

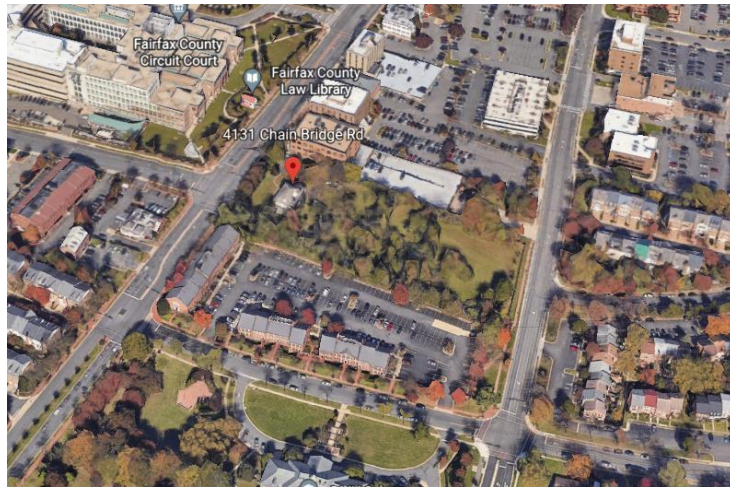
STATEMENT OF SUPPORT
THE HILL, A DAVIES FAMILY LLC
4131 CHAIN BRIDGE ROAD
ZONING MAP AMENDMENT AND SPECIAL EXCEPTION APPLICATIONS
SEPTEMBER 3, 2024

The Hill, a Davies Family LLC, as property owner and applicant (“Applicant”), 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 the restaurant 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 Street.

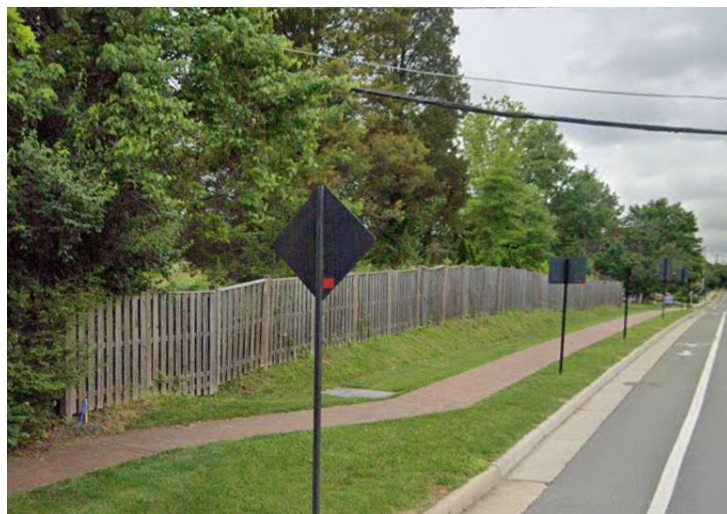
The Property currently has very little street presence. A large brick retaining wall and shrubbery along Chain Bridge largely obscure the aging single-family home that exists on the Property, which is accessed via a driveway on Chain Bridge Road. A simple board on board privacy fence faces pedestrians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



Aerial View of the Property



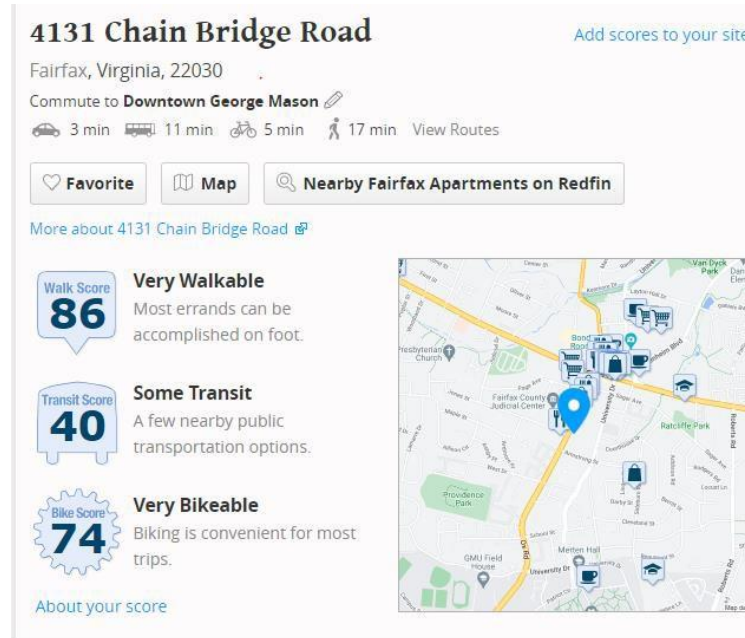
View Along Chain Bridge Road



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 86, 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”).



Walk Score and Bike Score for the Property

Background and Past Redevelopment Efforts

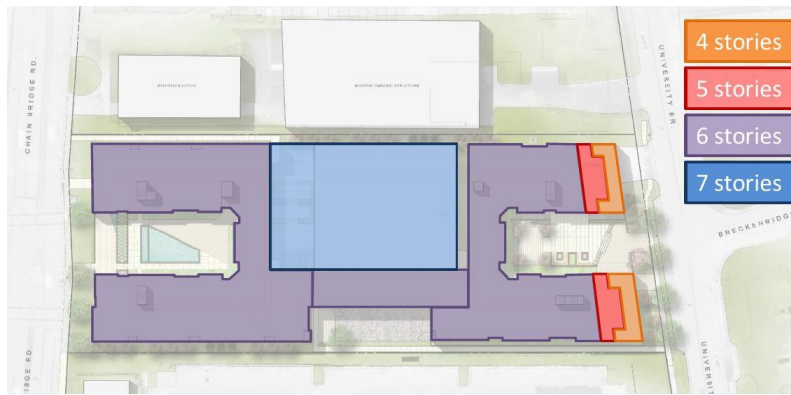
The owners of the Property have long intended to see it redeveloped into a higher and better use more in keeping with surrounding development and the future vision for Old Town. Hence, there have been many unsuccessful attempts by talented and experienced players in the real estate market to redevelop 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)

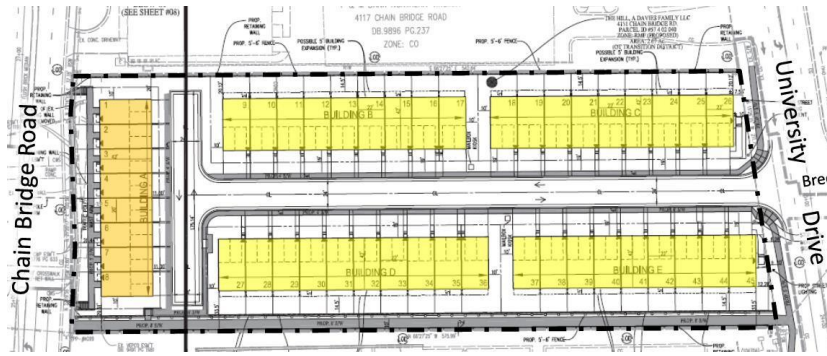


Paradigm Elevations 2016

The Council stated at the work session that the height, bulk, and density of the building was simply too great for this part of the City. Concerns were also expressed about sole access off of University and the residential-only nature of the proposal. It was also noted that a holistic planning approach was needed for the entire area along University Drive between Sager Avenue and Armstrong Street. The proposal was eventually withdrawn.

2017

The following year, in 2017, another City Council work session was held at which staff and Paradigm presented new plans by Paradigm to redevelop the Property with forty-five (45), four (4)-story townhomes, as pictured below:



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:

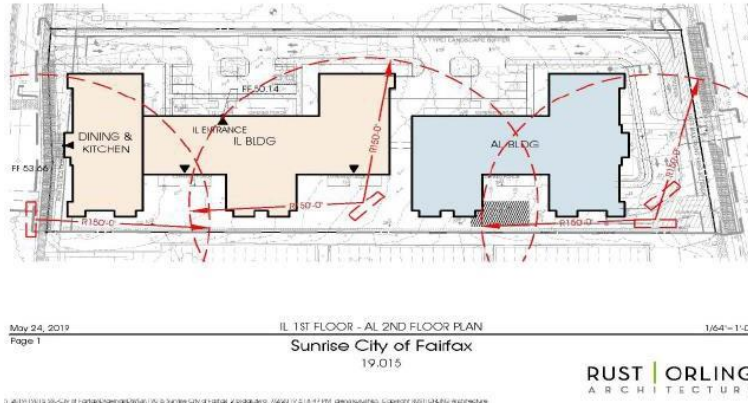


Paradigm Townhome Site Plan 2018

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:



Sunrise Senior Living Site Plan 2019

2021

Based upon the feedback received from the Council in 2019, Sunrise modified its senior living development proposal in 2021 to include a single building on Chain Bridge. The proposed building was seventy-five (75) feet tall with primary vehicular access off of University Drive. Open space was planned for a large portion of the eastern side of the Property facing University Drive:



Sunrise Senior Living Site Plan 2021

Although the feedback at the work session was largely positive, this proposed use was ultimately considered to not be the best use of the Property in terms of providing vibrancy and activation to Old Town. This proposal was therefore ultimately withdrawn.

2022-2023

The original applicant for this application was TDC Acquisitions, LLC (“TDC”), as contract purchaser of the Property. TDC conducted pre-application briefings in 2022, and work sessions with the BAR, Planning Commission and City Council in 2023. After the last work session with the City Council on December 5, 2023, TDC chose to terminate the purchase contract. TDC’s desired to develop two upper-story mixed use buildings consisting of 355 apartments and approximately 4,810 square feet of retail space. The layout for the project (shown below) included

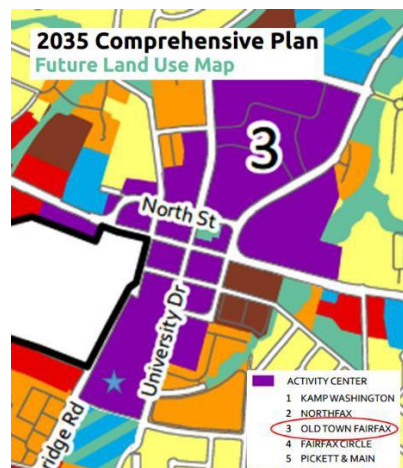
a bridge connection between the two buildings and a parking structure that included approximately thirty percent (30%) compact parking spaces.



After TDC chose to terminate the contract, the Davies family decided to continue to process this application after retaining a development consultant (Paradigm Development Company), a new architectural firm (Lessard Design, Inc.) and a new civil engineering and landscape architecture firm (Urban, Ltd.). With the new consultants, the Applicant redesigned the project to address the numerous comments as reflected in the most recent resubmission of the development plans.

Comprehensive Plan

Development of the Property, as with any development in the City, is to be guided by the City's Comprehensive Plan. The Property is identified in the Comprehensive Plan as part of the Old Town Fairfax Activity Center, as shown below. Activity Centers are described in the Comprehensive Plan as "locations in the City where pedestrian-oriented, mixed-use development is strongly encouraged." The Comprehensive Plan further states that Activity Centers "should support a connected street network" with "improved streetscape and pedestrian connections to 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 University.

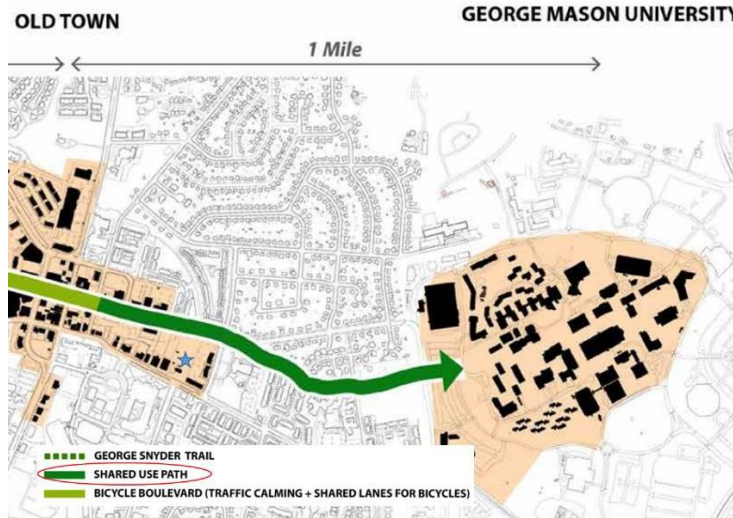
A Balanced Activity Center

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.”

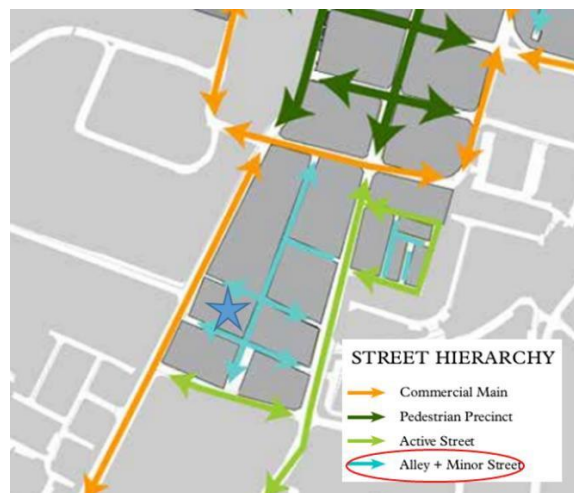
The Spine

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

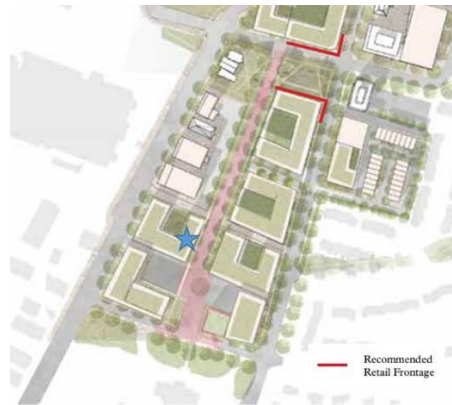
A critical piece of the vision for Old Town South is a “shared green way-service street that can serve as a community backyard for the new mixed use residential buildings and existing office units.” A concept plan and precedent images for the Greenway from the Small Area Plan are provided below:



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 Urban Ltd., as the project civil engineer and landscape architect, and Lessard Design, Inc., as the project architect, dated September 3, 2024, the proposed development consists of two hundred seventy-six (276) apartments in two new multifamily buildings ("A" and "B") with interior courtyards for residents. Building A has frontage on Chain Bridge Road and will be five stories, while Building B has frontage on University Drive and is four stores along the road and then five stores further back.



Proposed Site Plan

Approximately 10,487 square feet of retail and commercial co-working space is proposed on the ground floor 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 retail entrance is proposed on the northwest corner of Building A, the commercial co-working entry is proposed on the southwest corner of Building A, and the residential lobby entrance is proposed in between the retail and commercial entrances.

An amenity courtyard for residents Building A 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.

Vehicular access to loading areas and the parking facilities for the two buildings will be provided via the new east west access drive that will be provided. Parking access will be provided via a vehicular entrance in Building B.

Building B will have its own residential lobby at its southeast corner facing University Drive. 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 step back 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 380 spaces are proposed to serve the apartments at a blended parking ratio of approximately 1.38 spaces per dwelling unit, which includes a ten percent (10%) reduction within the CU and Old Town Fairfax Transitional Overlay Districts. No compact parking spaces are proposed. An additional twenty-three (23) spaces are proposed to service the retail and commercial uses, for a total of 426 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 seventeen (17) 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	102.6 du/ac

To meet the City’s green building and sustainability goals articulated in the Small Area Plan and Comprehensive Plan, the Applicant intends 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, seventeen (17) 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 housing consistent with the Small Area Plan 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. The amount of retail and commercial for Building A has been increased from earlier plans for the property. No retail or commercial is proposed for Building B to be in keeping with the Small Area Plan and the wishes of the residential communities to the east of University Drive.

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 276 units and 10,487 square feet of retail and commercial, however, is reasonable given the major street access on either side of the Property for vehicular parking. The density now proposed represents a twenty-two percent (22%) reduction from the previous proposal.

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 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.

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

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

6. A modification 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 access drive, sidewalk, and landscaping will provide an adequate transition to the property to the north consistent with the Small Area Plan vision.

7. A modification of § 4.5.6.A to allow a minimum tree canopy of less than ten percent (10%).

The recently adopted Zoning Ordinance Amendment added a minimum tree canopy requirement in the Commercial Urban Zoning District of ten percent (10%). This equates to 11,708 square feet. The Applicant is proposing a minimum tree canopy of 8,500 square feet (7.26%), although there is an additional 1,250 square feet of canopy provided in the right-of-way for a total of 9,750 square feet (8.35%).

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 and residential 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.

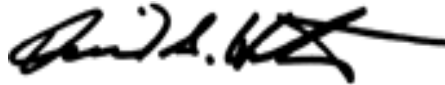
Conclusion

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 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.

The Applicant and the consultant team 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.

Respectfully submitted,

Bean, Kinney & Korman, PC



By: _____
David S. Houston

Counsel for Owner/Applicant