

STATEMENT OF SUPPORT

THE HILL, A DAVIES FAMILY LLC

4131 CHAIN BRIDGE ROAD

ZONING MAP AMENDMENT AND SPECIAL EXCEPTION APPLICATIONS

Revised April 17, 2025

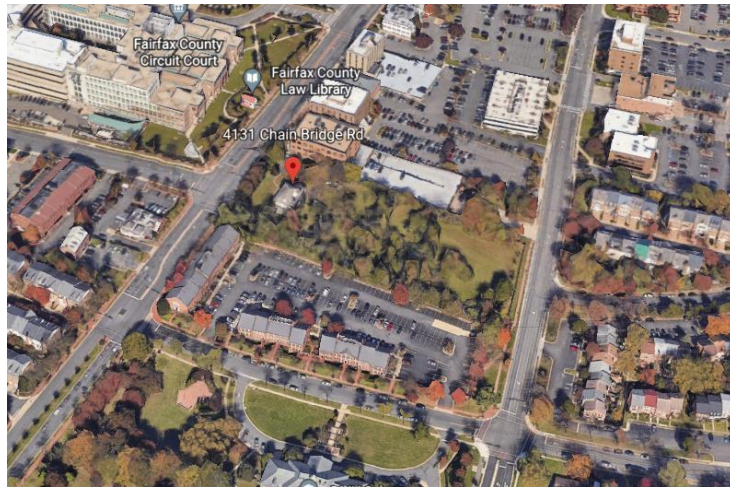
The Hill, a Davies Family LLC, as property owner and applicant (“Applicant”), proposes an upper story multifamily residential project at 4131 Chain Bridge Road, commonly known as the Davies Property (the “Property”). As explained below, the proposed project will play a key role in realizing the future 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.

The Applicant is requesting a Zoning Map Amendment (Rezoning) from RM Residential Medium to CU Commercial Urban within the Old Town Fairfax Transition Overlay District (“TOD”). Development of the Property shall be in substantial conformance with the General Development Plan (the “GDP”) prepared by Urban, Ltd. and Lessard Design, dated April 15, 2025. The Applicant is proposing up to 276 upper-story residential apartments in two buildings, approximately 10,796 square feet of retail, office or other commercial nonresidential uses on the ground floor, and approximately 423 shared parking spaces on approximately 2.69 acres.

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 now-closed restaurant Red, Hot & Blue restaurant. 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.

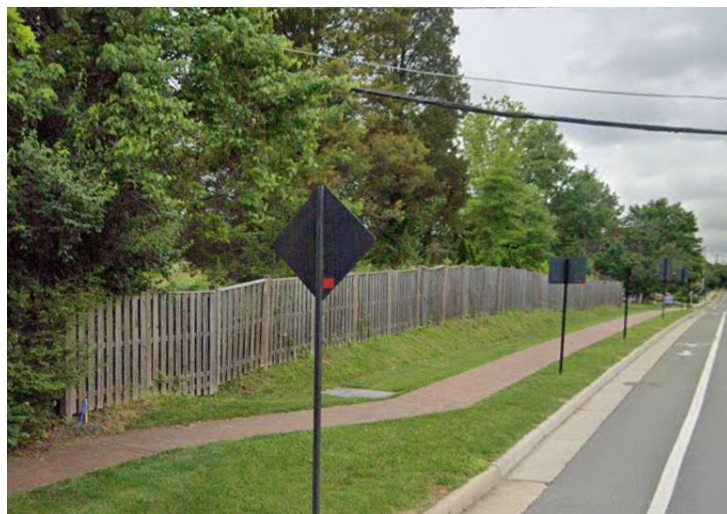
The Property currently has very little street presence. A large brick retaining wall and shrubbery along Chain Bridge largely obscure the ageing single-family home that exists on the Property, which is accessed via a driveway on Chain Bridge Road. A simple board on board privacy fence faces pedestrians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



Aerial View of the Property



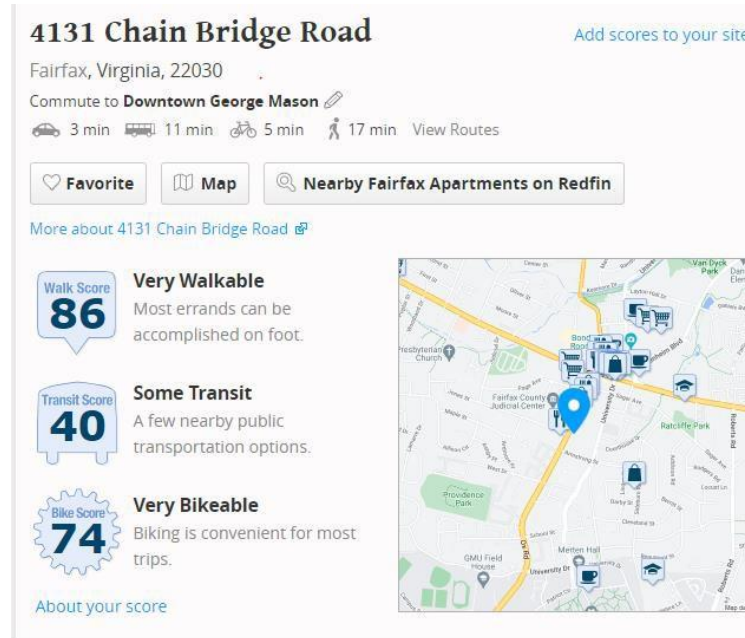
View Along Chain Bridge Road



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

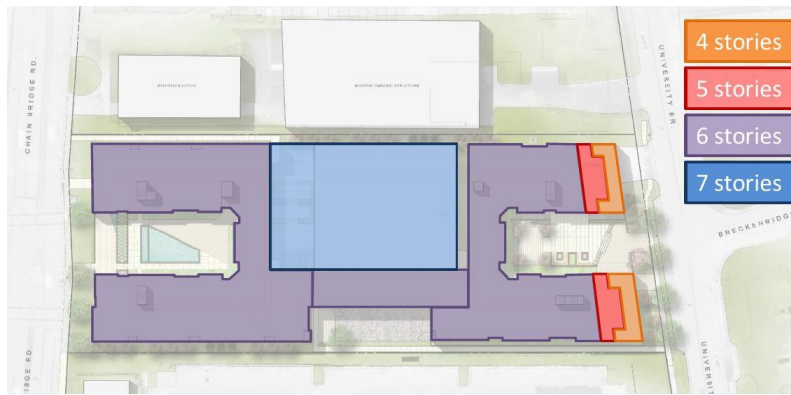
The owners of the Property have long intended to see it redeveloped into a higher and better use more in keeping with surrounding development and the future vision for Old Town. Hence, there have been many unsuccessful attempts by talented and experienced players in the real estate market to redevelop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

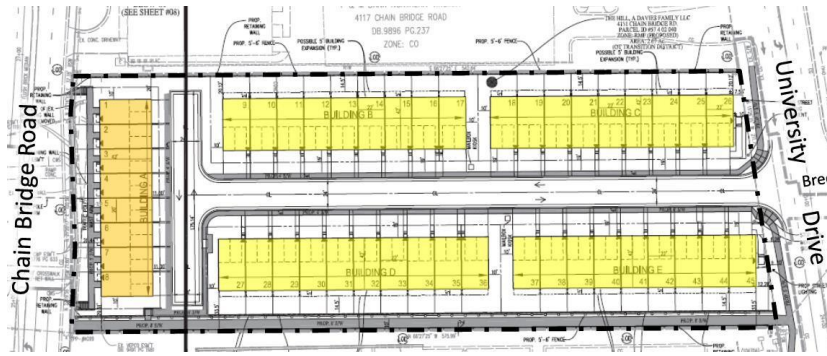


Paradigm Elevations 2016

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 and Craftmark Homes (a townhouse developer) 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 additional 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:

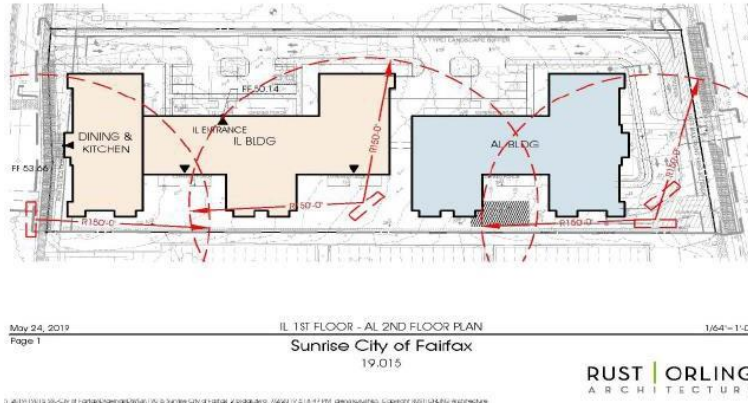


Paradigm Townhome Site Plan 2018

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 Property, 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

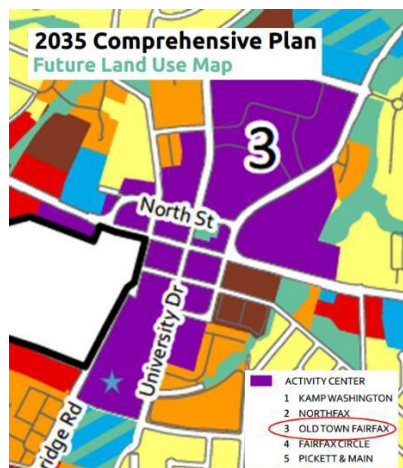
a bridge connection between the two buildings and a parking structure that included approximately thirty percent (30%) compact parking spaces.



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 resubmissions 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.

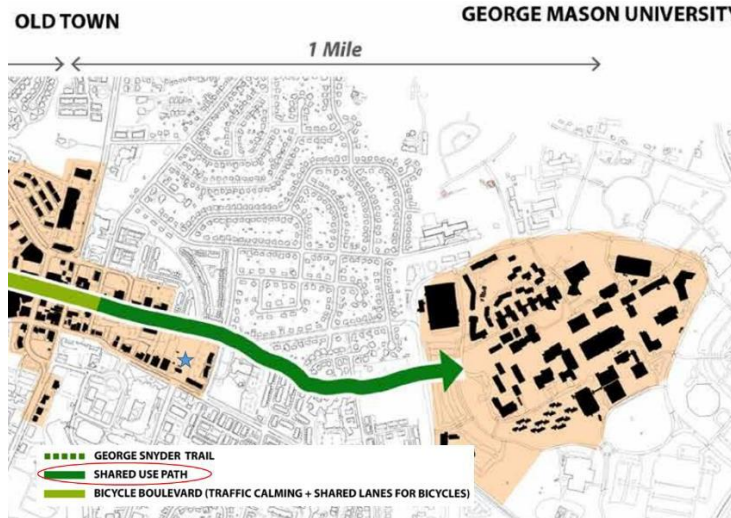
A Balanced Activity Center

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.”

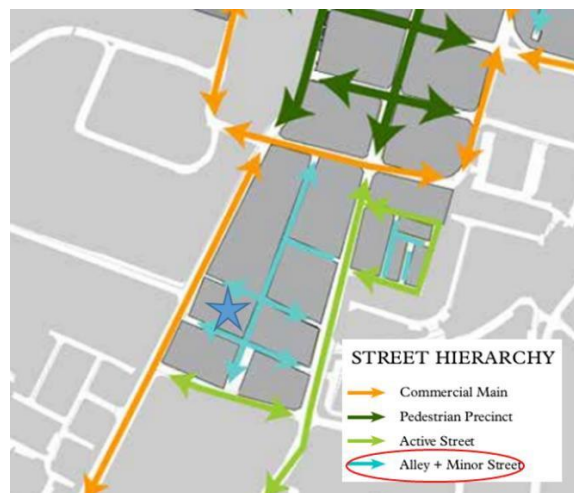
The Spine

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

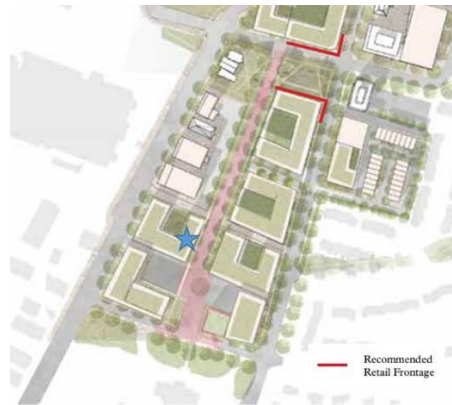
A critical piece of the vision for Old Town South is a “shared green way-service street that can serve as a community backyard for the new mixed use residential buildings and existing office units.” A concept plan and precedent images for the Greenway from the Small Area Plan are provided below:



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.”

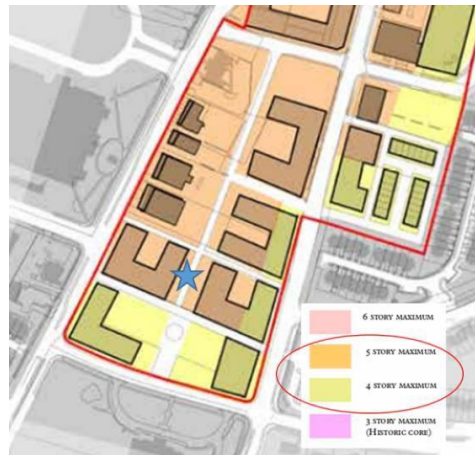
Residential uses, the Small Area Plan states, are “key to supporting new development in the Activity Centers, both of which are currently dominated by office space.” Since most of the

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.”

The Small Area Plan specifically labeled the Property as a “Key Near Term Opportunity Site” and stated that “The City should pave the way for approval of existing properties already under review for redevelopment.”

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 and also density limits. 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 as depicted on the GDP prepared by Urban Ltd., as the project civil engineer and landscape architect, and Lessard Design, Inc., as the project architect, dated April 15, 2025, the proposed development consists of two hundred seventy-six (276) apartments in two new multifamily buildings (“Building A” and “Building 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

Although not directly encouraged by the Small Area Plan at this location, approximately 10,796 square feet of retail, commercial co-working space, or other nonresidential uses are proposed on the ground floor of Building A fronting on Chain Bridge Road. This location is the most suitable 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 former applicant's last submission based on staff feedback.

Both buildings will meet the Upper Story Residential/Mixed Use standards contained in Section 3.5.1.D of the Zoning Ordinance in terms of use, dimensional standards prescribed in Section 3.6.2 for lot area, yards, building coverage and lot coverage, except as stated in the next sentence below, and floor height for ground floor and upper stories. The Applicant is requesting Special Exception relief from the requirement that at least seventy-five (75%) of the floor area on the ground floor be used solely for nonresidential commercial and retail uses and from the maximum density requirement. These requests are discussed below.

The two buildings will be separated by the proposed "Greenway," a key feature of the Small Area Plan, which 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 and windows. 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 and south also redevelop.

The streetscape along Chain Bridge Road and University Drive has been revised to be in conformance with the Small Area Plan by providing the required street trees behind the curb and the 10 foot wide walk behind the street tree panel. This was achieved by re-grading the streetscape and adding retaining walls along both streets. See Sheet 32 of the GDP.

Structured parking will be provided primarily below grade on two levels. A total of 389 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. This exceeds the parking required (349) by 40 spaces. No compact parking spaces are proposed. An additional twenty-five (25) spaces are proposed to meet the requirement for the retail and nonresidential commercial uses. 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. The total number of spaces required for the project is 349. The Applicant proposes to provide a total of approximately 423 parking spaces, which now includes nine (9) outdoor parking spaces located off of the access drive. These spaces will be utilized for pick-ups and deliveries of companies such as Lift/Uber, Uber Eats, Door Dash, Amazon, etc. The parking garage will be constructed to accommodate a minimum of twenty (20) electric vehicle charging spaces. Finally, one loading space is provided for each building, for a total of two, which exceeds the minimum required by the Zoning Ordinance.

The Applicant will also be complying with the Bicycle Parking standards contained in Section 4.2.8 of the Zoning Ordinance. Both Buildings A and B will provide a bike storage area accessible from inside their respective buildings, as well as from the greenway, across from each other. The bike storage room on Building A provides U-shaped racks for 26 bicycles and the bike storage room on Building B provides U-shaped racks for 20 bicycles. See Sheet A.14. The number of bicycle spaces exceeds the Ordinance requirement of 20 spaces. Bike parking has also been provided outside the retail entrance on Chain Bridge Road.

There is an existing bus stop on Chain Bridge Road in front of the Property and Building A. The Applicant proposes to coordinate with the City's Public Works Department and either install a bus shelter at the stop in the general location as identified on the GDP, or contribute the sum of \$10,000 to the City towards the cost of the bus shelter.

In accordance with Section 4.11 of the Zoning Ordinance, all new on-site utility conduit lines installed on the Property will be located underground, subject to the approval of the applicable utility companies. Also, all existing overhead utilities along the Chain Bridge Road frontage of the Property will be either removed or relocated underground. Utility plan sheets are included in the GDP.

In keeping with the City's affordable housing goals and regulations and Comprehensive Plan Housing Goal 2, the Applicant is proposing to provide six percent (6%) of the total number of units, or seventeen (17) units, as affordable pursuant to Section 3.9 (Affordable Dwelling Units) of the Zoning Ordinance. These units will further the City's goals of promoting the development of a full range of housing choices, and constructing units that are affordable to households whose collective income is seventy percent (70%) or less of the area median income in the Washington Metropolitan Statistical Area. Of the affordable units to be provided, each unit type in the project will be represented at the required percentage. Therefore, there will be two studio units, ten one-bedroom units and five two-bedroom units, which is representative of the unit mix in the buildings. The location of the units is depicted on Architectural Sheets A.14 through A.18. These sheets have been incorporated into the GDP.

The following is provided to summarize the site density tabulations:

| | |
|------------------------------|--------------|
| Site Area | 2.688 ac |
| Maximum Allowed Density (CU) | 24 du/ac |
| Proposed Density | 102.68 du/ac |

Regarding Stormwater Management, this application proposes two multifamily dwelling buildings with ground floor nonresidential uses in one building, and a shared parking garage. As a result, the amount of impervious surface on the Property is increasing. The topography of the site consists of one drainage area, which drains to the east towards University Drive. See Sheet 15 of the General Development Plan for the pre-development computations.

While all stormwater management facilities shall be selected and final engineered at the time of final site plan, the Applicant is proposing stormwater management vaults to serve as the BMP facilities for the Property. These facilities will provide a minimum of 20% reduction in the total phosphorous runoff. Final engineering of the BMP facilities may also include below grade storm filters and Jellyfish filters.

The vaults will control the one, two and ten year 24-hour storm and release stormwater runoff into a proposed closed conduit storm sewer system located parallel to University Drive. This closed conduit system will also collect stormwater runoff from the proposed improvement located inside the right-of-way along University Drive. At this point, stormwater runoff from the right-of-way and the Property (Drainage Area 'A' on the plans) will converge and be released at an outfall point located inside a mapped flood plain per the City of Fairfax GIS Map. See Sheets 20 and 21 of the GDP for the location. The project shall be designed to ensure that no surrounding structures will be negatively impacted by a 100-year flow.

The proposed closed conduit storm system located along University Drive will be final engineered during the site plan review phase of the project to adequately convey the two year 24-hour storm and prevent erosion at the outfall point, in compliance with Channel Protection Section 9VAC25-870-66.B.1 of the Virginia Stormwater Regulations.

To meet the City's green building and sustainability goals articulated in the Small Area Plan and the Comprehensive Plan, the Applicant intends to seek LEED Certified or another comparable green building certification program. The project will be constructed to reduce energy use, greenhouse gas emissions and construction waste. Energy saving devices will be incorporated which may include the use of ENERGY STAR® appliances, energy efficient mechanical systems, recycling for occupant refuse, energy efficient lighting and insulation that meets or exceeds applicable energy code requirements. These commitments are documented in the proposed Proffers (see Proffers 9.A and B).

The project will require the demolition of the existing structures on the Property, including a single family dwelling that is over 100 years old. In order to address this, after this application is approved, the Applicant has offered to retain a historian to conduct an architectural history report of the Property and provide it to the City. The report shall include, to the extent feasible,

a history of the home, a title bringdown on the property and title documents from 1850 to the present day, a description of the home's architectural evolution (e.g., approximate dates and types of additions to the home), a measured plan of the home's first floor, and a discussion of the Davies family and their significance in local history.

Further, the Applicant will agree to be responsible for documenting any historical artifact or historical natural feature uncovered during construction on the site in consultation with City of Fairfax Office of Historic Resources staff and a Professional Archaeologist. In the event that Historic Preservation Program staff in conjunction with the Applicant determine that an historical artifact or natural feature is found on the site and is to be disturbed or removed from the site during construction; the Applicant agrees to contact City of Fairfax Office of Historic Resources staff to determine whether removal or disturbance of the artifact or natural feature is warranted, and if so, what mitigation measures should be undertaken. Finally, the Applicant agrees to not allow any metal detection and/or artifact collection to be conducted on the property, unless authorized by City of Fairfax Office of Historic Resources staff.

Based on the historical information already gathered, the Applicant agrees to incorporate an Art Walk in the proposed landscaped design in the Greenway to honor Mrs. Davies art studies at Washington-Lee High School and the College of Mary Washington, her early work at the Smithsonian National Gallery, and her lifelong commitment to the arts and painting. Further, the Applicant intends to install small plaques or markers to recognize the Davies family, the architecture firm that designed the house, and the ponies that lived on the land and epitomized the rural nature of the property until the 1960s. See Proffer 14.

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 and commercial opportunities, 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. A sewer capacity analysis was conducted. The developer will be upgrading the portion of sewer lines along the application property on University Drive in anticipation of future development to the north and to satisfy capacity issues with the existing pipes. See GDP Sheet 22.

- 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 and commercial use and the recommended height transitions, consistent with the Small Area Plan.

Special Exception Approval Criteria, § 6.17.7.A and PFM Modifications

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 24,473 square

feet for the two buildings and 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. Building A has 23,355 square feet of ground floor space. Building B has only 9,275 square feet of ground floor space. The amount of retail, commercial and nonresidential space for Building A has been increased to 10,796 square feet which equates to 46.2% overall (and 62% of the required amount). There is also an additional 6,548 square feet of lobby, lounge and amenity space for the resident on the ground floor of Building A. 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 10,796 square feet of retail, commercial and nonresidential space, 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%) decrease from the previous proposal by TDC Acquisitions, LLC.

3. A modification of § 3.7.3.C.2 for the Old Town Fairfax Transition Overlay District 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 Small Area Plan for the Property. The project will be a maximum of five stories as recommended in the Plan.

4. A modification of Section 3.7.3.E to eliminate the requirement for a landscape strip and street trees along the internal access drive.

There is insufficient land for the landscape strip and street trees in the internal access drive. Especially, after widening the drive to 26 feet and adding a five foot wide walkway. The internal access drive is not classified as a "street" itself and is therefore not required to provide street trees. Additionally, in comparison to previous applications, the required widening of the access drive from 23 ft. to 26 ft., providing an ADA compliant adjacent walk, and providing an additional 11 foot planted buffer along the southern property line, while maintaining the minimum building programming requirements, prevents the ability to provide space for street trees along this access drive aisle. Due to these site constraints and the fact that there is no street tree requirement for an access drive, the Applicant feels the internal access drive as designed with this submission is adequate. See GDP Sheet 32.

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

Neither abutting property, as currently developed, would benefit from interparcel access. The grading of the Greenway has been adjusted to allow future pedestrian and vehicular connections with the adjacent properties. Proposed access easements are also shown on the GDP.

6. 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.

7. A modification to the Transitional Yard required in §4.5.5 for Buffer A-B and C-D (as depicted on GDP Sheets 32 and 33).

The Applicant proposes to provide a six foot fence for Buffer A-B only because by increasing the access drive width from 23 feet to 26 feet and providing a five foot wide sidewalk on the southern side of the drive there is insufficient room available to include the TY 1 buffer of 7.5 feet without disrupting the program of uses and amenities. For Buffer C-D, the Applicant is proposing a buffer of 11 feet in width when the TY 3 standard is 15 feet. Also, 25 small deciduous trees and 12 evergreen trees will be planted, and a six foot fence will be installed. The Applicant believes this is an adequate buffer considering the existing vegetation and buffer for the abutting Inns of Court property. See the table labeled “Transitional Yard Calculations” on GDP Sheet 33. In addition, the Applicant and the Applicant’s arborist met with the adjacent owners to the south on January 30, 2025 to discuss additional plantings on the southern property (i.e., Inns of Court). Once agreements have been reached, further documentation shall be provided. A note regarding replacement trees for offsite tree removal has been added to Sheet 31. Additionally, replacement trees are conceptually shown on the adjacent property on the Landscape Plan, noted that they are subject to approval by offsite owners. See Sheet 32.

The following modifications from the Public Facilities Manual (“PFM”) are also requested:

8. A modification to the PFM Detail 401.01 to decrease the width of the access drive to 26 feet (face of curb to face of curb), which is the minimum requirement for Fire Department access. The Applicant’s engineers have met with the Fire Marshal’s office and no objections or concerns were raised.
9. A modification of PFM Detail 404.06 to decrease the minimum corner clearance from the driveway on the parcel to the north from 50 feet to 23 feet. Due to site constraints and building location, the recommended distance is not achievable. The driveway to the north on University Drive is not used because it serves an office building that is currently vacant. The property is also a candidate for redevelopment by others with other properties to the north.
10. A modification of PFM Detail 404.06 to decrease the minimum separation between the access drive and the northern property line from 12 feet to 1 foot. Due to site

constraints and building location, and possible future redevelopment of the northern property, a separation is not possible.

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 and PFM modifications are necessary to achieve the mixed-use goals articulated in the Small Area Plan.

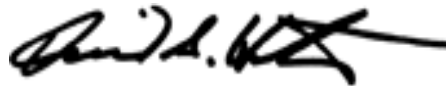
Conclusion

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, as the long-time property owner, 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