

# AMERICAN LEGION REDEVELOPMENT

## STATEMENT OF SUPPORT

July 2, 2020

### INTRODUCTION

The American Legion Post 177, Toll Brothers, Inc. (dba Mid-Atlantic LP Company, Inc.) hereinafter “Toll” and Post 177 Apartments LLC (A partnership of Good Works LP and TM Associates, Inc.) as Co-Applicants, propose the redevelopment of the “American Legion Property” located at 3939 Oak Street. The Co-Applicants have come together in a joint development partnership to create a new American Legion facility, improve current civic uses, and add much needed affordable housing, including units designated for veterans and the disabled, within two adjoining mixed-use buildings. These community-serving uses are financially achievable as a result of the market-rate, multi-family, two-over-two component of this development, which Toll will construct. This development represents a unique partnership and mix of uses that will provide the American Legion the ability to continue its service to the community for decades to come.

The Co-Applicants propose to redevelop approximately 7.746 acres of the American Legion Property known herein as the “Property”. The Property is located generally north of Main Street, between Oak Street and Keith Avenue, and south of both Pat Rodio Park and IDI’s development of the Paul VI Catholic High School located at 10675 Fairfax Blvd. The Property lies directly north of and is adjacent to the Mount Vineyard project that includes a mix of residential housing types, fronting on Main Street (10742 – 10764 Main Street).

The affordable housing offered in this project is one of the most significant features of this development proposal. All 76 of the units in the multifamily affordable housing building will be affordable at levels averaging 60% AMI or less. To facilitate the affordable housing, Post 177 Apartments LLC intends to apply to the Virginia Housing Development Authority (“VHDA”) for both 4% and 9% Low-Income Housing Tax Credits for the March 2021 cycle. To facilitate the two types of tax credits offered by the State, the multifamily building has been designed using two separate but functionally and visually connected buildings: the West Building closest to Oak Street (4% project) on the Legion West Parcel; and the East building with units facing Chilcott Field (9% project) on the Legion East Parcel. In addition, Post 177 Apartments will also seek special funding for veteran’s housing whereby 25% of the unit in these buildings will give veterans a preference. Please see below “Affordable Housing” section for more detailed information. The Co-Applicants are enthusiastic about this significant offering of attainable housing for the community.

Collectively the Co-Applicants propose a rezoning of the Property from Residential High (“RH”) to Planned Development Mixed Use (“PD-M”), which allows for mixed uses, including residential and nonresidential uses, within a planned development. The PD-M District also allows for: all permitted residential uses of the R Districts; special uses, like private clubs; as well as all permitted and special uses of the “C” Commercial Districts. The proposed development is consistent with the goals and purposes of the PD-M zone and includes: an affordable, multifamily housing building with the unique opportunity to retain and expand the American Legion on the

ground floor; two-over-two multifamily units; the retention of the existing baseball field (Chilcott Field facilities) with improvements; and the preservation of the Resource Protection Area of the Tusico Branch, a tributary of the Accotink Creek which passes through the Property. Additionally, as part of the site plan, the Legion seeks to replace four existing radio antennae with a single, new 165' monopole.

The current Comprehensive Plan Map divides the Property into two designations: the northern third of the Property is designated as "Public" and the southern two-thirds of the Property is designated as "Social and Civic Network". As part of this application, the Applicant requests an amendment to the Comprehensive Plan Map to allow for three designations on the Property: 1) amend the "Public" designation at the northern portion of the property to "Private" Green Network; 2) retain and reduce the middle portion designation of the Property as "Social and Civic Network"; and 3) amend the southern portion of the Property to allow for "Multifamily Neighborhood," which would match and extend the Comprehensive Plan Map designation of the Mount Vineyard development (also "Multifamily Neighborhood") adjacent to the south side of the Property. The new mixed-use affordable building located on two separate lots (Legion West Parcel and Legion East Parcel) will include the American Legion private club use and would be located within this existing "Social and Civic Network" designation area. The northern portion of the Property, Legion North Parcel, designated as "Public" would be amended to "Private" since that area includes private open space; the retained and improved Chilcott Field facilities; the monopole; and the Resource Protection Area around the creek bed. The southern portion of the Property (Private Housing Parcel), amended to "Multifamily Neighborhood," would include the two-over-two multifamily residential component of the development.

## **PROPOSAL HISTORY**

The American Legion seeks to expand its current uses and modernize its facility. Currently, the existing Post facility is outdated (built in 1967 with later additions), is not handicapped accessible, and needs to be updated. At the same time, the American Legion seeks to provide additional community benefits by providing significant affordable housing opportunities, including a preference for veterans. The American Legion is partnering with Toll and Post 177 Apartments LLC to implement their vision. Toll brings the market expertise and needed financial support through the development of the 66 market-rate two-over-two units.

Post 177 Apartments LLC, chosen to design and build the affordable multifamily residential building, is a joint venture of Good Works LP and MARG Rural LLC, a Division of TM Associates. Good Works LP is the largest developer of affordable workforce housing in nearby Loudoun County where owner, G. Kimball Hart, has over 25 years of experience. TM Associates, owned by Bob Margolis, currently owns and manages 260 properties in 9 mid-Atlantic states totaling over 13,000 affordable housing units.

The American Legion Post 177 selected Toll Brothers, Inc. due to its extensive expertise in housing development in the region. Toll has been building in Fairfax and the northern Virginia region since 1985, having built thousands of single-family, attached, and multi-family homes. Toll Brothers currently builds in 24 states nationwide. For six years in a row, Toll Brothers has been ranked the #1 Home Builder Worldwide on the FORTUNE Magazine "World's Most Admired

Companies®" list. Toll been honored as national Builder of the Year by BUILDER magazine; and was twice named national “Builder of the Year” by Professional Builder magazine.

The American Legion Post 177 began their informal community outreach efforts during 2019 through meetings with community stakeholders. The Co-Applicants and their design teams have worked diligently to address feedback received from both the City Council and Planning Commission at their respective January hearings. In addition to providing more detail on the plans, the Co-Applicants made design changes to address the comments. The Co-Applicants look forward to meeting with the City Council and Planning Commission again as soon as possible to obtain their input on the enclosed revised plans.

**PROJECT DESCRIPTION**

The proposed project will include a unique mix of uses including affordable housing, open space, retention of Chilcott Field facilities, and market-rate, for-sale two-over-two multifamily residential units. In designing the affordable housing and American Legion building, the architect has been able to use the grade of the site in an advantageous way that minimizes the height of the building and screens the parking.

Please see enclosed Master Development Plan. The following is a chart summarizing the proposed development:

Density	18.3 units/acre (142 total units)
Affordable Multifamily Units	76 total units (Studio, 1BR, 2BR & 3BR)
Market-Rate Two-over-two units	66 units
American Legion Club Area	17,523 SF
Open Space (Including Supplemental but Excludes Chilcott Field)	2.34 Acres or 30.2% of the Property
Building Height Maximum	50.6’ (Affordable Housing/ Legion bldg.) and 45’ (two-over-twos)

Key features and community benefits of the plan include:

- The preservation and expansion of American Legion Post 177 which is a community-serving use, in operation at this site for 75 years
- A significant amount of affordable housing totaling 76 units (25% of which veterans, families of veterans, and active military will be given a preference);
- A variety of housing types and price points including rentals affordable at an average of 60% AMI and two-over-two housing at market rates;
- Green building measures for both the multifamily and two-over-two buildings;
- Chilcott field improvements totaling \$1M in conjunction with Fairfax Little League. Improvements will include plumbing, soil/drainage, turf, fencing, dug-outs, and seating;

- A significant amount of open space (including supplemental types) and recreation area totaling 2.04 acres; 26.3% of the application area;
  - Specifically, the Co-Applicants propose a pocket-park amenity area with seating and landscaping located within the two-over-two development and a tot-lot/playground as part of the affordable housing/American Legion building.
- 5' sidewalk along Panther Place which will provide connectivity to the future IDI project;
- Transitional development that concentrates density on the south of the Property adjacent to Mount Vineyard, with a gradual transition north to open space, Chilcott Field and RPA areas; and
- Minimal vehicular access off Oak Street, using two existing curb cuts (shifted from their current location).

## PARKING TABULATION

Proposed Use	Units/SF	Req'd Parking Spaces	Provided Parking Spaces		
			Structured	Garage Driveway	Surface
Affordable Multifamily: Studios, 1BR	26 units	1.5 sp/unit: 39 spaces	26		
Affordable: 2BR /3BR	50 units	2.0 sp/unit: 100 spaces	50		
Am. Legion Private Club	17,523 SF	1 sp/200 SF: 88 spaces	35		53
Market-Rate 2/2s	66 units	2 sp/unit: 132 spaces		132	9
Flex Spaces		0	35		16
Subtotal			<b>146</b>	<b>132</b>	<b>78</b>
<b>TOTAL</b>		<b>359</b>	<b>356</b>		

Parking for the existing Chilcott Field facilities, to remain, will continue as it does today: it will be available off-site at the Post North Lot and future IDI Community Benefit Lot. In addition, the American Legion will work with the baseball leagues to allow for use of some of the 51 flex parking spaces when it does not have events. Gorove Slade has provided a Parking Assessment with this application.

## **AFFORDABLE HOUSING AND VETERAN PRIORITY**

The Co-Applicants recognize that their development is one of the first developments subject to the new Article 3 Affordable Housing Ordinance (the “Ordinance”) adopted on June 23, 2020 by City Council. As later described in detail in this section, the Co-Applicants propose a robust affordable housing component of 76 units with an average level of affordability of 60% AMI or less, which is over half of the total 142 units proposed. Ultimately, the proposed affordable housing component of this project will significantly exceed the amount of affordable housing required by the Ordinance on a unit and square-footage basis, achieving the main purpose of the Ordinance of increasing the amount of affordable housing in the City of Fairfax.

Pursuant to the Ordinance, the proposed development is considered mixed use with 142 multifamily residential units comprised of for sale two-over-twos (66) and rental apartment units (76) in separate buildings. Six percent (6%) of the multifamily units are required to be affordable housing units at an affordability level of 60% AMI. Six percent (6%) of the 142 multifamily units is 9 units. With this project, the Co-Applicants propose 76 affordable dwelling units as rental apartments, which is 53% of the project or over 7 times more ADUs than would be required under Ordinance. The average affordability of the proposed affordable housing units is 60% AMI or less but will include a wider range of affordability, between 30% AMI and 80% AMI, consistent with VHDA regulations.

The following includes greater detail of the proposed affordable housing component of this project. The affordable housing portion of this project will be in two, four-story connected buildings known as the West Building (4%) and East Building (9%). Each building will have its own elevator tower but will be visually and physically connected. As mentioned above, the purposes of splitting the affordable housing building into two stand-alone connected buildings on two separate lots is to allow for two different financing schemes offered by the state VHDA. Please see “Subdivision” section below. Post 177 Apartments LLC intends to seek both the 4% and 9% Low Income Housing Tax Credits for this project in the 2021 VHDA application cycle.

The West and East Buildings are intended to be a “Family” project, as defined by the VHDA. It will have a mix of Studio, 1-Bedroom, 2-Bedroom and 3-Bedroom units with the majority being 2-Bedroom units. Residents will have access to both towers independently of the American Legion. This will be a certified “green” building.

In addition to offices, mailboxes, and a package hub, the East Building will also have the community spaces for all of the residential units in both the East and West Buildings. Community spaces will include a large Community Room with a kitchenette. This space can be used during the week for after school tutoring and student activities. On weekends, this space is often rented out by residents for family gatherings. This area will also have a business center or computer room for resident use.

Rents in the two-building complex will be affordable to families with household incomes from 30% to 80% of the Area Median Income or AMI (\$126,000 for a family of four in 2020).

Veterans, the family of veterans, and those on active military duty will be given priority (top of the waiting list) for 25% on the units in the complex.

In addition, residents can share the use of the tot-lot provided on the site area of the East and West Buildings. The property will be professionally managed, by a firm certified by VHDA, and will have its own, in-house maintenance staff. All applicants for residency must pass a credit check, a criminal background check, and have all income third-party verified.

Initial ownership of the building will be shared between Good Works LP and TM Associates, Inc. The American Legion Post 177 will lease the ground to the Affordable Housing portion of this project. Ultimately, the American Legion Post 177 will take ownership of these rental units and have them as an income source for generations to come.

## **SUBDIVISION**

It is the intent of the Co-Applicants to subdivide the Property, should the City Council ultimately approve the development. Please see proposed “Subdivision Details” on Sheet C802. The subdivision will allow Toll to sell the market-rate two over two multifamily units, Post 177 Apartments LLC will lease their respective sites from the American Legion Post 177. Post 177 Apartments LLC needs to subdivide the multifamily affordable housing building lots in order to apply for 4% and 9% Low-Income Housing Tax Credits as described in detail above.

## **PROPOSED MONOPOLE**

Since 1985, the American Legion has supported WDCT, a family-owned radio station dedicated to serving the Korean community throughout Northern Virginia, by hosting the station’s radio towers and transmission facilities. As part of this redevelopment, four aging radio towers will be replaced by a single 165-foot monopole tower, placed near the location of an existing tower, to be removed, at the back of the site. It would be difficult if not impossible for WDCT to find another tower location near to the Korean community they serve. This tower renovation will allow the radio station to continue to serve their community.

## **COMPREHENSIVE PLAN CONSISTENCY AND CONFORMANCE**

The Co-Applicants believe the proposed development is in harmony with the guidance of the City’s 2019 Comprehensive Plan. Because of the long-established history of the American Legion Post 177 and ball field use, a change from these uses was likely not envisioned in the 2019 Comprehensive Plan. This project specifically meets several 2019 Comprehensive Plan goals:

- Housing Goal #2 : “Ensure availability of housing that is affordable” (p. 56). The proposed project meets this Housing Goal through the provision of 76 affordable units that will be rented to people whose incomes qualify between 30% and 80% AMI. The project also meets Action H2.1.4 “. . . accommodate[e] new dedicated affordable housing units, such as . . . supporting . . . private, non-profit, or faith-based organizations”.

- “Social and Civic Network” Place Type: The Co-Applicants seek to retain this designation for the center portion of the Property. The Land Use section of the Comprehensive Plan states this Place Type is for private and public facilities and “[i]n order to support the recommendations of the Housing Guiding Principle in this chapter, residential uses may be considered in conjunction with other uses in the Social and Civic Network Place Type, provided such residential uses are considered affordable” (p37). Here, the Co-Applicants propose affordable housing and the retention of the American Legion in the area designated “Social and Civic Network” which is consistent and furthers the Place Type goals.
- Neighborhoods Goal #1: “Enhance neighborhood character” (p.46). Under this goal, the City acknowledges that there is little undeveloped land available for new residential neighborhoods and that new construction should be compatible with the character of surrounding neighborhoods.

The proposed development is compatible with the surrounding area. The Co-Applicants lowered building height for both the two-over-two buildings and the multifamily building to 45’ and 50.6’ respectively. As shown on C401 and C402 “Vertical Sections”, the proposed buildings are setback significantly from neighboring single-family homes to the east. The multifamily building is 280’ from the closest house and the two-over-two buildings are 190’ from the closest single-family house. Along the Oak Street frontage, the two-over-twos and multifamily buildings are a setback of between 100’ and 92.5’ from the single-family houses on half on the Property frontage, with Chilcott field open through the Property. Given building setbacks and lowering of height, the proposed buildings will be compatible with the neighborhood and consistent with height and massing of Mount Vineyard.

Other elements of the plans that make this project compatible with the neighborhood include the open space, the preservation and improvement of Chilcott field, the provision and preservation of the tree canopy, internal and external pedestrian networks (Neighborhood Goal #2), limited vehicular access to two points and sufficient parking.

## **COMPREHENSIVE PLAN MAP AMENDMENT**

As stated above, the current Comprehensive Plan Map divides the Property into two designations: the northern third of the Property is designated as “Public” and the southern two-thirds of the Property is designated as “Social and Civic Network”. As part of this application, the Applicant requests an amendment to the Comprehensive Plan Map to allow for three designations on the Property:

- 1) Amend the “Public” designation at the northern portion of the property (Legion North Parcel) to “Private”. This northern portion of the Property will continue to function as private open space owned by the American Legion. It will include the retained Chilcott Field facilities, the monopole, and the Resource Protection Area around the creek bed.

- 2) Retain and reduce in size the middle portion of the Property designation as “Social and Civic Network”. The new mixed-use buildings and two new lots after subdivision (Legion East Parcel and Legion West Parcel), will include both the American Legion private club use and the affordable housing component of the project. This would be located within this existing “Social and Civic Network” designation area.
- 3) Amend the southern portion of the Property (Private Housing Parcel) to allow for “Multifamily Neighborhood” which would match and extend the Comprehensive Plan Map designation of the Mount Vineyard development (also “Multifamily Neighborhood”) adjacent to the south of the Property. The southern third of the Property, amended to “Multifamily Neighborhood” would include the two-over-two multifamily component of the development.

### **Multifamily Building Stories and Height**

Both the West and East affordable housing buildings and the market-rate two-over-two buildings are limited to 4 stories as specified in the City’s 2019 Comprehensive Plan “Multifamily Neighborhood” designation. Heights of both the buildings have been calculated using definitions and standards provided in Section 1.5.11 of the Zoning Ordinance and Section 1011.12 of the USBC. The height of the two-over-two multifamily buildings are 45’ as specified in the 2019 Comprehensive Plan. Heights of the West and East buildings are 50.6’, which is 5.6’ or 12.4% higher than the 45’ specified in the Comprehensive Plan. This very modest extension over the 45’ goal is due to the fact that Post 177 headquarters are located on the first floor of the West building. At the request of the Post, the ceiling heights on this floor have been raised to 14’ in order to accommodate the publicly-used banquet facility and the jointly used Post 177 commercial kitchen. This building will be designed and provided with sprinklers so as to accommodate these uses. Because of the importance of the higher ceilings to the Post and to the public facilities, it is hoped that the City Council will agree that this very modest increase in building height, above the Comprehensive Plan target, will be acceptable.

### **SPECIAL USE PERMIT**

The Applicant requests a Special Use Permit to include SWM facilities, surface parking and a tot lot within the floodplain. The Applicant will design these improvements in keeping with the Zoning Ordinance §4.15.8 Approval Criteria. The Applicant will incorporate a rip-rap channel design for the storm outfall and will provide a WQIA, including buffer re-establishment, for any disturbed areas of the RPA.

### **MODIFICATIONS**

To facilitate the development several modifications are requested:

- 1) Pursuant to §3.8.2.I, for a mixed used development zoned to the PD-M District, non-residential uses are to be occupied prior to 66% of residential uses. Given the majority of the proposed development is residential use with only 17,523 sf of private club/American Legion use, the Co-Applicants seek to allow for occupancy of more than 66% of the residential units prior to

the occupancy of the private club use. Two other reasons for this modification are: 1) the American Legion Post 177 will be improving their space through a tenant fit-out process after the affordable housing building is constructed; and 2) because of the complex financing mechanisms of the affordable housing building, VDHA will not allow constraints on timing based on the American Legion Post #177 Certificate of Occupancy.

2) Pursuant to §3.8.2.E.3, at several locations the Co-Applicants seek modifications to the TY3 transitional requirements of §4.5.5.C.2(b)(2) and 4.5.5.D including the minimum yard width requirement; the minimum tree planting requirement; and the minimum fence or wall height requirements.

- South West TY3—Boundary Along Oak Street: The project’s main entrances and access points are along Oak Street. At this location, Co-Applicants seek a more urban streetscape instead of solid buffer peripheral edge. The architecture and landscaping have been integrated for a better overall street edge, creating a welcoming and urban character. The Co-Applicants seek relief from the 6’ fence or wall requirement to allow for this urban edge. Additionally, a fence will block visual access to the entrances of the buildings and of the American Legion, the affordable housing building as well as the two-over-two multifamily project. The Co-Applicants also request relief from the canopy tree requirement due to conflicts with the existing overhead utilities. In lieu of canopy trees, Co-Applicants propose dense shrub cover to provide additional buffer, which exceeds the shrub requirements. Lastly, in front of the multifamily affordable building, the Co-Applicants request a 13.5’ width landscape strip instead of 15’ for a portion of the frontage, in order to allow for a larger amenity plaza.
- South TY3--Boundary Along Mt. Vineyard: The Co-Applicants request a reduction in the width of the landscape buffer from 15’ to 12’, which extends 157’ in length of the 472’ total buffer length. The reduction request is needed in order to provide adequate internal loop roadway width for two-way turning movements and adequate firetruck access. The proposed buffer of 12’ to 15’ (varies) is consistent with the buffer provided at the adjacent Mt. Vineyard development. Second, the Co-Applicants seek no fence or wall along the boundary with Mt. Vineyard as the Mt. Vineyard property is located at a higher elevation and includes a retaining wall along the shared boundary of the properties. The Co-Applicants will provide the required amount of canopy trees, understory trees and shrubs. Given the Mt. Vineyard project and the proposed two-over-twos are the same housing type, the proposed similar treatment at the shared boundary will continue the similar character among the projects.
- North East TY3—Boundary Along Pat Rodio Park: The Co-Applicants seek relief from the requirement to provide a 6’ fence or wall along the boundary with Pat Rodio Park. If a fence were installed, it would be located close to the existing stream and would need to accommodate existing trees, which would be difficult. Additionally, the Co-Applicants seek to allow visual access through the property in the north east direction.

- North TY3—Boundary Along Panther Place: The Co-Applicants request that the TY components not be provided at this boundary. As part of this project, Chilcott Field will not be substantially relocated from its existing location. It is important to allow for physical and visual access and awareness along the edges of the field for safety reasons. A fence and dense landscaping may block such access and awareness. Visitors and players need visual access and awareness of field play (flying baseballs).
- North West TY3—Baseball field Boundary Along Oak Street: The Co-Applicants request relief from the requirements to provide a landscape strip, a fence or wall, and landscaping along the baseball field portion of this boundary. For similar reasons stated above in the North boundary, the Co-Applicants seek to allow visual and physical access to the field for safety reasons.

At the eastern boundary along single family homes, no modifications are requested. The Co-Applicants propose fencing that will be placed within the buffer to accommodate existing trees and rip rap channel that will remain in place.

3) Pursuant to §3.8.2.E.3, a parking reduction from the requirements of §4.2.3.E for the multifamily affordable housing building is requested. For the multifamily affordable housing units, the Applicant proposes 1 space per unit. Additionally, the Applicant requests 51 shared, “flex” parking for guests, for event overflow and for special events within the multifamily garage. Please see enclosed requested parking justification by Gorove Slade. Based on the City requirements, 359 parking spaces are required. The Co-Applicants will provide a total of 356 spaces: 146 spaces in the multifamily garage; 78 surface spaces and 132 garage and driveway spaces for the two-over-twos (see page C403). As stated in the Gorove Slade parking study, the parking proposed by the Co-Applicant’s will meet ITE standards and will meet peak demand, there are bus routes in close proximity and the Property enjoys pedestrian connectivity.

4) Pursuant to §3.8.2.E.3, the multifamily building will need a loading space reduction in order to provide one (1) shared loading dock for use by both the American Legion and the multifamily affordable housing building. A total of two loading spaces are required per §4.2.9.B. Since these uses are in the same building, the use of the loading dock can be managed so as to be available for each user group.

5) Pursuant to §3.8.7.G, a reduction of the open space requirement of 20% is requested. As shown on Sheet L200 Open Space Plan, the Co-Applicants propose 12% open space on the 2.51 ac. Private Housing Parcel and 16.7% on the entirety of the Property (7.7467 ac). The Legion North, South and West Parcels, all owned in the future by the American Legion, will provide 19% open space requirement. The Co-Applicants have not included Chilcott field in the open space calculation since it will be used by Fairfax Little League. In the near future, the Co-Applicants propose upgrading the field with improvements and therefore the field cannot be burdened by public easements or other restrictions. The Property in its entirety, including all four future parcels, will provide 2.34 acres of open space, or 30.2%, comprised of both open space of greater than 50’ X 50’, supplemental open space less than 50’ X 50’ and roof top terrace spaces.

6) Pursuant to §3.8.2.E.3, the Co-Applicants request a modification to §4.5.6.B to allow for understory trees instead of canopy trees along Oak Street due to the presence of overhead utility wires. While canopy trees cannot be provided, the Co-Applicants seek to provide some level of screening provided by understory trees. Since there are no trees proposed on the North West baseball field boundary, the requirement of a maximum of 50' tree spacing is not met. Additionally, along the South West boundary with Oak Street, there is also an area that will not meet the tree spacing requirement due to an existing onsite pole that will remain in place.

7) Pursuant to §3.8.2.E.3, the Co-Applicants request a modification of the interior and terminal landscaped islands requirements per §4.5.7.D. In order to allow for parking and site efficiencies, there are three areas where 11 parking spaces in a row are proposed, exceeding the maximum required 10. Additionally, not all of the proposed landscaped islands contain 200 square feet; however, all proposed islands meet the 8' wide per the requirement. There are parking spaces more than 50' from a planting island in order to maximize tree planting areas for the parking spaces closest to the building. Finally, several parking rows do not include enough area to plant a tree as some of these islands are encumbered with utilities that conflict with tree planting.

8) A waiver pursuant to §8.11 of the Fairfax Public Facilities Manual (PFM) is requested to allow for street trees to be closer than 30' to utility poles. This waiver specifically applies to trees along Oak Street that are closer than 30' to utility poles. Smaller species of trees have been selected to avoid any conflicts with the poles.

## **FISCAL IMPACT**

A Fiscal Impact Analysis has been prepared by RCLCO for this project, in full compliance with the template provided by the City. When considering only the limits of this application, on a portion of the Post 177 site, the net fiscal impact will be negative (from -\$35,000 to -\$241,000 with a midpoint range of -\$138,000). However, as noted in the cover letter to this analysis, there are "Other Benefits of the Development" beyond this calculation: while not technically considered as part of the fiscal analysis of this project, the improvement of Chilcott field and most importantly, the provision of 76 affordable housing units at varying levels of income are significant community benefits that would be difficult for private or public entities to provide. The American Legion Post 177 in conjunction with Fairfax Little League will also provide \$1M to the for the improvements to Chilcott Field. The Co-Applicants have a unique opportunity to provide these important benefits to the community and should be considered.

## **DEVELOPMENT COMMITMENTS**

The Co-Applicants intend to voluntarily agree to reasonable development commitments governing the use of the Property if the application is ultimately approved. The commitments will be agreed-to as a result of the rezoning of the property, be lawful, and will sufficiently mitigate related impacts of the proposed development. The Applicant will draft the commitments and submit them to City Staff for their review later in the review process.

## **PHASING**

The Co-Applicants have not yet prepared a phasing plan and will provide one later in the plan review process. The Co-Applicants anticipate development to occur generally at the same time with little phasing. The two affordable housing buildings will be built at the same time. The term “phasing” is used only in regard to funding and the VHDA applications.

## **SUMMARY**

The Co-Applicants submit the proposed rezoning and comprehensive plan amendment to allow for a unique, vibrant community with a mix of residential housing types, including a significant amount of affordable housing, the expansion and preservation of the American Legion, an institution in the community, and the retention and significant improvements of the Chilcott Field facilities. The preservation of a significant amount of open space along with stream preservation is also proposed. The Co-Applicants are enthusiastic about this unique development and the benefits it will provide the City.