



Department of Development Services  
 Planning Division  
 300 Park Avenue  
 Falls Church, VA 22046-3332  
 Phone: 703.248.5040  
 Fax: 703.248.5225

**PLANNING DIVISION  
 APPLICATION FORM**

**PROJECT NAME:** Broad and West Development

Submit one form for each type:

- Site Plan
- Site Plan Amendment / Major
- Site Plan Amendment / Minor

- Special Exception
- Comp Plan Amendment
- Subdivision, Consolidation or Lot Line Adjustment
- Rezoning
- Interpretation / Planning Director
- Zoning Ordinance Text Amendment

PROJECT DESCRIPTION:			
Street Address:	Broad and West		
RPC #:	See Attached	Owner of Record:	See Attached

APPLICANT INFORMATION:			
Applicant:	<input type="checkbox"/> Owner	<input type="checkbox"/> Contract Owner	<input checked="" type="checkbox"/> Agent
Name:	David R. Lasso		
Address:	Venable LLP, 8010 Towers Crescent Drive, Suite 300, Tysons Corner, VA 22182	Business Phone:	703-760-1678
		Cell Phone:	703-801-1608
E-mail:	drlasso@venable.com	Fax:	703-821-8949

PROJECT AND PROPERTY INFORMATION:		
<p><b>SITE PLAN</b></p> <p>Current Zoning: N/A</p> <p><input type="checkbox"/> Present Development</p> <p><input type="checkbox"/> Proposed Development</p> <p># of New Dwelling Units: _____</p> <p>Commercial: _____ SF</p> <p><input type="checkbox"/> Mixed Use Development</p> <p><input type="checkbox"/> # Site Plan Waiver(s): _____</p> <p><input type="checkbox"/> Site Plan Resubmission</p> <p><input type="checkbox"/> Site Plan Amendment</p>	<p><b>SUBDIVISION, CONSOLIDATION OR LOT LINE ADJUSTMENT</b></p> <p>Current Zoning: N/A</p> <p><input type="checkbox"/> Present Development</p> <p><input type="checkbox"/> Proposed Development</p> <p><input type="checkbox"/> Subdivision: <input type="checkbox"/> SFH <input type="checkbox"/> Commercial</p> <p><input type="checkbox"/> Consolidation</p> <p><input type="checkbox"/> Lot Line Adjustment</p> <p><input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat</p>	<p><b>COMP PLAN/REZONING OR SPECIAL EXCEPTION</b></p> <p>Current Zoning: R1B, B-1, B-3</p> <p>Proposed Zoning: B-1</p> <p>Present Future Land Map Designation: Low Density Residential and General Business</p> <p><input type="checkbox"/> Present Development</p> <p><input checked="" type="checkbox"/> Proposed Development <small>Mixed Use/Bonus Height</small></p> <p><input type="checkbox"/> Conditional Rezoning</p> <p><input type="checkbox"/> Other Rezoning</p>
<b>TOTAL SITE AREA:</b> 170,488 SF	3.91 ACRES	

APPLICANT SIGNATURE: David R. Lasso  
 (over) For Spectrum Development Company, LLC

APPLICANT SIGNATURE: \_\_\_\_\_

Applications must be accompanied by corresponding checklists and materials as required.

**FEES:** Fees will be determined by Planning staff after an initial evaluation of the submission. Fees are due at that time, prior to a full review beginning. Fees are paid at the Development Services Counter and may be paid by cash, check, credit card or debit card. Checks should be made out the "The City of Falls Church". Returned checks are subject to fee of up to \$50.00.

<i>Status of real estate and personal property taxes, liens, business license and fees:</i>			
<b>TREASURER:</b>	<input type="checkbox"/> Current	<input type="checkbox"/> Outstanding (please describe):	Initials: _____
<b>COMM. REV:</b>	<input type="checkbox"/> Current	<input type="checkbox"/> Outstanding (please describe):	Initials: _____

TOTAL FEE for this application: \$ \_\_\_\_\_

Accepted by: \_\_\_\_\_ *Staff* MUNIS # \_\_\_\_\_

The City of Fall Church is committed to the letter and spirit of the Americans with Disabilities Act. This document will be made available in alternate format upon request. Call 703-248-5080 (TTY 711).



# CITY OF FALLS CHURCH

Department of Development Services  
 Planning Division  
 300 Park Avenue  
 Falls Church, VA 22046-3332  
 Phone: 703.248.5040  
 Fax: 703.248.5225

**PLANNING DIVISION  
 APPLICATION FORM**

**PROJECT NAME:** Broad and West Development

Submit one form for each type:

Site Plan

Site Plan Amendment / Major

Site Plan Amendment / Minor

Special Exception

Comp Plan Amendment

Subdivision, Consolidation or Lot Line Adjustment

Rezoning

Interpretation / Planning Director

Zoning Ordinance Text Amendment

**PROJECT DESCRIPTION:**

Street Address: Broad and West

RPC #: See Attached

Owner of Record: See Attached

**APPLICANT INFORMATION:**

Applicant:  Owner  Contract Owner  Agent

Name: David R. Lasso

Address: Venable LLP, 8010 Towers Crescent Drive, Suite 300, Tysons Corner, VA 22182

Business Phone: 703-760-1678

Cell Phone: 703-801-1608

E-mail: drlasso@venable.com

Fax: 703-821-8949

**PROJECT AND PROPERTY INFORMATION:**

**SITE PLAN**

Current Zoning: N/A

Present Development

Proposed Development

# of New Dwelling Units:

Commercial: \_\_\_\_\_ SF

Mixed Use Development

# Site Plan Waiver(s):

Site Plan Resubmission

Site Plan Amendment

**SUBDIVISION, CONSOLIDATION OR LOT LINE ADJUSTMENT**

Current Zoning: N/A

Present Development

Proposed Development

Subdivision:  SFH  Commercial

Consolidation

Lot Line Adjustment

Preliminary Plat  Final Plat

**COMP PLAN/REZONING OR SPECIAL EXCEPTION**

Current Zoning: R1B, B-1, B-3

Proposed Zoning: B-1

Present Future Land Map Designation: Low Density Residential and General Business

Present Development

Proposed Development Mixed Use/Bonus Height

Conditional Rezoning

Other Rezoning

TOTAL SITE AREA: 170,488 SF

3.91 ACRES

APPLICANT SIGNATURE:

*David R. Lasso*

(over)

For Spectrum Development Company, LLC

APPLICANT SIGNATURE: \_\_\_\_\_

Applications must be accompanied by corresponding checklists and materials as required.

**FEES:** Fees will be determined by Planning staff after an initial evaluation of the submission. Fees are due at that time, prior to a full review beginning. Fees are paid at the Development Services Counter and may be paid by cash, check, credit card or debit card. Checks should be made out the "The City of Falls Church". Returned checks are subject to fee of up to \$50.00.

<b>Status of real estate and personal property taxes, liens, business license and fees:</b>			
<b>TREASURER:</b>	<input type="checkbox"/> Current	<input type="checkbox"/> Outstanding (please describe): _____	Initials: _____
<b>COMM. REV:</b>	<input type="checkbox"/> Current	<input type="checkbox"/> Outstanding (please describe): _____	Initials: _____

TOTAL FEE for this application: \$ \_\_\_\_\_

Accepted by: \_\_\_\_\_ *Staff* MUNIS # \_\_\_\_\_

The City of Fall Church is committed to the letter and spirit of the Americans with Disabilities Act. This document will be made available in alternate format upon request. Call 703-248-5080 (TTY 711).

**David R. Lasso**  
t 703.760.1678  
f 703.821.8949

July 7, 2014

**VIA HAND DELIVERY**James Snyder  
Director of Planning and Zoning City of Falls Church  
City Hall  
300 Park Avenue  
Falls Church, VA 22046

Re: Resubmission Development Site "Broad and West"; Letter of Transmittal and Justification of Application for (1) for Rezoning certain areas of the site to B-1 (2) Special Exceptions for the bulk of the site to allow Mixed Use and for a Building Height Bonus.

Dear Jim:

Venable represents Spectrum Development Company LLC ("Spectrum") which has contracts to purchase or lease the parcels comprising 3.91 acres (more specifically identified in the accompanying partial list) including at 919 Park Avenue, 921 Park Avenue, 925 Park Avenue, 212 N. West Street, 110 N. West Street, 934 W. Broad Street, 932 W. Broad Street 922 W. Broad Street, and 920 W. Broad Street (collectively the "Site").

After the initial application was accepted, the City's representatives asked for a number of modifications to the proposal. Those modifications have been made and a resubmission accompanies this letter. Please note that the rezoning application form and plat is unchanged since the original application called for the entire site to be rezoned to B-1. But the development has changed such that, in summary, there is no longer a pharmacy, no drive thru for the pharmacy, the commercial space is now about 46,000 sf, the hotel has 150 rooms (92,000 sf), and there is a rental residential component of 253 units, a 65 unit residential condominium component (in place of the two detached houses on Park Ave.) Please accept this Transmittal of and Justification for Applications to rezone the residential (R-1B) properties on Park Avenue and the Commercial properties in the site now zoned B-3, to B-1. Also please accept this revised Justification for the special exception and height bonus.

This resubmission has several changes as noted above but also including tapering off the building at West Street and at Park Avenue and other design modifications to make the project meet the goals of the City; the condo units for example, will be set back from Park Ave. 35 feet, will have the appearance of townhouses with front stoops and there will be no vehicular access to Park Ave. Thus while part of this mixed use project, these units will continue to provide low density "feel" to that area of the City.

James F. Snyder  
Page 2  
July 7, 2014

As discussed below, the B-1 Zone allows the requested uses. Moreover by rezoning to B-1, automotive uses cannot be located on the site in the future. The City has requested this assurance be provided and so Spectrum requests those portions of the site now zoned B-3 be “downzoned” to B-1.

Spectrum proposes to redevelop the site for a mixed use project.

- A five and six story mixed use (apartment) building with retail and service uses in the ground floor and with about 253 units with 70 percent one bedroom and studios and 30 percent two bedrooms above the ground floor.
- A hotel of five floors with retail and service uses in the ground level and 150 rooms in floors 2 through 6.
- A 65 unit residential condominium facing Park Ave. with no vehicular access on Park and with the appearance of townhouses.
- The ground floor of the apartment building and hotel would have retail uses comprising about 46,000 square feet; such uses will include restaurants, retail shops and service businesses with a mix of local, regional and national brands. A commitment to 25% food and beverage uses is provided in a Proffer.
- Such improvements to the existing parkland along the W& OD trail that will provide a connection to the transit and recreational opportunities of the Trail; subject to the approval of the Northern Virginia Regional Park Authority.

The site is located in planning opportunity area three and the site is discussed in the Comprehensive Plan at pages 58 and 59. The redevelopment area calls for mixed uses diagonally across from the site but in fact that area is committed in the long term to retail uses.

By consolidating the parcels in this site, Spectrum has achieved a number of the Goals in the City’s Comprehensive Plan. Specifically, the proposed mixed use development provides for sustainable development as it will allow for improvements to storm water management, to energy efficiency, to parks and open space, to locating residents nearer to employment, transit and shopping areas, enhances the integrity of the low density residential area by establishing for the long term a “terminus” to the residential area of Park Avenue. The internal and external improvements to traffic movement will greatly improve the current difficult intersection of West Street and Park Avenue (See pages 75Rv through 76Rv of the Comprehensive Plan).

James F. Snyder  
Page 3  
July 7, 2014

Demographic and market trends demonstrate that the future development in this area should be an innovative and integrated approach to a mixture of uses including retail, hospitality, residential and service uses.

Spectrum expects that given the increasing mass of retail, and newer, smaller multi-family units, the surrounding area will become more attractive to office users and other retailers as well.

Additionally, Spectrum requests the approval of special exceptions to allow for a mixed use development to include multi-family rental units and for a bonus of 30 feet in height.

The Staff will provide the fiscal impact analysis; we expect the net impact to be about \$2m.

These requests are summarized in the attached document entitled: The Spectrum Development / Parcel Ownership. Concurrently, Spectrum is requesting a change in the Comprehensive Plan Future Land Use Map for certain areas of the site to be shown as mixed use rather than business. While the resubmission replaces the originally planned two detached houses on Park with a small condominium, the building will have a townhouse appearing façade with all lower level units having “stoops” providing access to Park; there will be no vehicular access of the condo to Park which will reduce the traffic that the two detached houses would present and which provides on street parking for neighbors. Thus the “feel” and actual use of that area remains low residential although it is part of the mixed use project.

Spectrum and its development team have had extensive discussions with The City Council and Planning Commissions in public work-sessions and with stakeholders in the community, elected and appointed official and staff members. The central concerns have been the following:

1. There should be a substantial commercial component for this large site, and a considerable positive fiscal impact for the City of Falls Church is a primary goal.
2. Density should be increased and a quality hotel should be brought to the project to assist in achieving the desired positive fiscal impact.
3. Traffic is a great concern given, among other things, the unusual configuration of West and Park Ave and the need to control access on West Broad Street and West Street.

James F. Snyder  
Page 4  
July 7, 2014

4. The buildings should have superior architecture and layout with tapering toward Park Ave and the greatest height and massing along West Broad with a superior focal point at West and West Broad.
5. Some local retailers should be encouraged to stay in the project.
6. Parks and open space needs should be addressed in part by linking the site to the W& OD Trail.
7. The apartment and condominium buildings should be LEED Certified Silver.
8. Storm water management for the site and the immediate area should be improved.
9. Streetscape should be tailored to the site and also consistent with (but not necessarily the same) the City's existing streetscape standards.
10. There will be no anchor pharmacy or drive thru.
11. The frontage along Park Avenue should take the opportunity to make an appropriate transition to the development and solidify for the long term the low residential density of that terminus of Park Avenue.
12. Aerial utilities on the site will be placed underground.
13. This redevelopment opportunity involves a large consolidation of ten separate parcels in the West Broad Street Area, and if redevelopment fails to go forward for any cause, then the existing auto and light industrial uses on some of the parcels will remain for a long indefinite period of time before another redevelopment opportunity may arise.

A note about 920 West Broad Street is useful here. That parcel was the location of a house that was listed on the City's Historic Register when the Register was created in the mid 1980's. The owner (Lillian Henderson) applied for and was granted by the City's Historic Review Board, the right to raze the house. The property was then sold but the new owner chose instead to incorporate a piece of that structure into a small commercial building. There is no expiration date applicable to the approval of the right to raze the structure and while the structure was not "removed" from the register, there is no requirement to seek a new approval to raze the structure. This approach is identical to that followed by the City for the protected structure at the Murphy's Funeral Home, which was razed 10 years after the HRB's approval when the site was redeveloped for "Northgate." While the Zoning Administration determined otherwise, that decision is being appended to the BZA. The developer is submitting a demolition request to the HARB concurrent with its BZA appeal.

## **THE PROPOSED DEVELOPMENT AND ITS COMMUNITY BENEFITS**

Spectrum proposes to redevelop the site as a revised use project. The existing three detached houses on Park Avenue will be replaced with two detached houses. This will be consistent with the current land use designation of low residential and will provide stability to

James F. Snyder  
Page 5  
July 7, 2014

that low density residential neighborhood. These two dwellings will provide an excellent transition of uses and tapering of height and mass to the apartment building to the South. The remainder of the site will be developed as follows:

- A five/six story mixed use (apartment) building with retail and service uses in the ground floor and with about 253 rental units with 70 percent being one bedroom and studios and 30 percent two bedrooms. A condominium is proposed with 65 units.
- A hotel of five floors with retail and service uses in the ground floor and 150 hotel rooms in floors 2 through 6.
- The ground floor of the apartment building would have retail uses comprising about 46,000 square feet; such uses would include a movie/dinner theater, restaurants, retail shops and service businesses with a mix of local, regional and national brands.
- Such improvements to the existing parkland along the W& OD trail that will provide a connection to the transit and recreational opportunities of The Trail; subject to the approval of the Northern Virginia Regional Park Authority.
- The expected contributions to the Schools Capital program of about \$7500 per market rate rental units will be met.
- A commitment of about six percent of the total of the rental and for sale units (70% one bedroom and 30% two bedroom) being set aside as Affordable Housing Units in the Rental component and equally allocated among households at 60% , 80% and 100% of the median household income.
- Net tax revenue increases of approximately \$2m annually are expected based on the City's economic projections.
- The traffic in and around the area will be better managed with traffic calming added and improvements added to the larger street grid around the project.

The site is located in planning opportunity area three and the site is discussed in the Comprehensive Plan at pages 58 and 59. The redevelopment area calls for mixed uses diagonally across from the site but in fact that area is committed in the long term to retail uses.

By consolidating the parcels in this site, Spectrum has achieved a number of the Goals in the City's Comprehensive Plan. Specifically, the proposed mixed use development provides for sustainable development as it will allow for improvements to storm water management, to energy efficiency, to parks and open space, to locating residents nearer to employment, transit and shopping areas, enhances the integrity of the low density residential area by establishing

James F. Snyder  
Page 6  
July 7, 2014

for the long term a “terminus” to the residential area of Park Avenue. The internal and external improvements to traffic movement will greatly improve the current difficult intersection of West Street and Park Avenue (See pages 75Rv through 76Rv of the Comprehensive Plan. The number of access points on Broad, West and Park are being reduced from eleven to four.

Demographic and market trends demonstrate that the future development in this area should be an innovative and integrated approach to a mixture of uses including retail, hospitality, residential and service uses.

Spectrum expects that given the increasing mass of retail, and newer, smaller multi-family units, the surrounding area will become more attractive to additional pedestrian oriented shopping and office users as well. The once in a generation parcel consolidation achieved by Spectrum provides the City with the opportunity to address all of the issues outlined above. Without the approvals requested, the properties will continue with their current uses for the indefinite future.

## **TRAFFIC IMPACT**

Wells & Associates has reviewed the revisions to the uses. A letter from Wells is provided in the package of materials.

## **SPECIAL EXCEPTION CRITERIA FOR MIXED-USE AND HEIGHT BONUS**

- 1. Primary Criteria (Section 48-90(1)):**
  - a. The resulting development conforms to the City’s adopted Comprehensive Plan and Design Guidelines (Section 48-90(1) (a)).**

The Comprehensive Plan shows that the property is located in Planning Opportunity Area 3, and the proposed development meets or exceeds the strategies called for in that area:

1. Consolidation of lots to accommodate higher density.
2. Promotion of redevelopment that eliminates stand-alone automobile and light industrial facilities.
3. Improve pedestrian accessibility with controlled cross walks at various locations.

James F. Snyder

Page 7

July 7, 2014

4. Create a consistent design, in terms of building height and design, streetscape improvements, and other aspects of the built environment in the City.
5. Preserve recreational resources in the area.
6. Create development to promote a positive image of the City in an area that has not seen any significant new development in decades.
7. Locate buildings as close to West Broad and West Streets as possible with parking located in the rear or in shared buildings or in structured facilities (in this case covered, surface and underground).
8. Achieve consistent architectural goals.
9. Traffic turn lanes will be added to Broad and West Streets.

Additionally, the Comprehensive Plan's Future Land Use Map designates the property as "business". The text of the comprehensive plan currently points out that while this means the area should be "primarily" recognized as retail or office districts rather than residential, "special exceptions for residential use and height bonuses have also been granted to create mixed use projects in 'business' areas since 2002".

The Comprehensive Plan should be changed to reflect current practice, the City's goals and the changing environment. To do this, an application to change the Comprehensive Plan's designation from Business to "Mixed Use" has been submitted to the City.

The Design Guidelines show that the property is located in the West Broad Street Area. As called for in the Guidelines, the proposed development will reflect an urban street front, will provide a consistent identity for the area, increase pedestrian activity, and indicate the high standards of the City. In addition, the proposed development will widen paving at crosswalks, provide a mini-park at the W&OD trail, all of which will work to increase pedestrian and bicycle activity in the area. The site's proximity offers a unique opportunity to finally provide superior connection to the W&OD Trail. The best use to optimize that linkage is mixed use and not office or light industrial uses.

- b. The resulting development provides for significant net new commercial square footage and allows for a mix of commercial and residential uses (Section 48-90(1)(b)).**

Currently, the properties in the site contribute only minimally in tax revenue. All existing properties are served by significant surface parking. The proposed development will remove these largely automobile-oriented and light industrial uses, providing significant net new commercial square footage and allowing for a mix of

James F. Snyder  
Page 8  
July 7, 2014

commercial and residential uses. The proposed development as noted provides substantial new commercial space (more specifically described in the Table in the Concept plan), and uses language desired by the City.

**c. The resulting development produces substantial positive net new commercial and residential revenue to the City (Section 48-90(1) (c)).**

In conjunction with this application, information has been submitted to the City to be inputted into the City's cost/revenue impact model to predict the project's net new revenue, and a report has been received, which is attached separately. As recognized by the Comprehensive Plan, the parcels that make up the property are underutilized currently in terms of their density and use. The proposed development will significantly increase the assessed value of and resultant property tax revenue generated by the property. In addition, by creating a vibrant, attractive western gateway into the City, the development will encourage additional consumers to enter the area and patronize commercial uses throughout the City.

**2. Secondary Criteria (Section 48-90(2))**

**a. The development is not disproportionate to surrounding land uses and planned land uses in size, bulk or scale (Section 48-90(2) (a)).**

The proposed development is a concrete podium of commercial uses with five floors of multi-family and hotel above, with a total height of about 85 feet. The development has the unique aspect of substantial at grade parking for the retail uses hidden behind the retail and under the residences. The exterior is masonry, and the building is fully consistent with high standards established by the City for prior mixed use projects.

The area of the footprint of this project is "low" and the height of the new building will blend well with its environment and set the stage for future development. Given the high-quality design and construction of the building and its prominent place in the City, a building of this scale is appropriate. The proposed development works in conjunction with existing buildings to further create a dramatic, defined statement of quality for this area of the City. The development is consistent with the discussion in the Comprehensive Plan for this Redevelopment Opportunity Area which calls for significant mixed (multifamily) uses-the area called for this Plan however is committed long term to other uses that conflict with the Plan.

**b. The resulting development does not overburden the existing community facilities, including the school, transportation and water and sewer systems (Section 48-90(2) (b)).**

James F. Snyder  
Page 9  
July 7, 2014

Transportation

A traffic study has been conducted by Wells and Associates that evaluates the anticipated traffic impacts of the application and provides specific recommendations to mitigate those impacts. That Study has been provided to the Staff. Some revisions to counts will be made to reflect the changes in the retail plan for the site. The application envisions a vibrant mixed-use development that will be sensitive to the transportation concerns of the City. By providing a variety of complementary uses on the same site, the proposed development will encourage self-contained, pedestrian trips. Additionally, due to its location proximate to several bus routes including a future intermodal transportation center and with implementation of Transportation Demand Management (“TDM”) measures, a percentage of the trips generated by the residential and commercial components of the proposed development are anticipated to utilize non-auto modes of transportation. TDM measures will include convenient bicycle storage facilities, transit incentives, and resources conducive to teleworking. Furthermore, the developer proposes to reconfigure of the intersection at West Street and Park Avenue and add lane changes and traffic calming.

Water & Sewer

The City’s utility engineer has confirmed that water and sewer service is adequate. The project will greatly improve storm water management with BMPs as the existing development has virtually no storm water management measures.

**c. The resulting development provides community benefits such as affordable housing, as it is described in Section 38-43 (Section 48-90(2) (c)).**

The developer is proposing an Affordable Dwelling Unit contribution in keeping with similar mixed use developments contributions, with about 6% (a total of 19 units all of which will be in the rental residential component of the project) of the total units (rental and condominium) being contributed as Affordable Housing Units and equally allocated among households at 60%, 80% and 100% of the median household income.

A commitment to LEED Silver for the Apartment and condominium building is provided, and the developer will underground all aerial utilities contiguous to the site depending on costs and availability of easements. The developer proposes to review this in detail with the City to determine what poles can be undergrounded in the immediate area.

James F. Snyder  
Page 10  
July 7, 2014

**d. The resulting development contributes to a vibrant, pedestrian-oriented environment both on site and in relation to adjoining properties, with street level activity throughout the day and evening (Section 48-90(2) (d)).**

The current uses at the site are distinctly automobile-oriented, with the majority of the property occupied by their own surface parking lots. The proposed development will move almost all parking within enclosed structures, which will contribute further to the walkable nature of the area.

The provision of streetscape along the entire development's three sides facing streets will contribute to the vibrant, pedestrian-oriented environment with connectivity to adjacent commercial and park areas. The mix of uses, including restaurants, retail, and other commercial opportunities will provide a balanced commercial center that will generate pedestrian traffic throughout the day and evening. The street level retail uses will be very visible and will encourage customers to enter the area to shop and visit not only this development, but the additional retail located nearby.

**e. The resulting development offers creative use of landscaping, open space and/or parks, public plazas or and walkways connecting to adjoining properties (Section 48-90(2) (e)).**

Three sides of the proposed building will have the attractive "streetscape" design and fixtures, and there will be enhanced connections around the site to nearby businesses, parks, and residences. A "mini park" is planned along W&OD trail, and this amenity will invite pedestrians to ride bikes, rest, talk, sit, eat and simply enjoy the area which includes the soon to be completed West End Park. This depends upon approval of the NVRPA.

A cash contribution is provided. Further, a cash contribution is possible to facilitate the completion of the West End Park.

**f. The resulting development provides a variety of commercial services and uses that are attractive to and meet the needs of all city residents for entertainment, art, recreation, dining retail and array of consumable goods (Section 48-90(2)(f)).**

As stated above, the proposed development envisions a hotel as well as a mix of commercial uses. This includes a movie/dinner theater, and retail opportunities in an area that is lacking sufficient quality retail currently. These commercial entities will

James F. Snyder

Page 11

July 7, 2014

serve the residential uses within the proposed development, as well as the neighborhood as a whole.

**g. The resulting development encourages local or independent businesses (Section 48-90(2) (g)).**

The retail and restaurant space provide a unique opportunity for local, regional and independent businesses, and the high-quality development will help the area as a whole attract and cultivate local and independent businesses. The smaller retail spaces in the development provides excellent opportunities for local “mom and pop” and incubator businesses.

**h. The resulting development provides for a reduction of single use parking requirements through shared parking Section 48-90(2) (h)).**

As shown in the submitted conceptual plan, the developer is recommending shared parking. The developer will explore with the final parking provided with the City to determine any additional parking reductions are justified based on the characteristics of the property and its proximity to bike ways, as well as several bus lines, will lead to fewer automobile trips. Additionally, a private shuttle to the nearest metro rail station is being considered for residents and hotel guests and it is expected that some residents will bike to work (or to a multi-modal transit location for switching to bus or rail), and that the commercial uses will be patronized at least in part by pedestrians and cyclists.

**i. The resulting development encourages multi-modal transportation through design and other techniques to reduce the reliance on single occupancy vehicles, and utilizes sheltered stops for mass transit whenever feasible Section 48-90(2) (i)).**

As discussed, the property is in close proximity to existing bike ways, as well as the Metro Rail station and several bus lines. It is expected that some residents will walk to the Metro Rail station and others will bike to work, and that the commercial uses will be patronized at least in part by pedestrians and cyclists. The design includes attractive and user friendly places for bikes to be parked and stored.

**j. The resulting development utilizes LEED criteria in the design of the project Section 48-90(2) (j)).**

The proposed apartment and condominium development is planned to be LEED Silver certified, and will otherwise be designed using green design principles and elements. By removing the existing imperious parking lots and implementing a new storm water management plan, the development will greatly reduce storm water runoff in the area.

James F. Snyder  
Page 12  
July 7, 2014

Additionally, the non-residential part of the project will incorporate eco-conscious sustainable elements in the design of the hotel and other commercial spaces.

**Special Exception for Height Bonus.**

The area of the site to be used for the mixed use project is currently zoned B-3 and B-1, which permit a by-right height of up to 55 feet. The developer proposes the requested development to be a maximum height of 85 feet.

Up to 30 feet of bonus height may be granted if the project is exemplary in terms of conformance to the Primary Criteria 1 and 2 set out above and assists in conformance with Primary Criteria 2 and 3. The amount of new commercial area is more than three times the area of the existing commercial activity. More importantly, the new commercial activity replaces commercial uses which are discouraged by the City's Comprehensive Plan. The net new commercial and retail income is far greater than that of the existing uses and far superior in terms of making the area a desirable play to live, work, and play. Many of the difficult to achieve goals of the Comprehensive Plan will be met by the proposed development. For these reasons, this plan is exemplary in its achievement of the primary criteria set out above.

Bonus height may be awarded for certain preferred uses when located on primary street frontage. These uses include outdoor dining, hotel and other uses specifically requested by the City. This development proposes improvements to the W&OD park, a hotel, a new movie/dinner theater, multiple retail opportunities and outdoor dining and some restaurants possibly with entertainment; all of which are considered preferred uses, justifying a bonus height of 30 feet.

It is important to note here that the first floor retail uses require a ceiling heights ranging from 15 to 24 feet, and that this required ceiling height is a major reason why the bonus is needed. As discussed, the design of this project, and in particular its height, is an exceptional new addition to this part of the City. The project sets a high bar for quality in terms of design, use, and materials, and if the proposed project were to be lowered by 30 feet, the integrity of the design would be greatly compromised, likely making the development infeasible.

The location and unique physical characteristics of the site make the requested building height appropriate. The property is located in an area that is expected to attract similar developments which will likely reach heights of 85', so that the requested height of 85' in certain locations is not out of the character of the surrounding neighborhood and the expected area as it evolves.

James F. Snyder  
Page 13  
July 7, 2014

**CONCLUSION**

The Spectrum redevelopment at Broad and West fully reflects the City's vision for that area of Falls Church. The project meets or exceeds the primary and secondary criteria used to evaluate the merits of the special exceptions. Therefore, the requested special exceptions for residential use and height bonus at the City's gateway should be granted.

Thank you and the City Staff for its guidance and attentiveness to this project.

Sincerely,

A handwritten signature in blue ink that reads "David R. Lasso / yal". The signature is written in a cursive style.

David R. Lasso

Enclosures



# CITY OF FALLS CHURCH

Department of Development Services  
 Planning Division  
 300 Park Avenue  
 Falls Church, VA 22046-3332  
 Phone: 703.248.5040  
 Fax: 703.248.5225

**PLANNING DIVISION  
 APPLICATION FORM**

**PROJECT NAME:** Broad and West Development

Submit one form for each type:

- Site Plan
- Site Plan Amendment / Major
- Site Plan Amendment / Minor

- Special Exception
- Comp Plan Amendment
- Subdivision, Consolidation or Lot Line Adjustment
- Rezoning
- Interpretation / Planning Director
- Zoning Ordinance Text Amendment

PROJECT DESCRIPTION:			
Street Address:	Broad and West		
RPC #:	See Attached	Owner of Record:	See Attached

APPLICANT INFORMATION:			
Applicant:	<input type="checkbox"/> Owner	<input type="checkbox"/> Contract Owner	<input checked="" type="checkbox"/> Agent
Name:	David R. Lasso		
Address:	Venable LLP, 8010 Towers Crescent Drive, Suite 300, Tysons Corner, VA 22182	Business Phone:	703-760-1678
		Cell Phone:	703-801-1608
E-mail:	drlasso@venable.com	Fax:	703-821-8949

PROJECT AND PROPERTY INFORMATION:		
<p><b>SITE PLAN</b></p> <p>Current Zoning: N/A</p> <p><input type="checkbox"/> Present Development</p> <p><input type="checkbox"/> Proposed Development</p> <p># of New Dwelling Units: _____</p> <p>Commercial: _____ SF</p> <p><input type="checkbox"/> Mixed Use Development</p> <p><input type="checkbox"/> # Site Plan Waiver(s): _____</p> <p><input type="checkbox"/> Site Plan Resubmission</p> <p><input type="checkbox"/> Site Plan Amendment</p>	<p><b>SUBDIVISION, CONSOLIDATION OR LOT LINE ADJUSTMENT</b></p> <p>Current Zoning: N/A</p> <p><input type="checkbox"/> Present Development</p> <p><input type="checkbox"/> Proposed Development</p> <p><input type="checkbox"/> Subdivision: <input type="checkbox"/> SFH <input type="checkbox"/> Commercial</p> <p><input type="checkbox"/> Consolidation</p> <p><input type="checkbox"/> Lot Line Adjustment</p> <p><input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat</p>	<p><b>COMP PLAN/REZONING OR SPECIAL EXCEPTION</b></p> <p>Current Zoning: R1B, B-1, B-3</p> <p>Proposed Zoning: B-1</p> <p>Present Future Land Map Designation: Low Density Residential and General Business</p> <p><input type="checkbox"/> Present Development</p> <p><input checked="" type="checkbox"/> Proposed Development <small>Mixed Use/Bonus Height</small></p> <p><input type="checkbox"/> Conditional Rezoning</p> <p><input type="checkbox"/> Other Rezoning</p>
<b>TOTAL SITE AREA:</b> 170,488 SF	3,91 ACRES	

APPLICANT SIGNATURE: David R. Lasso  
 (over) For Spectrum Development Company, LLC

APPLICANT SIGNATURE: \_\_\_\_\_

Applications must be accompanied by corresponding checklists and materials as required.

**FEES:** Fees will be determined by Planning staff after an initial evaluation of the submission. Fees are due at that time, prior to a full review beginning. Fees are paid at the Development Services Counter and may be paid by cash, check, credit card or debit card. Checks should be made out the "The City of Falls Church". Returned checks are subject to fee of up to \$50.00.

***Status of real estate and personal property taxes, liens, business license and fees:***

<b>TREASURER:</b>	<input type="checkbox"/> Current	<input type="checkbox"/> Outstanding (please describe):	Initials: _____
<b>COMM. REV:</b>	<input type="checkbox"/> Current	<input type="checkbox"/> Outstanding (please describe):	Initials: _____

TOTAL FEE for this application: \$ \_\_\_\_\_

Accepted by: \_\_\_\_\_ *Staff* MUNIS # \_\_\_\_\_

The City of Fall Church is committed to the letter and spirit of the Americans with Disabilities Act. This document will be made available in alternate format upon request. Call 703-248-5080 (TTY 711).

**David R. Lasso**  
t 703.760.1678  
f 703.821.8949

July 7, 2014

**VIA HAND DELIVERY**

James Snyder  
Director of Planning and Zoning City of Falls Church  
City Hall  
300 Park Avenue  
Falls Church, VA 22046

Re: Spectrum Development Company LLC Letter of Transmittal and Justification for  
Application for Amendment to Comprehensive Plan at Broad and West Streets

Dear Jim:

Venable represents Spectrum Development Company LLC (“Spectrum”) which has contracts to purchase or lease the parcels at 919 Park Avenue, 921 Park Avenue, 925 Park Avenue, 212 N. West Street, 110 N. West Street, 934 W. Broad Street, 932 W. Broad Street, 922 W. Broad Street, and 920 W. Broad Street (the “Site”). Please accept this Transmittal of and Justification for, an application to amend the City’s Comprehensive Plan (and Land Use Map) designation for the site.

The current use of the site is currently shown on the Map for the parcels at 919, 921, and 925 Park Avenue is “Low Residential” and the remainder of the parcels of the development site are shown as “Business”.

Spectrum proposes to change the Future Land Use Map so that the entire site would be “Mixed Use”. Please note the mixed use project includes a 65 unit condominium that faces Park Ave. This will be in place of the previously submitted detached houses. This area would, however, appear as townhouses with access via front “stoops” and with no vehicular access to Park Ave. The “feel” of that area will remain low density (the current Comprehensive Plan designation) but since it is part of the development it is requested to be shown as “mixed use” Low Residential.

The remainder of the site would be developed as follows:

- A five and six story mixed use (apartment) building with retail and service uses in the ground floor, with 253 rental apartments (70% being one bedroom and studios and 30% being two bedrooms) above the ground floor and a 65-unit residential condominium.

James F. Snyder

Page 2

July 7, 2014

- A hotel of five floors with retail and service uses in the ground floor and 150 hotel rooms in floors 2 through 6.
- The ground floor of the apartment building would have retail uses comprising about 46,000 square feet; such uses would include a movie theater, restaurants, retail shops and service businesses with a mix of local, regional and national brands.
- Cash to support improvements to the existing parkland along the W&OD trail that will provide a connection to the transit and recreational opportunities of the Trail; subject to the approval of the Northern Virginia Regional Park Authority. Cash to the West End Park will be provided.
- Traffic changer for bikes, pedestrians and autos will be made that should improve the existing dangers.

The site is located in planning opportunity area three and the site is discussed in the Comprehensive plan at pages 58 and 59. The redevelopment area calls for mixed uses diagonally across from the site but in fact that area is committed in the long term to retail uses.

By consolidating the parcels in this site, Spectrum has achieved a number of the Goals in the City's Comprehensive Plan. Specifically, the proposed mixed use development provides for sustainable development as it will allow for improvements to storm water management, to energy efficiency, to parks and open space, to locating residents nearer to employment, transit and shopping area, enhances the integrity of the low density residential area by establishing for the long term a "terminus" to the residential area of Park Avenue. The internal and external improvements to traffic movement will greatly improve the current difficult intersection of West Street and Park Avenue (See pages 75Rv through 76Rv of the Comprehensive Plan.

The site's proximity to the W&OD trail provides a unique opportunity to the City to maximize the benefits of that park and transportation amenity. A mixed use development provides the best opportunity to take advantage of this opportunity. The current general "business" uses called for in the Comprehensive Plan would squander the opportunity.

Demographic and market trends demonstrate that the future development in this area should be an innovative and integrated approach to a mixture of uses including retail, residential and service uses.

James F. Snyder

Page 3

July 7, 2014

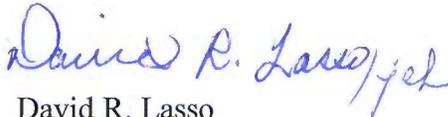
Spectrum expects that given the increasing mass of retail, and newer, smaller multi-family units, the surrounding area will become more attractive to office users as well. The change in designation from business to mixed use on this site facilitates this dynamic.

While the current designation does accommodate multi-family uses and the City has approved similar mixed use developments in areas designated "Business", Spectrum suggests the more appropriate designation is "Mixed Use" and consequently has applied for such an amendment to the Comprehensive Plan. The City will retain the ability through the special exception process to control the height, massing, uses and overall character of any proposed mixed use project.

The appropriate filing fee and Application accompanies this letter.

Thank you and the City Staff for its guidance and attentiveness to this project.

Sincerely,



David R. Lasso

DRL/jah  
Enclosures



Application Number \_\_\_\_\_

**CITY OF FALLS CHURCH, VIRGINIA  
DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION  
Disclosure Statement**

Type or Print in Ink. Complete the following:

- 1. Description of the real estate affected. List the addresses of all property that is affected by the application. Provide the lot, block, section, and subdivision of all parcels only if the properties have not been subdivided.

Address(es) See Broad and West Parcel Ownership Statement Attached

Lot(s) \_\_\_\_\_ Block(s) \_\_\_\_\_

Section(s) \_\_\_\_\_ Subdivision \_\_\_\_\_

- 2. Is the owner of said real estate, a corporation whose stock is traded on a national or local stock exchange and having more than five hundred (500) shareholders?

No  Yes

If "Yes", give the name of the corporation and skip to Item 4.

- 3. List the names, addresses, and nature of interest of **ALL** persons having equitable ownership of the real estate to be affected, including, in the case of corporate ownership, the names of stockholders, officers, and directors; and of **ALL** real parties of interest.

PARCEL ADDRESS	NAME	ADDRESS	NATURE OF INTEREST
See Attached Parcel Ownership List			

- 4. I hereby certify that this is a true and accurate disclosure of all persons having equitable ownership real estate to be affected and of all the parties in interest.

*Richard P. Buskell*

Applicant's Signature

Richard P. Buskell

P.O. Box 937

Vienna, Virginia 22183

Applicant's Address

State of Virginia  
County of Fairfax

Subscribed and sworn before me this 15<sup>th</sup> day of January, 2014.

Notary Public *[Signature]*



Robin Lee Rock  
Commonwealth of Virginia  
Notary Public  
Commission No. 130074  
My Commission Expires 3/31/2016

My Commission Expires 3-31-16

**Broad and West / Parcel Ownership**

PARCEL #	ADDRESS	SQUARE FOOTAGE	ACRES	EXISTING ZONE	PROPOSED ZONE	EXISTING LAND USE DESIGNATION	PROPOSED LAND USE DESIGNATION	OWNERS
51-202-015	919 PARK AVENUE Lot 3, D.J. BROWN	15,072	0.35	R-1B	B-1	LOW DENSITY RESIDENTIAL	REAR HALF TO MIXED USE	NIGEL YATES AND BERNADETTE YATES 919 PARK AVENUE, FALLS CHURCH, VA 22046
51-202-014	921 PARK AVENUE Lot, D.J. BROWN	15,064	0.35	R-1B	B-1	LOW DENSITY RESIDENTIAL	REAR HALF TO MIXED USE	TOD W. READ AND JULIA S. READ 921 PARK AVENUE, FALLS CHURCH, VA 22046
51-202-013	925 PARK AVENUE Lot 1, D.J. BROWN	14,570	0.33	R-1B	B-1	LOW DENSITY RESIDENTIAL	REAR HALF TO MIXED USE	WILLIAM C. SHREVE, SR. AND JR., JOHN E. SHREVE, JR. TRUSTEES 921 PARK AVENUE, FALLS CHURCH, VA 22046 <sup>1</sup>
51-202-012	212, 212A NORTH WEST STREET Lot 11, ACREAGE PARCEL	9,572	0.22	B3	B-1	BUSINESS	MIXED USE	WILLIAM C. SHREVE, SR. AND JR., JOHN E. SHREVE, JR. TRUSTEES 212 WEST ST., FALLS CHURCH, VA 22046 <sup>1</sup>
51-202-011	212, 212A NORTH WEST STREET Lot 3, MINNIE ELLISON	21,000	0.48	B3	B-1	BUSINESS	MIXED USE	WILLIAM C. SHREVE, SR. AND JR., JOHN E. SHREVE, JR. TRUSTEES 212 WEST ST., FALLS CHURCH, VA 22046 <sup>1</sup>
51-202-010	110, 112, 112A NORTH WEST STREET Lot 2, MINNIE ELLISON	15,488	0.36	B3	B-1	BUSINESS	MIXED USE	WILLIAM C. SHREVE, SR. AND JR., JOHN E. SHREVE, JR. RICHARD PETER <sup>1</sup> 212 WEST ST., FALLS CHURCH, VA 22046 <sup>2</sup>
51-202-009	934 WEST BROAD STREET Lot 1, MINNIE ELLISON	19,868	0.46	B3	B-1	BUSINESS	MIXED USE	WILLIAM C. SHREVE, SR. AND JR., JOHN E. SHREVE, JR.

								TRUSTEES 212 WEST ST., FALLS CHURCH, VA 22046 <sup>1</sup>
51-202-028 OUTLOT	928, 930, 932 WEST BROAD STREET Lots 1, 2, and 1A ACREAGE PARCEL	3,843	0.09	B3	B-1	BUSINESS	MIXED USE	WILLIAM C. SHREVE, SR. AND JR., JOHN E. SHREVE, JR. TRUSTEES 212 WEST ST., FALLS CHURCH, VA 22046 <sup>1</sup>
51-202-028	928, 930, 932 WEST BROAD STREET Lots 1, 2, and 1A ACREAGE PARCEL	22,260	.051	B3	B-1	BUSINESS	MIXED USE	WILLIAM C. SHREVE, SR. AND JR., JOHN E. SHREVE, JR. TRUSTEES 212 WEST ST., FALLS CHURCH, VA 22046 <sup>1</sup>
51-202-005	922, 924, 926 WEST BROAD STREET Lot 3, ACREAGE PARCEL	16,962	0.39	B1	B-1	BUSINESS	MIXED USE	ATALLA TRUST MIKE N. ATALLA AND SUSIE K. ATALLA, TRUSTEES OF 6926 CONFEDERATE RIDGE LANE, CENTREVILLE, VA 20121 <sup>3</sup>
51-202-004	920 WEST BROAD STREET Lot 4, ACREAGE PARCEL	16,789	0.38	B1	B-1	BUSINESS	MIXED USE	PAJELA NABLAH, ET AL. 5429 MIDDLEBOURNE LANE CENTREVILLE, VA 20120 <sup>4</sup>
TOTAL		170,488	3.91					

1 and 2 The beneficiary of the Trust is Shreve Associates, a Limited Partnership. This partnership is comprised of John E. Shreve, Richard S. Shreve, Thomas G. Shreve, Debra Shreve King, Dee Ann Walton, Darlene Penae Shreve, Shane Christopher Shreve and the Estate of William C. Shreve, Jr.

3 Beneficiaries are Mike Atalla, Jimmy Atalla, Louie Atalla, Suzie Atalla, and Nick Atalla

4 Remaining Owners are Massorah Niazy and Esmatullah Niazy

Contract Purchaser for all parcels is Spectrum Development LLC, located at P.O. Box 937, Vienna, Virginia 22183. The members are Peter A. Batten (Principal), Richard P. Buskell (President and CEO), and Bobby G. Batten (Principal).

# **CONSENT LETTERS**

November 4th 2013

Richard Buskell  
President  
Spectrum Development, L.L.C.  
1780 Dawson Street  
Vienna, VA 22182

Re: 919 Park avenue, Falls Church, VA

Dear Mr. Buskell:

Title to 919 Park Avenue, Falls Church, VA is vested in "Nigel J. Yates and Bernadette Reverie Adams, formerly known as Bernadette Adams Yates, formerly known as Suzanne Bernadette Adams Yates".

The undersigned hereby consent to the filing by Spectrum Development, L.L.C. of the following applications to the City of Falls Church, Virginia:

1. Special Exception to allow Mixed Use Development and construction of building with a maximum height of 85' on the property at 919 Park Avenue, falls Church, Virginia.
2. Change the Comprehensive Plan Future Map to show the property at 919 Park Avenue, Falls Church, Virginia as mixed use rather than residential.
3. Rezone a portion of the property at 919 Park Avenue to B-1.
4. Any other zoning entitlement application or permit necessary to authorize the development of the mixed use project known as the "Broad and West".

Respectfully submitted,



Nigel J. Yates



Bernadette R. Adams

November 4. 2013

Richard Buskell  
President  
Spectrum Development, L.L.C.  
1780 Dawson Street  
Vienna, VA 22182

Re: 921 Park avenue, Falls Church, VA

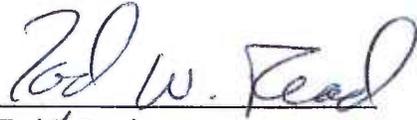
Dear Mr. Buskell:

Title to 921 Park Avenue, Falls Church, VA is vested in "Tod W. and Julia S. Read".

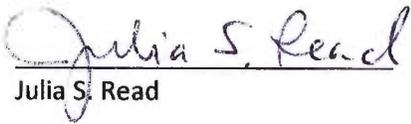
The undersigned hereby consent to the filing by Spectrum Development, L.L.C. of the following applications to the City of Falls Church, Virginia:

1. Special Exception to allow Mixed Use Development and construction of building with a maximum height of 85' on the property at 921 Park Avenue, falls Church, Virginia.
2. Change the Comprehensive Plan Future Map to show the property at 921 Park Avenue, Falls Church, Virginia as mixed use rather than residential.
3. Rezone the property at 921 Park Avenue to B-1.
4. Any other zoning entitlement application or permit necessary to authorize the development of the mixed use project known as the "Broad and West".

Respectfully submitted,



Tod <sup>S.</sup> Read  
w.



Julia S. Read

November 14, 2013

Richard Buskell  
President  
Spectrum Development, L.L.C.  
1780 Dawson Street  
Vienna, VA 22182

Re: 932 & 934 West Broad Street, Falls Church, VA  
110 & 212 North West Street, Falls Church, VA  
9,000 square feet lot on Park Avenue, Falls Church, Virginia  
925 Park Avenue, Falls Church, Virginia  
928 West Broad, Falls Church, VA  
Dear Mr. Buskell:

Titles to the above captioned real properties are vested in "John E. Shreve, Richard S. Shreve, Thomas G. Shreve and Peter A. Arntson, as Trustees". The Trust address is: 212 North West Street, Falls Church, Virginia 22046.

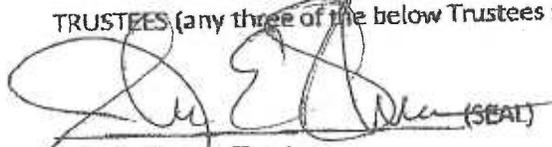
The sole beneficiary of the Shreve Trust is Shreve Associates, A Limited Partnership.

The Trust hereby consents to the filing by Spectrum Development, L.L.C. of the following applications to the City of Falls Church, Virginia:

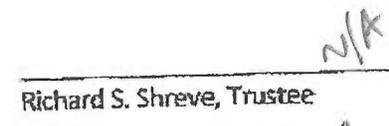
1. Special Exception to allow Mixed Use Development and construction of building with a maximum height of 85' on the above captioned real properties.
2. Change the Comprehensive Plan Future Map to show the above captioned real properties as mixed use rather than low density residential and business.
3. Rezone the property at 925 Park Avenue to B-1.
4. Rezone the property at 934 West Broad to B-1.
5. Special Use Permit for a drive through pharmacy.
6. Any other zoning entitlement application or permit necessary to authorize the development of the mixed use project known as the "Broad and West".

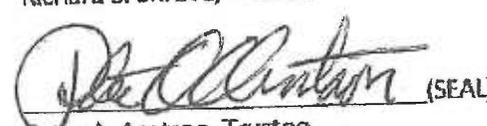
Respectfully submitted,

TRUSTEES (any three of the below Trustees may act):

 (SEAL)  
John E. Shreve, Trustee

 (SEAL)  
Thomas G. Shreve, Trustee

 N/A (SEAL)  
Richard S. Shreve, Trustee

 (SEAL)  
Peter A. Arntson, Trustee

January 15, 2014

Richard Buskell  
President  
Spectrum Development, L.L.C.  
1780 Dawson Street  
Vienna, VA 22182

Re: 922 West Broad Street, Falls Church, VA

Dear Mr. Buskell:

Title to 922 West Broad Street, Falls Church, VA is vested in "Atalla Trust, Nick Atalla, Trustee". The mailing address used by the title owner for communications regarding the property is \_\_\_\_\_  
11228 NE 67th Street, Kirkland, WA 98033

The beneficiaries of the Atalla Trust are:

<u>Mike Atalla</u>	<u>Suzie Atalla</u>
<u>Jimmy Atalla</u>	<u>Nick Atalla</u>
<u>Louie Atalla</u>	_____

The Undersigned hereby consents to the filing by Spectrum Development, L.L.C. of the following applications to the City of Falls Church, Virginia:

1. Special Exception to allow Mixed Use Development and construction of building with a maximum height of 85' on the property at 922 West Broad Street, Falls Church, Virginia.
2. Change the Comprehensive Plan Future Map to show the property at 922 West Broad Street Falls Church, Virginia as mixed use rather than commercial.
3. Any other zoning entitlement application or permit necessary to authorize the development of the mixed use project known as the "Broad and West".

Respectfully submitted,

 , Trustee

\_\_\_\_\_  
NICK ATALLA

October 31, 2013

Richard Buskell  
President  
Spectrum Development, L.L.C.  
1780 Dawson Street  
Vienna, VA 22182

Re: 920 West Broad Street, Falls Church, VA

Dear Mr. Buskell:

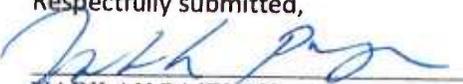
Title to 920 West Broad Street, Falls Church, VA is vested in "Nabilah Pajelah, also known of record as Nabilah Pajela, Massorah Niazy, also known of record as Mastoorah Niazy, and Esmatullah Niazy". The mailing address used by the title owners for communications regarding the property is \_\_\_\_\_

8302 Judy Witt Lane Vienna, VA 22182

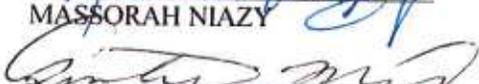
The Undersigned hereby consent to the filing by Spectrum Development, L.L.C. of the following applications to the City of Falls Church, Virginia:

1. Special Exception to allow Mixed Use Development and construction of building with a maximum height of 85' on the property at 920 West Broad Street, Falls Church, Virginia.
2. Change the Comprehensive Plan Future Map to show the property at 920 West Broad Street Falls Church, Virginia as mixed use rather than residential.
3. Any other zoning entitlement application or permit necessary to authorize the development of the mixed use project known as the "Broad and West".

Respectfully submitted,

  
NABILAH PAJELAH

  
MASSORAH NIAZY

  
ESMATULLAH NIAZY

**Statement Regarding Broad and West Development's Conformance with City's Adopted  
Comprehensive Plan and Design Guidelines**

A change in the Comprehensive Plan is requested. Please refer to the Transmittal and Justification Letter for the Comprehensive Plan change.

Compliance with the Design Guidelines is also discussed in the Transmittal and Justification Letter for the Special Exceptions.

## Statement Regarding West and Broad Streets Development's Impact on Community Facilities, Including Transportation, Schools, and Water and Sewer Systems

The proposed development will marginally impact all community facilities and it does add students to the school system. Please refer to the Justification letter provided and the concept plan itself as well as the Fiscal and Analysis provided by the City staff.

However, the development proposed is to not only mitigate these impacts, but improve the current situation.

- Improvements to the W&OD Trail is proposed, by way of a cash contributor with improved bike and pedestrian connections and information. "Bike Share" is proposed. The development will include recreational amenities for its residents (pool, exercise and media rooms). A cash contribution to the West End Park is provided.
- The intersections at West and Park and West and Grove will be improved significantly with turn lanes and new controls. Please refer to the TIA by Wells and Associates. The number of curb cuts will be reduced substantially and a new "spine road" through the project should improve the current conditions in that immediate area.
- The current users have no storm water management but the proposed development will have BMP's for storm water management and will improve community SWM facilities dramatically. It is also expected the sanitary sewer will improve by eliminating storm water from entering the system, although clearly the overall load to the sewage treatment plan will increase.
- The new development will dramatically improve the streetscape along West Broad, West and Park Avenue.
- The existing users are not energy efficient but the new apartment building will meet LEED Silver standards.
- While some new students will be added, the development will contribute \$7511 per unit toward capital costs for rental units and \$2478 per unit for residential condominiums and net tax increase is about \$2 Million if the hotel is built.

**STATEMENT THAT PROPOSED BROAD AND WEST DEVELOPMENT MEETS  
SPECIAL EXCEPTION CRITERIA FOR MIXED-USE AND HEIGHT BONUS**

The proposed development meets the primary and secondary criteria listed in Falls Church City Code (“Code”), Sections 48-90(d) (1) and (d) (2), and the following is a brief summary of the criteria listed in these Code Sections. Please refer to the justification materials and community benefits list for a more complete explanation of the proposed development and how it will benefit both the South Washington Street area and the City of Falls Church as a whole.

- 1. Primary Criteria (Section 48-90(1)):**
  - a. The resulting development conforms to the City’s adopted Comprehensive Plan and Design Guidelines (Section 48-90(1) (a)).**

The Comprehensive Plan shows that the property is located in Planning Opportunity Area 3, and the proposed development meets or exceeds the strategies called for in that area:

1. Consolidation of lots to accommodate higher density.
2. Promotion of redevelopment that eliminates stand-alone automobile and light industrial facilities.
3. Improve pedestrian accessibility with controlled cross walks at various locations.
4. Create a consistent design, in terms of building height and design, streetscape improvements, and other aspects of the built environment in the City.
5. Preserve recreational resources in the area.
6. Create development to promote a positive image of the City in an area that has not seen any significant new development in decades.
7. Locate buildings as close to West Broad and West Streets as possible with parking located in the rear or in shared buildings or in structured facilities (in this case covered, surface and underground).
8. Achieve consistent architectural goals.
9. Traffic turn lanes will be added to Broad and West Streets intersections of West and Grove and better control of the West and Park will be achieved.

Additionally, the Comprehensive Plan’s Future Land Use Map designates the property as “business”. The text of the comprehensive plan currently points out that while this means

the area should be “primarily” recognized as retail or office districts rather than residential, “special exceptions for residential use and height bonuses have also been granted to create mixed use projects in ‘business’ areas since 2002”.

The Comprehensive Plan should be changed to reflect current practice, the City’s goals and the changing environment. To do this, an application to change the Comprehensive Plan’s designation from Business to “Mixed Use” has been submitted to the City.

The Design Guidelines show that the property is located in the West Broad Street Area. As called for in the Guidelines, the proposed development will reflect an urban street front, will provide a consistent identity for the area, increase pedestrian activity, and indicate the high standards of the City. In addition, the proposed development will widen paving at crosswalks, provide a mini-park at the W&OD trail, all of which will work to increase pedestrian and bicycle activity in the area. The site’s proximity offers a unique opportunity to finally provide superior connection to the W&OD Trail. The best use to optimize that linkage is mixed use and not office or light industrial uses.

**b. The resulting development provides for significant net new commercial square footage and allows for a mix of commercial and residential uses (Section 48-90(1) (b)).**

Currently, the properties in the site contribute only minimally in tax revenue. All existing properties are served by significant surface parking. The proposed development will remove these largely automobile-oriented and light industrial uses, providing significant net new commercial square footage and allowing for a mix of commercial and residential uses. The proposed development as noted provides about 138,000 square feet of substantial new commercial space (more specifically described in the Table in the Concept plan).

**c. The resulting development produces substantial positive net new commercial and residential revenue to the City (Section 48-90(1) (c)).**

In conjunction with this application, information has been submitted to the City to be inputted into the City’s cost/revenue impact model to predict the project’s net new revenue, and a report has been received, which is attached separately. As recognized by the Comprehensive Plan, the parcels that make up the property are underutilized currently in terms of their density and use. The proposed development will significantly increase the assessed value of and resultant property tax revenue generated by the property. In addition, by creating a vibrant, attractive western gateway into the City, the development will encourage additional consumers to enter the area and patronize commercial uses throughout the City.

**2. Secondary Criteria (Section 48-90(2))**

**a. The development is not disproportionate to surrounding land uses and planned land uses in size, bulk or scale (Section 48-90(2) (a)).**

The proposed development is a concrete podium of commercial uses with five floors of multi-family and hotel above, with a total height of about 85 feet. The development has the unique aspect of substantial at grade parking for the retail uses hidden behind the

retail and under the residences. The exterior is masonry, and the building is fully consistent with high standards established by the City for prior mixed use projects.

The area of the footprint of this project is “low” and the height of the new building will blend well with its environment and set the stage for future development. Given the high-quality design and construction of the building and its prominent place in the City, a building of this scale is appropriate. The proposed development works in conjunction with existing buildings to further create a dramatic, defined statement of quality for this area of the City. The development is consistent with the discussion in the Comprehensive Plan for this Redevelopment Opportunity Area which calls for significant mixed (multifamily) uses-the area called for this Plan however is committed long term to other uses that conflict with the Plan.

The building will taper toward West with a set back from the front facade.

The condominium building facing Park will have a “townhouse” style appearance with units on the lower level having “stoops” providing direct access to Park. This will retain the low density character of that area. The condominium building itself will be a taper down from the taller building on West Street.

- b. The resulting development does not overburden the existing community facilities, including the school, transportation and water and sewer systems (Section 48-90(2) (b)).**

#### Transportation

A traffic study has been conducted by Wells and Associates that evaluates the anticipated traffic impacts of the application and provides specific recommendations to mitigate those impacts. That Study has been provided to the Staff. Some revisions to counts will be made to reflect the changes in the retail plan for the site. The application envisions a vibrant mixed-use development that will be sensitive to the transportation concerns of the City. By providing a variety of complementary uses on the same site, the proposed development will encourage self-contained, pedestrian trips. Additionally, due to its location proximate to several bus routes including a future intermodal transportation center and with implementation of Transportation Demand Management (“TDM”) measures, a percentage of the trips generated by the residential and commercial components of the proposed development are anticipated to utilize non-auto modes of transportation. TDM measures will include convenient bicycle storage facilities, transit incentives, and resources conducive to teleworking. Furthermore, the developer proposes to reconfigure the intersection at West Street and Park Avenue and substantially reduce curb cuts

#### Water & Sewer

The City’s utility engineer has confirmed that water and sewer service is adequate. The project will greatly improve storm water management with BMPs as the existing development has virtually no storm water management measures.

- c. The resulting development provides community benefits such as affordable housing, as it is described in Section 38-43 (Section 48-90(2) (c)).**

The developer is proposing an Affordable Dwelling Unit contribution in keeping with similar mixed use developments contributions, with about 6% of the total units (rental and condominium) units being contributed as Affordable Housing Units at 60%, 80% and 100% of the median household income. The ADU's will all be rentals in the rental portion of the project.

A commitment to LEED Silver for the Apartment building is provided, and the developer will underground all aerial utilities contiguous to the site depending on costs and availability of easements. The developer proposes to review this in detail with the City to determine what poles can be undergrounded in the immediate area.

- d. The resulting development contributes to a vibrant, pedestrian-oriented environment both on site and in relation to adjoining properties, with street level activity throughout the day and evening (Section 48-90(2) (d)).**

The current uses at the site are distinctly automobile-oriented, with the majority of the property occupied by their own surface parking lots. The proposed development will move almost all parking within enclosed structures, which will contribute further to the walkable nature of the area.

The provision of streetscape along the entire development's three sides facing streets will contribute to the vibrant, pedestrian-oriented environment with connectivity to adjacent commercial and park areas. The mix of uses, including restaurants, retail, and other commercial opportunities will provide a balanced commercial center that will generate pedestrian traffic throughout the day and evening. The street level retail uses will be very visible and will encourage customers to enter the area to shop and visit not only this development, but the additional retail located nearby.

- e. The resulting development offers creative use of landscaping, open space and/or parks, public plazas or and walkways connecting to adjoining properties (Section 48-90(2) (e)).**

Three sides of the proposed building will have the attractive "streetscape" design and fixtures, and there will be enhanced connections around the site to nearby businesses, parks, and residences. A "mini park" is planned along W&OD trail, and this amenity will invite pedestrians to ride bikes, rest, talk, sit, eat and simply enjoy the area which includes the soon to be completed West End Park. This depends upon approval of the NWRPA.

- f. The resulting development provides a variety of commercial services and uses that are attractive to and meet the needs of all city residents for entertainment, art, recreation, dining retail and array of consumable goods (Section 48-90(2)(f)).**

As stated above, the proposed development envisions a hotel as well as a mix of commercial uses. This includes a movie theatre, and retail opportunities in an area that is

lacking sufficient quality retail currently. These commercial entities will serve the residential uses within the proposed development, as well as the neighborhood as a whole. A commitment that at least 25 % of the commercial space will be food and beverage uses.

**g. The resulting development encourages local or independent businesses (Section 48-90(2) (g)).**

Although the theater may be a national chain, the remaining retail and restaurant space provide a unique opportunity for local, regional and independent businesses, and the high-quality development will help the area as a whole attract and cultivate local and independent businesses. The smaller retail spaces in the development provides excellent opportunities for local “mom and pop” and incubator businesses.

**h. The resulting development provides for a reduction of single use parking requirements through shared parking Section 48-90(2) (h)).**

As shown in the submitted conceptual plan, the developer is recommending shared parking. The developer will explore with the final parking provided with the City to determine any additional parking reductions are justified based on the characteristics of the property and its proximity to bike ways, as well as several bus lines, will lead to fewer automobile trips. Additionally, a private shuttle to the nearest metro rail station is being considered for residents and hotel guests and it is expected that some residents will bike to work (or to a multi-modal transit location for switching to bus or rail), and that the commercial uses will be patronized at least in part by pedestrians and cyclists. A “bikeshare” service is provided.

**i. The resulting development encourages multi-modal transportation through design and other techniques to reduce the reliance on single occupancy vehicles, and utilizes sheltered stops for mass transit whenever feasible Section 48-90(2) (i)).**

As discussed, the property is in close proximity to existing bike ways, as well as the Metro Rail station and several bus lines. It is expected that some residents will walk to the Metro Rail station and others will bike to work, and that the commercial uses will be patronized at least in part by pedestrians and cyclists. The design includes attractive and user friendly places for bikes to be parked and stored.

**j. The resulting development utilizes LEED criteria in the design of the project Section 48-90(2) (j)).**

The proposed apartment and condominium development is planned to be LEED Silver certified, and will otherwise be designed using green design principles and elements. By removing the existing imperious parking lots and implementing a new storm water management plan, the development will greatly reduce storm water runoff in the area. Additionally, the non-residential part of the project will incorporate eco-conscious sustainable elements in the design of the hotel and other commercial spaces.

### **Special Exception for Height Bonus.**

The area of the site to be used for the mixed use project is currently zoned B-3 and B-1, which permit a by-right height of up to 55 feet. The developer proposes the requested development to be a maximum height of 85 feet.

Up to 30 feet of bonus height may be granted if the project is exemplary in terms of conformance to the Primary Criteria 1 and 2 set out above and assists in conformance with Primary Criteria 2 and 3. The amount of new commercial area is more than three times the area of the existing commercial activity. More importantly, the new commercial activity replaces commercial uses which are discouraged by the City's Comprehensive Plan. The net new commercial and retail income is far greater than that of the existing uses and far superior in terms of making the area a desirable play to live, work, and play. Many of the difficult to achieve goals of the Comprehensive Plan will be met by the proposed development. For these reasons, this plan is exemplary in its achievement of the primary criteria set out above.

Bonus height may be awarded for certain preferred uses when located on primary street frontage. These uses include outdoor dining, hotel and other uses specifically requested by the City. This development proposes improvements to the W&OD park, a hotel, a new urban pharmacy, multiple retail opportunities and outdoor dining and some restaurants possibly with entertainment; all of which are considered preferred uses, justifying a bonus height of 30 feet.

It is important to note here that the first floor retail uses require a ceiling heights ranging from 15 to 24 feet, and that this required ceiling height is a major reason why the bonus is needed. As discussed, the design of this project, and in particular its height, is an exceptional new addition to this part of the City. The project sets a high bar for quality in terms of design, use, and materials, and if the proposed project were to be lowered by 30 feet, the integrity of the design would be greatly compromised, likely making the development infeasible.

The location and unique physical characteristics of the site make the requested building height appropriate. The property is located in an area that is expected to attract similar developments which will likely reach heights of 85', so that the requested height of 85' in certain locations is not out of the character of the surrounding neighborhood and the expected area as it evolves.

**Voluntary Proffered Conditions for  
"Broad and West" Development  
Revised as of July 7, 2014**

In association with the requested Rezoning, Special Exception Application to allow the mixed-use redevelopment of property at parcels located in the area generally bounded by Park Avenue, West St. and West Broad Street ( parcels 51-202-015, 51-202-014, 51-202-013, 51-202-012, 51-202-011, 51-202-010, 51-202-009, 51-202-028 Outlot, 51-202-028, 51-202-005 and 51-202-004 ("Broad and West") and Spectrum Development LLC (herein referred to as the "Developer") voluntarily proffers the following for the benefit of the community and the City of Falls Church (hereinafter referred to as the "City")

1. Conformance with Conceptual Development/Special Exception (CDP/SE) Plan: The Developer agrees to construct the development in substantial conformance with the (1) CDP/SE plan dated November 8, 2013, as prepared by Walter L. Phillips, Inc., as approved by the City Council at second reading; (2) the architectural plans by GTM Architects as approved by the Council at second reading (3) the Parking study, as prepared by Wells and Associates and the (4) the Transportation Demand Management Plan prepared by Wells and Associates.
  
2. Streetscape: To promote a pedestrian environment, the Developer shall construct streetscape improvements consistent with that shown on the Concept Development Plan (CDP) to be finalized at site plan along the Property's frontage on W. Broad Street. The streetscape shall be expanded from the 14-foot, adopted plan version to 20-foot wide along West Broad Street and N. West Street. Streetscape shall also be constructed on N. West Street and Park Avenue consistent with that frontage as shown on the CDP. At the discretion of the City Manager and subject to a streetscape maintenance agreement to be approved at Site Plan, the Owner agrees to maintain the streetscape improvements in perpetuity along the West Broad Street, West Street and Park Avenue frontages of the Subject Property.
  
3. Commercial Space. The non-hotel commercial space shall be located on the ground level. At least twenty five per cent (25%) of the approximately 46,000 sq. ft. of ground level space shall be leased to food and beverage retailers. The rezoning and special exception shall also become final only after the City Manager states in writing to the City Council that he has determined there exists an executed contract with a hotel developer to construct a hotel building consistent with the CDP/SE for the Broad and West Development. The Manager shall notify the City Council with a copy of the notification sent to the developer, of having received the executed contract no later than ten (10) business days from the delivery of the contract to the City Manager by the Developer, in which event the rezoning and special exception approved by the City Council shall be deemed automatically final.
  
4. Schools Capital Cost Contribution: A voluntary contribution shall be made to the City of Falls Church to offset school capital costs. The developer agrees to voluntarily contribute \$7,511 for each of the market rate rental apartments and \$2,478 for each residential condominium unit, to offset school capital costs. The

contribution shall be paid at the time of the issuance of the first residential certificate of occupancy.

Payment for West End Park. A payment of Twenty five thousand dollars (\$25,000.00) shall be made to the City for use to improve West End Park such payment to be made at the issuance of the first residential certificate of occupancy

5. Underground Parking: The project shall provide parking in a below-grade garage to create better pedestrian circulation and site amenities. Developer agrees to ensure that the garage will be constructed in a manner that permits 800 MHz radio signals to be transmitted and received from within the garage. The Developer shall install the necessary equipment and perform a radio transmission test upon completion of the project, and prior to the first Certificate of Occupancy being issued for the ability to transmit and receive police and fire 800 MHz radio signals from the interior of the parking garages, including the subterranean parking garages. Should the test verify that the 800 MHz radio signals are transmitted and received, the requirements shall have been met. Should the test fail, the Developer shall find a solution acceptable to the City and the Developer so as to resolve the problem within ninety (90) days of this test.
6. N West Street and Park Avenue Improvements: The improvements shown on the CDP shall be provided. There will be a 24 hour lighted pedestrian connection on the site through the surface level from West Broad to Park & West. Also, Pedestrian accessibility at the 3 grade level entrances—W. Broad, West, and Park
7. Washington and Old Dominion Trail. A contribution of \$100,000 shall be made to the NVRPA for improvements on the section of the Trail between Grove Avenue and N. West Street crossings to be used for the planned realignment of the trails. The Developer will provide the construction and delineation of a crosswalk on N West Street that will serve to connect the subject property to the Trail.
8. Transportation: (A) The developer shall provide those transportation improvements shown in the Council approved CDP/SE so as to provide traffic calming and to direct traffic in more safe manner at the intersections of N. West Street and Grove Ave and at Park Ave and N. West and at the entrances to the Project along West Broad St. (B) The Developer shall also implement a Transportation Demand Management (TDM) program as referenced in the Transportation Study. In addition, the Developer shall develop and implement a Parking Management Plan, finalized and approved as part of site plan approval.
9. LEED Criteria: The Developer agrees to have the rental and condominium residential portions of the project designed such that a Leadership in Energy and Environmental Design Accredited Professional ("LEED AP") can and will certify that such portions of the project will achieve the necessary points to obtain LEED Silver status for the rental and condominium residential portions of the project. Prior to site plan approval, the Developer will provide the City with a LEED checklist as prepared by a LEED

AP. Following completion of construction and occupancy, and in accordance with LEED guidelines, the Developer will prepare the necessary documentation to seek official LEED Silver certification from the U.S. Green Building Council for such residential portions of the project. Prior to the issuance of building permits, the Applicant will post a \$50,000 bond or letter of credit for the residential components of the building. If the building achieves the intended LEED certification, then the associated bond or letter of credit will be released by the City. If the residential components do not achieve the intended LEED certification within three (3) years after the issuance of the certificate of occupancy, the City will redeem the associated bond or letter of credit for City environmental improvements at the project location and/or vicinity at the City's sole discretion.

10. Affordable Dwelling Units (ADUs): The Developer agrees to provide within the rental residential component of the project, six percent (6%) of all rental and condominium units as Affordable Dwelling Units (ADUs). The unit sizes, features, and types shall be comparable to the market rate rental units. ADUs shall be dispersed throughout the project. There shall be nineteen (19) total ADU rental units 70% one bedroom rental units and 30% two bedroom rental units.
  - i) The Developer agrees to accept Restrictive Covenants, which shall define terms and conditions of the ADUs regarding issues including, but not limited to, price control periods and renter occupancy. These Covenants shall run with the land and be an encumbrance on the ADU units. The Restrictive Covenants shall be recorded with the City's land records in Arlington County.
  - ii) The Developer agrees that the City or its designee shall market for rent the ADUs directly or through its designated agent to qualified renters. The City shall regulate and establish ADU qualification priorities and evaluate and qualify prospective applicants in accordance with the Affordable Unit Program official administrative procedures and regulations adopted September 12, 2005, as amended. All ADUs shall be dispersed throughout the project.
  - iii) The monthly rent for the ADUs shall be based on rates for one-bedroom unit and two-bedroom units in accordance with the 60%, 80% and 100% of HUD median income rents approved by the Housing Commission for a term of 20 years. The number of units for each income level shall be in equal proportions. The ADU monthly rent shall include an additional amount as calculated by the percentage increase in HUD median income, but not less than the original ADU monthly rents listed above.
  - iv) A minimum of one of the ADU units shall be accessible as defined by the American With Disabilities Act (ADA). As provided by federal law, all ADU and market units shall be ADA adaptable

11. Excavation Monitoring. The Developer agrees to monitor for soil movement and structural damage to adjacent structures during and after excavation for the project. Structures within a distance equivalent to the depth of the excavation plus ten feet shall be surveyed for pre-development conditions and compared to post-development conditions. For such structures, the developer agrees to provide insurance coverage for damages caused by excavations or construction activities, as independently verified by a third party engineering consultant, acceptable to the City and provided by the Developers. In no way shall this provision limit the liability of the Developer or its contractors for damages caused by construction activity.
12. Community Liaison During Construction: The Developer agrees to identify a person who will serve as liaison to the community throughout the duration of construction. This individual shall be on the construction site throughout the hours of construction, including weekends. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Zoning Administrator, and shall be posted at the entrance of the project. Once a contractor has been selected for the project, the Developer will work with the City staff to prepare a construction management plan. The plan shall include a construction parking plan, construction traffic and staging plan and other required plans for the life of the construction phase of the project. The plan must be approved by the City Manager, or City Manager's designee, prior to commencement of any work on the site, including demolition.
13. Underground Overhead Utilities. Developer shall underground all utilities on site. Further, if approved by the Northern Virginia Regional Park Authority 90 days before the time the underground on site must begin, the developer shall include in the undergrounding work that portion of aerial utilities along that portion of the north side of N. West Street which abuts the W & OD Trail and is directly across from the project's site. All undergrounding of utilities, including the location and installation of all transformer pad(s), shall be carried out according to the specifications of all applicable utilities. No above-ground electrical or telecommunications facilities (transformers, switches, wires, etc.) shall be located within the right-of-way. This undergrounding will not create any obligation or expense for the City.
14. Bicycle Storage and Bike Share: The Developer shall provide secure bicycle storage facilities for both residential and commercial users of the project. Developer agrees that should the City join a "Bike Share" program, the Developer will work with the City to place a bike stand facility within a public access easement at an appropriate location on the site.
15. Electric Vehicle Charging Station: A charging station for electric vehicles shall be provided.
16. Pest Control: A process of pest control/extermination for potential rodents will occur prior to the start of any demolition work or other land disturbing activities.

17. Other Terms and Conditions

- a) The Owner acknowledges, understands and agrees that the Subject Property shall be developed in accordance with the applications approved for the Subject Property by the City Council and in full compliance with all applicable laws, codes, ordinances, charters, statutes, rules, regulations, agreements, and commitments.
- b) The City of Falls Church Commissioner of Revenue and/or his designated staff, upon providing written notice to the managers of the residences and commercial spaces of the project, shall have access to the garage on the Subject Property at the specified times in the provided written notice for inspection of window stickers related to personal property taxes for vehicles. The Commissioners of Revenue shall be provided all credentials necessary for him and his staff to have access to the parking garage by vehicle at all times. In the event the access credentials are changed or updated, the Commissioner of Revenue shall be provided notice and updated access credential within thirty (30) calendar days.
- c) Prior to demolition of the existing structure on the Subject Property, the Owner shall secure the approval of the City of a demolition, parking, and staging plan. Once the contractor has been selected for the project, the Owner shall work with City Staff to prepare a construction parking plan and construction traffic and staging plan for the entire construction phase of the project.
- d) The Owner shall designate a representative who is physically present on a regular basis on the Subject Property to serve as a liaison to the community for the period leading up to the issuance of the first Certificate of Occupancy and for two years thereafter. The name and telephone number of the liaison shall be provided in writing by the Owner to the Zoning Administrator.
- e) The Owner agrees that these Voluntary Proffered Conditions shall apply to and be binding upon all future owners, and upon all heirs, successors and assigns of any portion of the Subject Property, and the Owner further agrees that it will provide a copy of these Voluntary Proffered Conditions to any such future owner, heir, successor and assign prior to transferring any interest in the Subject Property to any such person, firm, corporation, or other entity.

We hereby proffer that the development of the Subject Property shall be in strict accordance with the conditions set forth in this submission.

Spectrum Development LLC

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Richard P. Buskell", written over a horizontal line.

Name: Richard P. Buskell

Title: President and Manager

---