffers

A8 – BAR Work Session Staff Report

**PREPARED BY:**



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Albert Frederick  
Senior Planner

11/28/23

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DATE



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Jason D. Sutphin  
Community Development Division Chief

11/28/23

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DATE



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Brooke Hardin  
Director, Community Development & Planning

11/28/23

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DATE





**G. Evan Pritchard**  
Direct Phone 202-280-6482  
gpritchard@cozen.com

## MEMORANDUM

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**TO:** Albert Frederick  
**FROM:** G. Evan Pritchard  
**DATE:** September 27, 2023  
**RE:** Statement of Support for Zoning Map Amendment and Special Exception Applications for 4131 Chain Bridge Road, also known as the Davies Property

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My client, TDC Acquisitions, LLC, proposes a multifamily residential project at 4131 Chain Bridge Road, commonly known as the Davies Property (the "Property"). As explained below, the proposed project will play a key role in realizing the future vision for Old Town Fairfax, as set forth in the Old Town Fairfax Small Area Plan adopted by the City Council on June 23, 2020.

### **Property Overview**

The Property has a site area of 2.69 acres (117,082 square feet) and is zoned to the RM Residential Medium District. It is located within the Old Town Fairfax Transition Overlay District, is bordered by an office building and parking deck to the north, the Inns of Court townhouse business park and large surface parking lot to the south, Chain Bridge Road to the west, and University Drive to the East. The Fairfax County court complex sits opposite the Property across Chain Bridge Road, as does Red, Hot & Blue. The Breckinridge Lane and Courthouse Square townhome communities are located to the east across University Drive at Breckinridge Lane and Courthouse Drive. The City Hall complex is located a short distance south across Armstrong

The Property currently has very little street presence. A large brick retaining wall and shrubbery along Chain Bridge largely obscure the aging single-family home that exists on the Property, which is accessed via a driveway on Chain Bridge. A simple board on board privacy fence faces pedestrians and passing motorists along the Property's frontage on University, as shown in the images below:

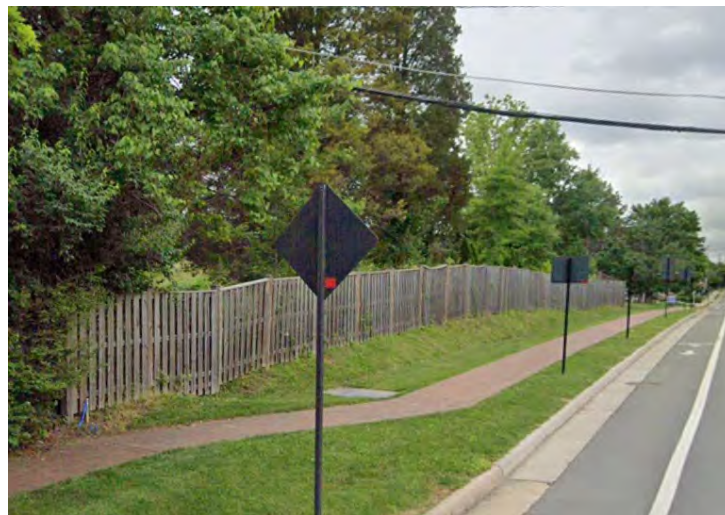
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Aerial View of the Property



View Along Chain Bridge Road



View Along University Drive

## **Walk Score**

Given the location of the Property, it is useful to look at the walkability and “bikeability” of the Property. The company Walk Score provides walkability analysis and apartment search tools through its “walkability index.” They give the Property a Walk Score of 84, which is “very walkable” and meaning that “most errands can be accomplished on foot.” They also give the Property a Bike Score of 74 (“very bikeable” meaning “biking is convenient for most trips”).

**4131 Chain Bridge Road**  
Fairfax, Virginia, 22030  
Commute to **Downtown Fairfax**

1 min 4 min 1 min 5 min [View Routes](#)

[Favorite](#) [Map](#) [Nearby Fairfax Apartments on Redfin](#)

[More about 4131 Chain Bridge Road](#)

**Walk Score 84** **Very Walkable**  
Most errands can be accomplished on foot.

**Transit Score 40** **Some Transit**  
A few nearby public transportation options.

**Bike Score 74** **Very Bikeable**  
Biking is convenient for most trips.

[About your score](#)  
[Add scores to your site](#)

The screenshot shows a map of Fairfax, Virginia, with a blue pin marking the location of 4131 Chain Bridge Road. The map includes various landmarks such as churches, parks, and schools. The Walk Score is 84, categorized as 'Very Walkable'. The Transit Score is 40, categorized as 'Some Transit'. The Bike Score is 74, categorized as 'Very Bikeable'. The map also shows nearby streets like Chain Bridge Road and University Drive.

Walk Score and Bike Score for the Property

## **Background and Past Redevelopment Efforts**

The owners of the Property have long intended to see it redeveloped into a higher and better use more in keeping with surrounding development and the future vision for Old Town. Hence, there have been many unsuccessful attempts by talented and experienced players in the real estate market to redevelop the Property over the years with apartments, townhomes, and senior living projects. Going forward, it is useful to look back at these past efforts to avoid repeating past mistakes. They are therefore each briefly summarized below:

### 2016

In a 2016 work session before the City Council, Paradigm Development Company presented a proposal to construct 315 apartments on the Property ranging in height from four (4) to seven (7) stories. A large parking garage with 527 spaces was proposed at the core of the Property with the apartments flanking either side of it. All vehicular access to parking and loading was proposed to be handled by a single driveway entrance on University Drive. The proposed site plan and elevations are pictured below:





Paradigm Apartment Site Plan 2016

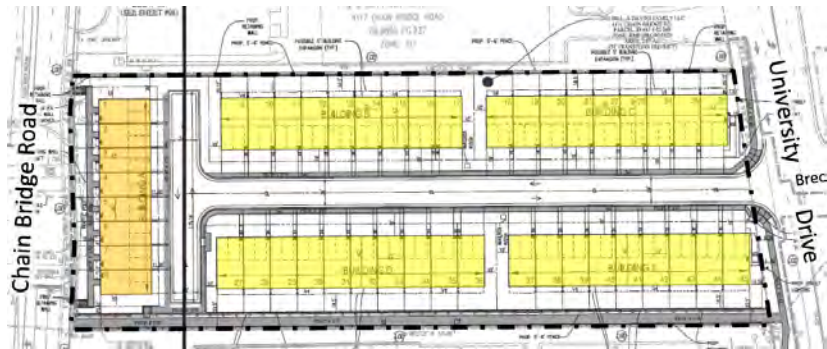


Paradigm Proposed Heights 2016



West Elevation (Chain Bridge Road)





Paradigm Townhome Site Plan 2017

Council expressed concern over the lack of green space/amenities, lack of community parking, sole access from University Drive, and the proposed height for townhomes so close to University Drive.

2018

Based upon the feedback received from the Council in 2017, Paradigm revised its townhouse proposal to include a central open space and community parking, pictured below:



Paradigm Townhome Site Plan 2018

Again, the proposal was ultimately withdrawn.

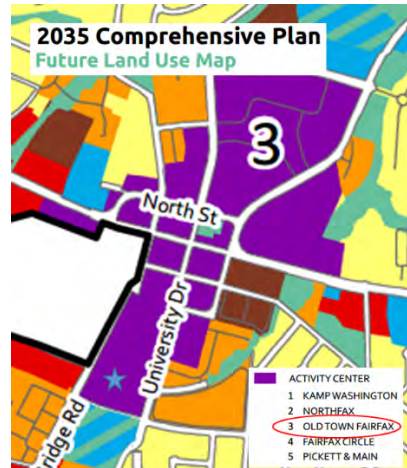
2019

In 2019, a new potential developer, Sunrise Senior Living, presented the Council with a vision for a two-building senior living development on the project, the site plan for which is pictured below:





surrounding uses.” Buildings should also be oriented toward streets and parking “should be provided in structured or below-grade facilities where reasonable.”



The Comprehensive Plan further makes clear that development in Activity Centers must meet the Code of Virginia definition for Urban Development Area (Virginia Code § 15.2-2223.1). In terms of density, such development must also provide at least .4 FAR and a minimum of twelve (12) multifamily units per acre. Heights should predominately be around five (5) stories unless otherwise specified in the adopted Small Area Plan. Below are precedent images for Activity Centers that are included in the Comprehensive Plan:



Photo Credit: Hord Coplan Macht



Precedent Images for Activity Centers from Comprehensive Plan

The Comprehensive Plan describes the Old Town Fairfax Activity Center as a “cultural hub” for the City that can “capitalize on its proximity to George Mason University to attract university supported businesses and arts and entertainment venues.”

### **Old Town Fairfax Small Area Plan**

An extension of the City’s Comprehensive Plan, the Old Town Fairfax Small Area Plan (the “Small Area Plan”) provides more detailed, fine-grained recommendations for redevelopment in Old Town. One thing that hampered prior redevelopment efforts on the Property was the lack of a cohesive planning vision for Old Town. That all changed in 2020 when the City took the bold step



of adopting the Small Area Plan, which sets out a clear roadmap for future development in this part of the City.

### Key Ideas

The Small Area Plan identified a number of “key ideas” essential to future success of Old Town. The key ideas with the most applicability to the Property are summarized below:

#### Old Town as a Cultural Destination

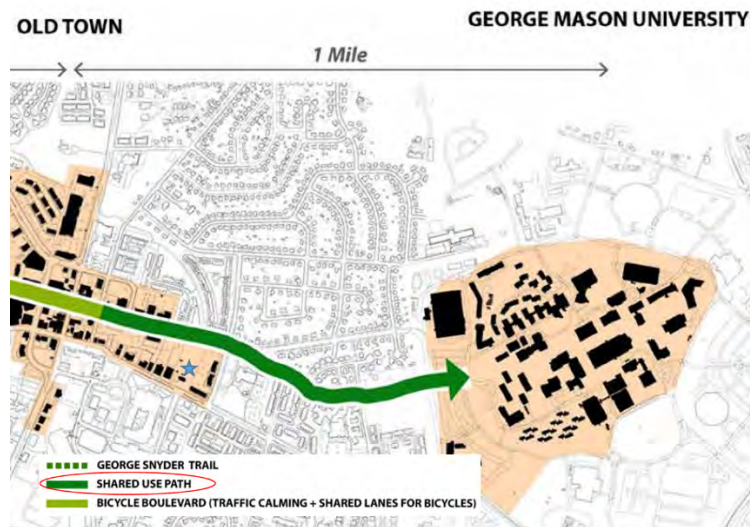
Among the factors that will help establish Old Town as a cultural destination are **restaurants**, the **arts**, and **George Mason**.

#### A Balanced Activity Center

The Small Area Plan states that Old Town is replete with car-focused single-use development, much of which is in “non-historic structures [that] are nearing the end of their useful lifespan.” Therefore, “Old Town has an opportunity to transform in a mixed-use Activity Center that centers and anchors the surrounding communities.” A more balanced mix of uses “will help create a better sense of place, bring more activity around the clock, potentially reduce single-use peak traffic, and help create more dynamic public spaces.” Furthermore, the Small Area Plan continues, the “existing offices would be greatly enhanced by additional daytime retail, including restaurants, and a **larger nearby residential population**” (emphasis added). Thus, “a sizable infusion” of residential and retail uses is needed to “help bolster Old Town” over the “medium-term of 15 years.”

#### The Spine

The “Spine” is envisioned in the Small Area Plan as a “safe and comfortable pedestrian and bicycle connection linking Northfax, Old Town, and the George Mason University campus. The Spine takes the form of a shared use path along University Drive on the western edge of the Property:



### Street Hierarchy

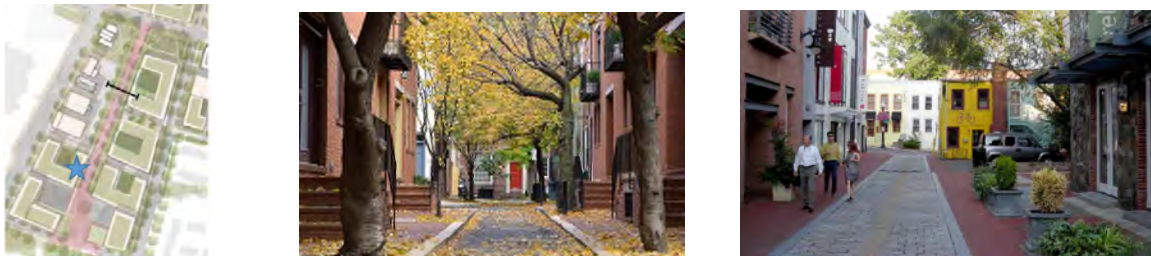
The Small Area Plan establishes a street hierarchy to help break up large blocks with a functional street grid with a “pedestrian oriented core.” As shown below, “Alley + Minor Street” is the street typology planned to the north, south, and through the center of the Property:



Small Area Plan Street Hierarchy

### The Greenway

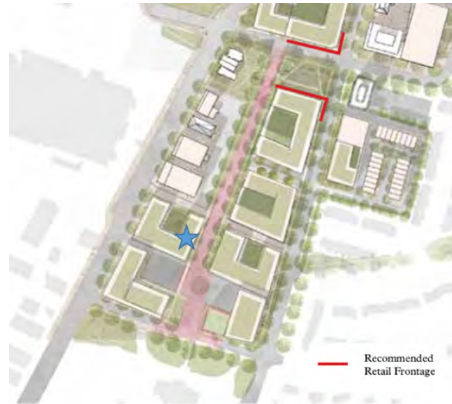
A critical piece of the vision for Old Town South is a “shared green way-service street that can serve as a community backyard for the new mixed use residential buildings and existing office units.” A concept plan and precedent images for the Greenway from the Small Area Plan are provided below:



Greenway Concept Plan and Precedent Images from Small Area Plan

### Retail Frontage

The Small Area Plan acknowledges the fact that “there are limitations on the quantity and location of retail frontage in [Old Town].” It therefore identifies recommended retail frontage areas while recognizing that “retail opportunities sometimes occur outside of recommended areas.” No retail frontage is recommended for the Property and the majority of Old Town South:



Recommended Retail Frontage in Small Area Plan

### Land Use and Economics

The Land Use and Economics section of the Small Area Plan emphasizes that the right land use mix is critical to the fiscal health of the City. It also reiterates the fact that the “retail market is limited by a finite amount of regional and local demand,” noting that the primary demand sources for Old Town will largely come from the Judicial Complex, George Mason University, and local and regional households. In addition, it highlights the “strong potential for institutional based partnerships (i.e., George Mason University) for added cultural and arts space.”

Residential uses, the Small Area Plan states, are “key to supporting new development in the Activity Centers, both of which are currently dominated by office space.” Since most of the City’s existing housing stock is comprised of older, single-family homes and apartment complexes, new residential development will also help diversity residential product type. After all, expanding “residential choices to include new construction, including target market occupants (students and seniors), can help nurture a well-balanced sustainable community.”

### Building Heights

The Small Area Plan astutely observes that “the current zoning and other regulations may be hindering optimal land development patterns.” Therefore, one major goal of the Small Area Plan is to recommend “modifying existing zoning regulations, including land use, massing and height, to allow for better long-term development outcomes.” As recognized in the Comprehensive Plan and market research “a **critical mass of height, density and public amenities**” (emphasis added) are needed to make developments achievable. The Small Area Plan therefor recommends heights up to six (6) stories, with height tapering down near existing residential areas. For the Property, the recommended height for the majority of the Property is five (5) stories, tapering down to four (4) stories adjacent to University Drive:



Proposed Heights in Small Area Plan

### Zoning and Regulatory Recommendations

The Small Area Plan notes that there are some zoning regulations that will have to be adjusted to allow for the plan’s development vision to be achieved. These include the current height limitation in the Old Town Transition District Overlay of forty-eight (48) feet. The plan recommends that development heights therefore be based on the plan vision rather than the zoning height restrictions.

### Density

It is notable that the Small Area Plan does not specify any maximum densities for the future development of Old Town. Instead, it sets forth a vision that is form-based based on a recommended street grid, land use, and height. Thus, allowable density is based on these factors rather than an arbitrary FAR or units per acre specification.

### Metropolitan Washington Council of Governments

According to the Metropolitan Washington Council of Governments’ report *The Future of Housing in Greater Washington* published in September 2019, “[a]t least 320,000 housing units should be added in the region between 2020 and 2030” to meet the region’s housing target. The report goes on to note that this enormous figure is an “additional 75,000 units beyond the units already forecast for this period.” To achieve the region’s additional targets for housing accessibility and affordability, the report states that “[a]t least 75% of all new housing should be in Activity Centers [such as the City of Fairfax]” and “[a]t least 75% of new housing should be affordable to low- and middle-income households.”

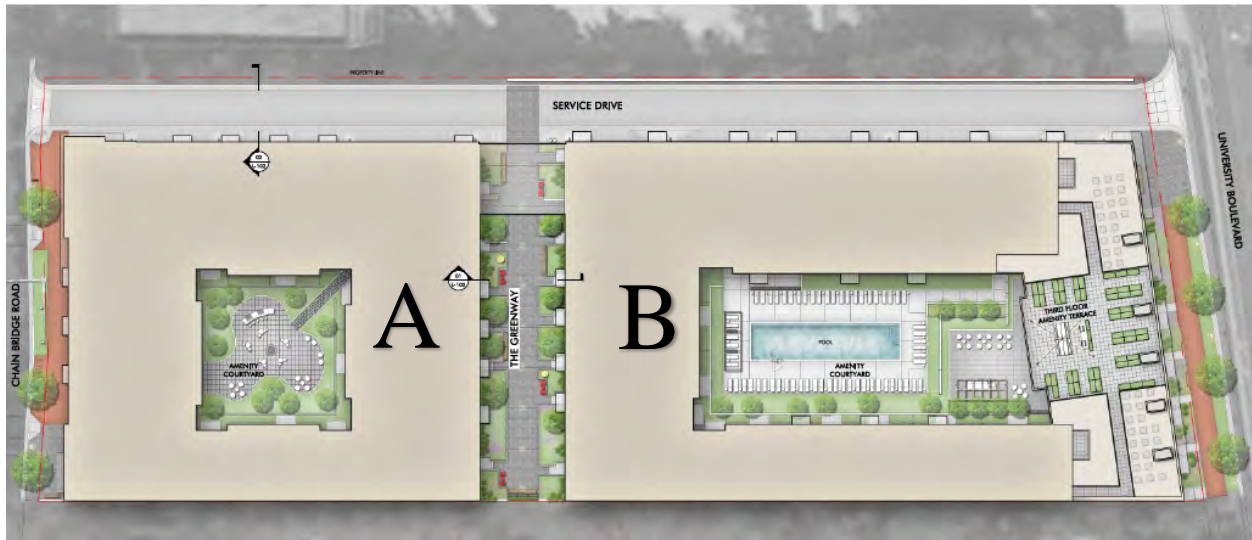
As part of the Old Town Fairfax Activity Center, the proposed development is exactly the type of project that the City can contribute toward the region’s ambitious but critical housing goals.

### Proposed Development

As shown below and on the enclosed plans prepared by Bohler, Parker Rodriguez, and WDG Architecture dated September 27, 2023, the proposed development consists of three hundred fifty-five (355) apartments in two new multifamily buildings (“A” and “B”) with interior courtyards for residents. A third floor amenity terrace is also proposed overlooking University Drive. A narrow



bridge is proposed to connect the two buildings above grade to allow for the sharing of tenant amenities and to ensure efficient operations within the buildings.



Proposed Site Plan

Approximately 4,800 square feet of Retail is proposed on the ground floor of the northwest corner of Building A fronting on Chain Bridge Road. This location is ideal for the retail component of this project as it will be very close to other commercial uses found on Chain Bridge Road. It will also provide convenient access for customers coming from the Judicial Complex and the center of Old Town to the north. A residential lobby entrance is proposed at the southwest corner of the Building A. Vehicular access to loading within the building will be provided near the northeast corner of the building via the new east west alley that will be provided. Parking access will be provided via a vehicular entrance in Building B. An amenity courtyard for residents will be provided in the center of the building and an expanded sidewalk on Chain Bridge will be dedicated for easier travel for the public. As recommended in the Small Area Plan, Building A will be five (5) stories in height on Chain Bridge Road.

Building B will have its own residential lobby at its northeast corner facing University Drive. Vehicular access to loading and parking will be provided on the north side of the building via the new alley. A large amenity courtyard for residents will be located in the center of the building. The height of Building B is five (5) stories at the center of the Property, tapering down to four (4) stories along University Drive to provide for a better transition to the townhome communities further to the east. The stepback area has been significantly increased since the last submission based on staff feedback.

Both buildings will be separated by the proposed “Greenway,” a key feature of the Small Area Plan, that will run through the north-south center of the Property. This public pedestrian space is envisioned as being lined with trees and landscaping overlooked by unit balconies. As mentioned above, a small bridge over a portion of the Greenway will connect the two buildings at the second, third, and fourth floors to allow for the sharing of tenant amenity spaces and more efficient building operations. The Greenway could be further activated by public visual art displays and is envisioned as a key connector to Old Town that will only grow in vibrancy as the office properties to the north also redevelop.

Structured parking will be provided primarily below grade on two levels. A total of 494 spaces are proposed to serve the apartments at a blended parking ratio of 1.35 spaces per dwelling unit, which includes a ten percent (10%) reduction within the CU and Old Town Fairfax Transitional Overlay Districts. Thirty percent (30%) of the proposed parking spaces are proposed as compact spaces, as explained in the enclosed technical memorandum prepared by Gorove Slade. An additional eleven (11) spaces are proposed to service the retail use, for a total of 494 parking spaces. The parking provided for the retail is derived from the standard parking rate of one (1) space per 200 square feet, reduced by fifty percent (50%), as permitted in the Old Town Fairfax Transition Overlay District, and ten percent (10%) as permitted within the CU District. One (1) loading space is provided for each building, for a total of two (2), which exceeds the minimum required by the Zoning Ordinance.

In keeping with the City’s affordable housing goals and regulations, six percent (6%) of the total number of units, or twenty-one (21) units, will be provided as affordable at 60% AMI.

The following is providing to summarize the site density tabulations:

Site Area	2.69 ac
Maximum Allowed Density (CU)	24 du/ac
Proposed Density	132 du/ac

To meet the City’s green building and sustainability goals articulated in the Small Area Plan and Comprehensive Plan, we intend to target LEED certification, at a minimum.

**Rezoning Considerations, § 6.4.9 of the Zoning Ordinance**

The proposed rezoning meets the approval considerations specified in § 6.4.9 of the City of Fairfax Zoning Ordinance (“Zoning Ordinance”):

- A. Substantial conformance with the comprehensive plan.

*The proposed rezoning to the CU District is consistent with the Comprehensive Plan’s designation of the Property as part of the Old Town Fairfax Activity Center and the associated goal of achieving pedestrian-oriented, mixed-use developments in such areas.*

- B. Any greater benefits the proposed rezoning provides to the city than would a development carried out in accordance with the current zoning district (§3.2), and otherwise applicable requirements of this chapter.

*The proposed rezoning will help achieve the vision of the Small Area Plan by providing much needed multifamily housing, new street and pedestrian connections, a crucial portion of the Greenway, new retail, twenty-one (21) affordable housing units, and additional fiscal benefits to the City.*

- C. Suitability of the subject property for the development and uses permitted by the current versus the proposed district.

*A rezoning of the Property to the CU District will allow for the development of multifamily rental housing consistent with the SAP recommendations for the Property. Furthermore, the introduction of multifamily will help diversify housing options in the City and provide additional residents to support local business in Old Town.*

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

*The Property is well-served by public transportation facilities, including the CUE Bus Green Routes 1 and 2, Gold Routes 1 and 2, and WMATA Routes 17G, 29K, and 306. Existing public safety facilities, public school facilities, and public parks, including a portion of the proposed Greenway, will all be adequate to serve existing community needs and the proposed development.*

- E. Adequacy of existing and proposed public utility infrastructure.

*Existing public utility infrastructure has been deemed adequate for the proposed development.*

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

*The proposed multifamily development will be compatible with adjacent and nearby commercial and residential development. The heights of the proposed buildings taper in height as recommended by the Small Area Plan to be compatible with the townhomes to the east. The architecture will also be of high quality and designed to complement the architecture and historic nature of the surrounding area.*

- G. Consistency with the stated purpose of the proposed district.

*The proposed development will be consistent with the stated purpose of the proposed CU District zoning, which is to “provide 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.” The proposed mixed-use, residential development will be more urban in character and CU zoning will allow for retail use and the recommended height transitions, consistent with the Small Area Plan.*

**Special Exception Approval Criteria, § 6.17.7.A**

The following Special Exceptions are requested pursuant to § 6.17.1 of the Zoning Ordinance along with justification for the request:

1. A modification of § 3.5.1.D to permit less than 75% ground floor nonresidential use in a mixed use building;

*75% ground floor nonresidential use, which would be approximately 30,000 square feet, would entail more retail than the surrounding area could support, particularly given the large amount of retail already present in the Old Town area to the north and declining population needed to support a thriving retail corridor*

2. A modification of § 3.6.2 to permit more than 24 dwelling units per acre;

*The proposed density is simply a product of the Property's relatively small site area of 2.69 acres and the proposed height, which is recommended by the Small Area Plan. The proposed 355 units and 4,810 square feet of retail, however, is reasonable given the major street access on either side of the Property for vehicular parking*

3. A modification of § 3.7.3.C.2 to permit height greater than forty-eight (48) feet;

*The proposed height relief is necessary to achieve the vision for the area specified in the SAP for the Property.*

4. A modification of § 3.7.3.C.4 to allow the maximum lot coverage to exceed 90%;

*In order to achieve the vision of the Small Area Plan and keep the project financially viable, while also providing the Greenway and recommended streetscape, it is necessary to exceed to the maximum permitted lot coverage.*

5. A waiver of § 4.3.3.B to eliminate the requirement to provide vehicular access to abutting non-residential properties.

*The grading of the Greenway has been adjusted to allow future pedestrian and vehicular connections with the adjacent properties.*

6. A modification of § 4.4.4 to eliminate the requirement for a sidewalk on the northern side of the proposed service drive while providing it on the southern side.

*The Applicant is providing more than its fair share of the proposed service drive and southern sidewalk. The northern sidewalk can be provided when the property to the north is redeveloped.*

7. A waiver of § 4.4.5.C.1 to eliminate the requirement for a Transitional Yard 2 between the existing CL zoned property to the north of the Property.

*The proposed alley, sidewalk, and landscaping will provide an adequate transition to the property to the north consistent with the Small Area Plan vision.*

8. A modification of § 4.2.6.B.3 to allow for up 30% compact spaces.

*Providing the proposed service drive and southern sidewalk further reduces the buildable area of an already narrow site. The resulting width requires the implementation of parallel parking spaces instead of drive aisles double-loaded with standard parking spaces. Given this and other challenges associated with developing the site, compact spaces are needed to build an efficient and functional parking garage*

The proposed development will meet the following criteria for special exceptions specified in § 6.17.7.A of the Zoning Ordinance:

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

*The proposed development will be compatible with the surrounding commercial development.*



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

*The proposed development will be harmonious with surrounding land uses and help create a vibrant, mixed-use community in keeping with the Small Area Plan vision.*

3. Be generally consistent with the purposes and intent of this chapter and the comprehensive plan.

*The proposed development will be consistent with the purpose and intent of the Zoning Ordinance and the Small Area Plan to create a successful and well-balanced mix of uses in the City's urban activity centers.*

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

*The requested special exceptions are necessary to achieve the mixed-use goals articulated in the Small Area Plan.*

### **Conclusion**

The proposed development of the Property represents a major step forward in advancing the vision of the Small Area Plan for this part of Old Town Fairfax. It will also provide a key segment of the Greenway, add to the vibrancy of the area, provide much needed apartment housing, help the City meet its sustainability goals, and increase City tax revenue. The development will also help the City contribute toward meeting the Washington region's goals of increasing the vital supply of accessible and affordable housing in Activity Centers.

We look forward to working with the City on this exciting project. Please do not hesitate to let me know if you have any questions or need any additional information to process these applications.