



2008-2009 NORTH COUNTY AREA PLANS REVIEW GUIDE

NOMINATION FORM

TYPE OR PRINT RESPONSES IN BLACK INK

Incomplete forms will not be accepted for review and will be returned to the nominator. Staff reserves the right to correct errors in street address, tax map number, acreage or current Plan designation. Be sure to attach required map and original certified mail receipts as proof of property owner notification.

PART 1. NOMINATOR/AGENT INFORMATION

Name: David R. Gill, Esquire Daytime Phone: 703-712-5039

Address: McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800 McLean, VA 22102

Nominator E-mail Address: dgill@mcguirewoods.com

Signature of Nominator (NOTE: There can be only one nominator per nomination):

THIS BOX FOR STAFF USE ONLY
Date Received: 6/27/08
Date Accepted: 7/17/08 ARH
Planning District:
Special Area:

Signature of Owner(s) if applicable: (NOTE: Attach an additional sheet if necessary. Each owner of a nominated parcel must either sign the nomination or be sent a certified letter.)

Anyone signing on behalf of a business entity must state the relationship to that organization below or on an attached page. Agent on behalf of UDR, Inc.

PART 2. GENERAL INFORMATION

Check appropriate supervisor district: [] Dranesville [] Hunter Mill [x] Providence [] Sully

Total number of parcels nominated: 85

Total aggregate size of all nominated parcels (in acres and square feet): 16.00 acres, 699,574 square feet

Is the nomination a Neighborhood Consolidation Proposal? [] Yes [x] No

Are you aware that proposals that generate more than 5,000 vehicle trips per day over the current adopted Comprehensive Plan will trigger additional VDOT review? (See pages 8-9 for more information.) [x] Yes [] No

PART 3: PROPERTY INFORMATION - Attach either the Property Information Table found at the end of this application form or a separate 8 1/2 x 11 page (landscape format) identifying all the nominated parcels utilizing the format as shown in the Table found at the end of this application.

All subject property owners must be sent written notice of the nomination by certified mail unless their signature(s) appears in Part 1 (above). IMPORTANT NOTE: Any nomination submitted without originals or copies of all the postmarked certified mail receipt(s) and copies of each notification letter and map will not be accepted.

PART 4: CURRENT AND PROPOSED COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

See Section IV of the APR Guide for instructions. a. CURRENT COMPREHENSIVE PLAN TEXT for nominated property: Use the Plan on the Web (www.fairfaxcounty.gov/dpz/) for your citation. It is the most current version: Land is part of the V-1 Community Planning Sector. There is no specific plan text related to this property.

b. CURRENT PLAN MAP DESIGNATION: 8-12 du/acre, open space

c. CURRENT ZONING DESIGNATION: PDH-12

NOMINATION FORM

d. PROPOSED COMPREHENSIVE PLAN DESIGNATION: (NOTE: The proposal you submit with your nomination is the proposal that is to be presented to the task force and will be the subject of their consideration and vote). 8-12 du/ac, open space. 20+ du/ac

e. DESCRIBE what development under the new plan would look like. (What uses? Type of buildings? Building heights? Surface or structured parking? Typical unit size?) Revitalize site with mid-rise residential mixed-use development compatible with existing high rise structures.

f. NON-RESIDENTIAL: Check the appropriate use Office Retail Government/Institutional
 Industrial Open Space
 Mixed Use (specify uses in table)

g. TOTAL Floor Area Ratio (FAR) Proposed: 1.57 TOTAL Gross Square Feet: 1,096,692

Categories	Percent of Total FAR	Square feet
Office	Consistent with existing zoning 4% 6%	44,000
Retail		58,000
Public Facility, Govt & Institutional		
Private Recreation/Open Space		
Industrial		
Residential*	90%	994,692
TOTAL	100%	1,096,692

*If residential is a component, provide the approximate number and size of each type of dwelling unit proposed in the chart below based on the approximate square footage.

h. RESIDENTIAL COMPONENT (Select the appropriate density range proposed and complete the table to the right):

- .1 - .2 du/ac (5-10 acre lots)
- .2 - .5 du/ac (2-5 acre lots)
- .5 - 1 du/ac (1 - 2 acre lots)
- 1 - 2 du/ac
- 2 - 3 du/ac
- 3 - 4 du/ac
- 4 - 5 du/ac
- 5 - 8 du/ac
- 8 - 12 du/ac
- 12 - 16 du/ac
- 16 - 20 du/ac *
- 20+ (specify 10 unit density range)

Residential Unit Types			
Unit Type	Number of Units	Unit Size (sq ft)	Total Square Feet
Single Family Detached			
Townhouse			
Low-Rise Multifamily (1-4 stories)			
Mid-Rise Multifamily (5-8 stories)	252 200	1,000	±200,000
High-Rise Multifamily (9+ stories)	554		
TOTAL:	806		994,692

* Commercial component consistent with PDH Zoning District.

PART 5: MAP OF SUBJECT PROPERTY

Attach a map clearly outlining in black ink the property of the proposed Plan amendment. The map must be no larger than 8½ x 11 inches and clearly legible. Maps in color will not be accepted.

PART 6: JUSTIFICATION

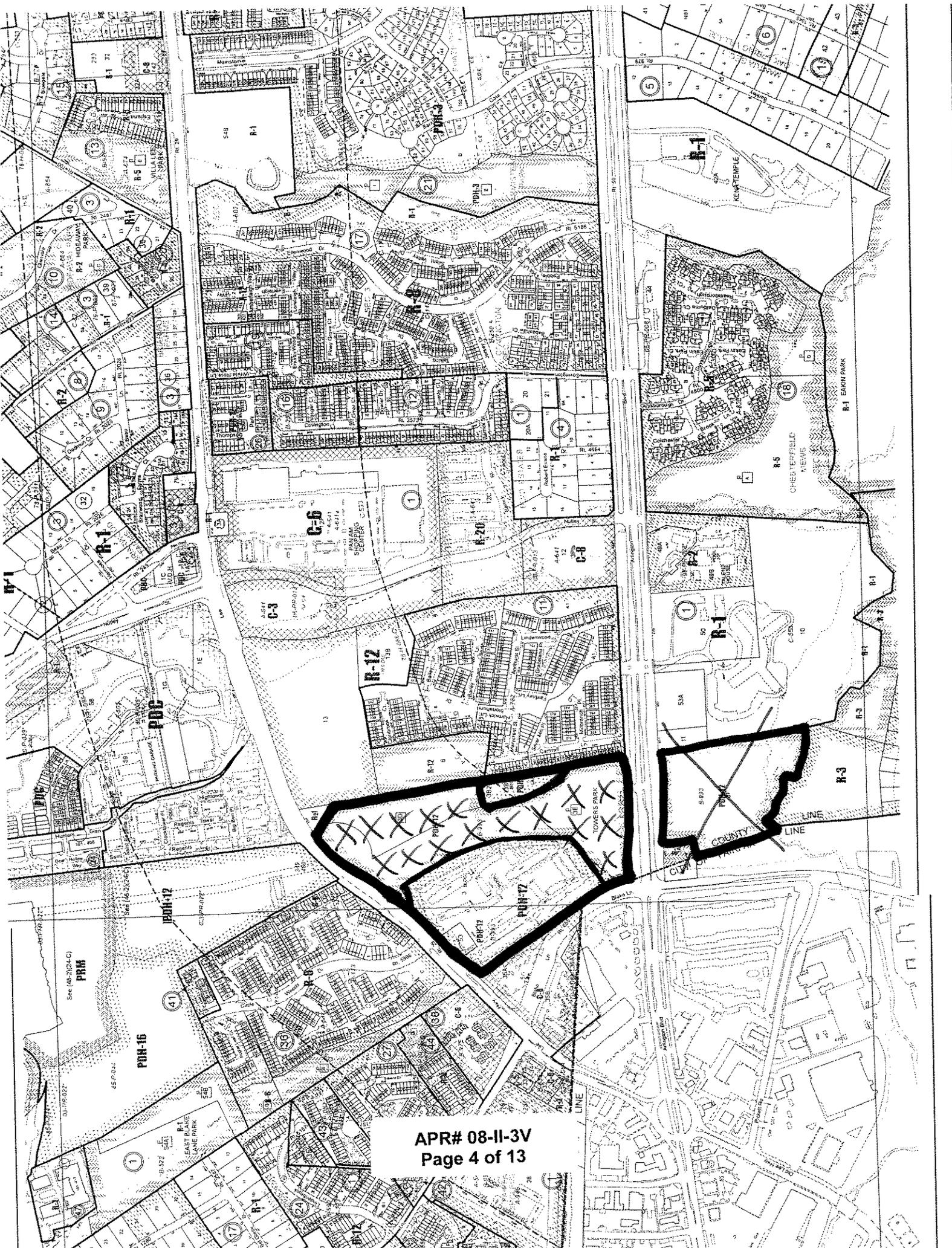
Each nomination must conform to the Policy Plan and must meet at least one of the following guidelines. Check the appropriate box and provide a written justification that explains why your nomination should be considered, based on the guidelines below (two-page limit).

- The proposal would better achieve the Plan objectives than what is currently in the adopted Plan.
- There are oversights or land use related inequities in the adopted Plan that affect the area of concern.

All completed nomination forms must be submitted between May 1, 2008 and June 27, 2008 to:



Fairfax County Planning Commission Office
Government Center Building
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035-5505



PART 6: JUSTIFICATION (Circle Towers)

Introduction

The subject property is the ageing, high-rise apartment complex commonly known as Circle Towers (the Property). The Property was developed in the early 1970s with three 12-story high-rise towers, 52 townhome units, as well as retail facing the interior courtyard and a small three story office building. Since the Property was originally developed, it has not undergone a significant remodeling or received any substantial reinvestment. Further, some of the retail is not viable given that it is interior to the development and not visible from Lee Highway. Thus, the purpose of this nomination is to provide the proper incentive to justify reinvesting in an outdated and inefficient high-rise complex to comply with current County planning and environmental policies while also creating the modern amenities residents demand.

Background

When the Property was originally developed, the tract was over 50-acres. As part of the development review process, the original owner agreed to and, eventually did dedicate approximately 34-acres to the County and the Park Authority. In recognition that the existing density on this Property was, and continues to be, supported by the parcels dedicated to the County, the nominator has nominated the parcels that comprised the original tract.

Nomination Overview

With this background, the nominator is seeking to rectify the original shortcomings of the layout of the complex through an appropriate incentive to justify reinvesting the Property. As stated, the nominator is requesting 200 additional dwelling units beyond the existing 606 units. Over the nomination area, the resultant density would be approximately 16 dwelling units per acre. Further, since the current Comprehensive Plan does not have specific area plan text for this Property, there is an opportunity to create predictability and certainty by utilizing the nomination to create specific plan language.

Design Enhancements

Although a popular design element when the complex was originally constructed, today the interior courtyard is severely underutilized and lacks the activity necessary for it to be a true amenity. It is "dead" space. Therefore the nomination is proposing to activate this plaza by creating a new primary entrance to the "plaza" level directly from the existing entrance on Lee Highway. The intent is to transform the segregated plaza into an active urban amenity more appropriate for modern communities. This new activity space would be anchored by a destination community retailer, such as an urban grocer (Trader Joes, for example), with consolidation of the existing townhome units and the addition of new residential units above the retailer. This new retail space would be visible from Lee Highway, making it much more viable and better able to draw activity on to the plaza level. As shown on the attached exhibit, the net result is a new mixed-use mid-rise building (5-6 stories tall), significantly below the scale of the existing towers.

Additionally, the existing townhomes on the southern end of the community would also be consolidated into a new modern building, see the attached exhibit. The new development will generally be of a height and scale consistent with the existing development, likely a mid-rise building with podium parking. These new buildings will also comply with current County policies supporting the provision work-force and affordable housing. Further, unlike the existing development and much of the development in the area from the same era, both new buildings will fully comply with modern stormwater management requirements.

The nomination will also provide for strategically located mixed use development proximate to multiple transit options. As a result, the nominator is committed to implementing meaningful Transportation Demand Management (TDM) measures to reduce transportation impact.

Modern Amenities

Communities similar in scale to Circle Towers typically have multiple common area amenities, like club rooms, exercise facilities, business centers, cyber cafes/libraries and theatre rooms as well as specific residential services such as a concierge, package acceptance, and on-site dry cleaning pick-up. The existing units also lack many of the in-unit amenities typically found in new apartment communities, such as open floor plans, washers and dryers, built in microwaves, high speed internet, ample closet space, and energy efficient appliances.

The additional units proposed are necessary to justify the investment to create the necessary common amenities and upgrade the existing apartment units to conform to resident's expectations. The additional income from these units would allow for the new amenities to be constructed and maintained. This enhanced revenue stream would also allow for expedited capital improvements across the entire property and support the potential enhancement of active recreational opportunities in the nomination area.

As importantly, by providing the mechanism for updating and modernizing the units, the nominator will commit that the new buildings will meet the County's recent green building policy initiative (LEED certification or similar alternative program). In updating and modernizing the existing units, the nominator will also be able to install Energy Star appliances in many of the units as well as install more energy efficient HVAC systems to further minimize the impact on the environment.

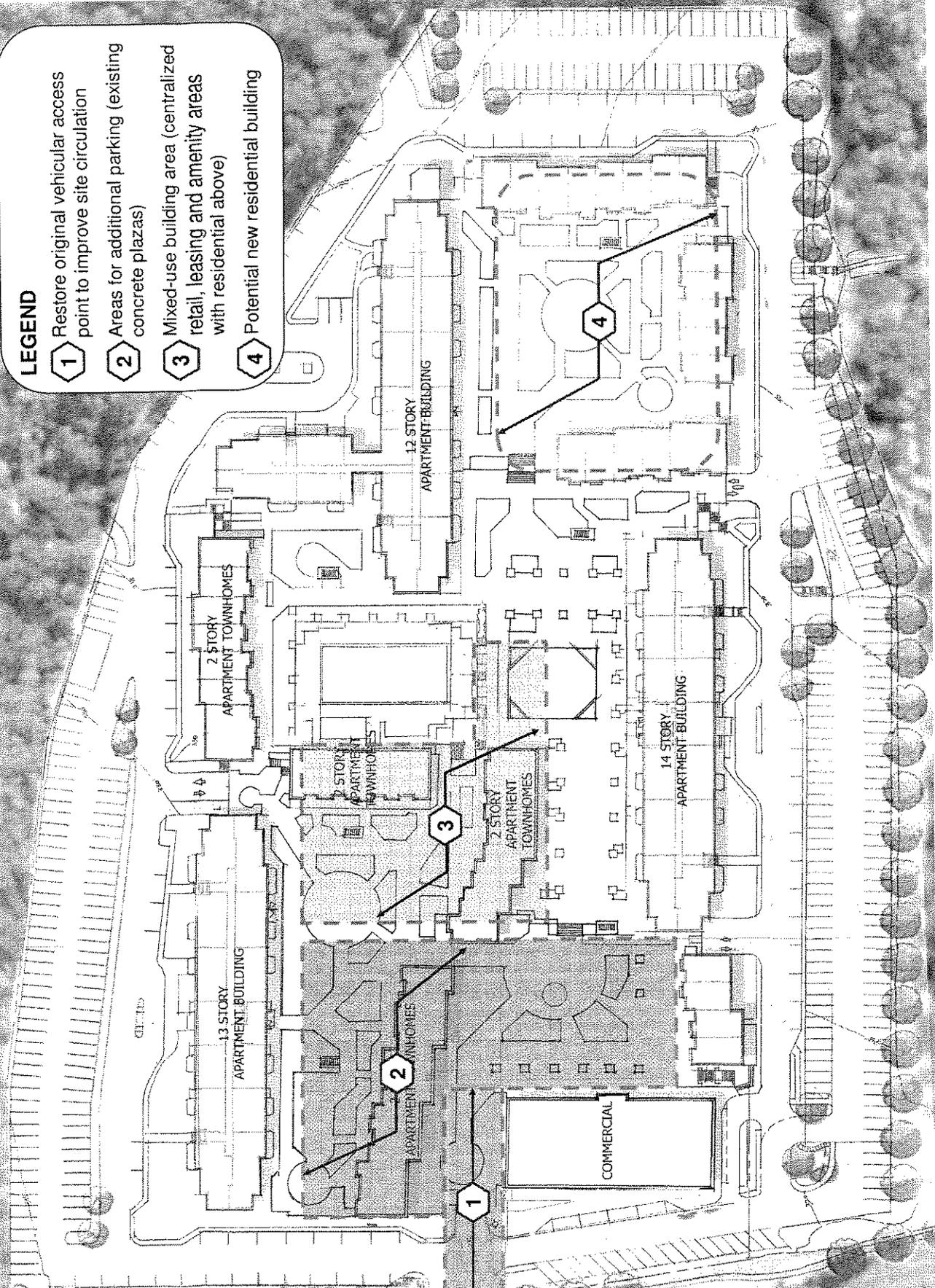
Conclusion

The net result of this nomination is the creation of approximately 200 additional units above the existing number of units on the property. This is the minimum level of density necessary to justify reinvesting in the property and is below the scale of the high-rise towers that already exist on the site. Without this incentive, this complex will likely continue to suffer from disinvestment and fail to further many of the County's emerging policies regarding green building, stormwater management and improved urban design.

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LEGEND

- 1** Restore original vehicular access point to improve site circulation
- 2** Areas for additional parking (existing concrete plazas)
- 3** Mixed-use building area (centralized retail, leasing and amenity areas with residential above)
- 4** Potential new residential building



Rybold, Kimberly M.

From: Rybold, Kimberly M.
Sent: Monday, August 04, 2008 3:36 PM
To: David R. Gill (dgill@mcguirewoods.com)
Subject: North County APR Nomination-Circle Towers

David R. Gill
 McGuireWoods LLP
 1750 Tysons Boulevard, Suite 1800
 McLean, VA 22102

RE: North County APR Nomination: 49.15 acres in the Lee (V-1) and Mantua (F-2) Community Planning Sectors

Dear Mr. Gill:

The purpose of this e-mail (a copy of which will be retained for the record) is to formally advise you that the above referenced North County APR Nomination, assigned a temporary ID number of PC-2008-032, has been received by the Department of Planning and Zoning. I have reviewed the nomination as to its compliance with the submission requirements as set forth in the *2008-2009 North County Area Plans Review Guide* and have the following concerns:

- Parcels 4-84 ((1)) 3B2, 3E, and 3F are owned by the Fairfax County Park Authority, and parcel 4-84 ((1)) 3D is owned by the Fairfax County School Board. As is stated on page 6 of the *2008-2009 North County Area Plans Review Guide*, "amendments affecting countywide systems, such as the countywide transportation network, the countywide trails system, parks, and public facilities" are excluded from the APR process. As a result, these parcels cannot be included as a part of the nomination. Please revise your proposed density to reflect this.
- In Part 4d: Proposed Comprehensive Plan Designation, you have listed "8-12 du/ac, open space" as the proposed designation. This is the same as the current plan designation. Please clarify the designation you are proposing based upon the information below.
- In Part 4g: Total Floor Area Ratio (FAR) Proposed, you have stated that office and retail uses are consistent with existing zoning. Please provide the total square feet for each of these land uses and indicate the associated percent of total FAR.
- In Part 4h: Residential Component, you have listed the number and size of units to be built above those that already exist. For the existing units, please specify the number of each unit type that will remain as a part of the site, and note the unit size for each. From this, please calculate the total number of units and total square footage for all residential units, as is indicated by the chart in Part 4h.
- Once the total square footage of the site has been determined, please calculate the total floor area ratio (FAR) and total gross square feet for this nomination, as is indicated in Part 4g.

This information should be provided to the Department of Planning and Zoning by August 18, 2008. Failure to do so will cause the nomination to be rejected.

I am the Department of Planning and Zoning staff member assigned to review your nomination for technical compliance with the application. Please address your response or questions to me at kimberly.rybold@fairfaxcounty.gov.

Sincerely,

Kimberly M. Rybold
 Fairfax County Department of Planning & Zoning
 Planning Division

APR# 08-II-3V
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8/4/2008

12055 Government Center Pkwy, Suite 730
Fairfax, Virginia 22035
703.324.1363 (office)
703.324.3056 (fax)

August 18, 2008

Via Email

Kimberly M. Rybold
Depart of Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, VA 22035

RE: APR Nomination PC 2008-032, UDR, Inc.

Dear Ms. Rybold:

This letter is in response to your email of August 4, 2008 and our subsequent conversations regarding the need for additional information concerning the above referenced nomination. You have recommended that we respond to your comments in letter form addressing each of the bullets in your email. It is my intent that this letter will serve as supplemental information to that which has already been filed.

- You have requested that the properties owned by the Fairfax County Park Authority and the Fairfax County School Board be deleted from the nomination and that the proposed density be recalculated on the resultant acreage. We, therefore, withdraw Parcels 48-4((1)) 3B2, 3D, 3E and 3F from the nomination. The number of parcels nominated now changes from 9 to 5 and the acreage changes from 49.15 acres to 16.06 acres.
- Part 4D – You have asked for clarification of the proposed residential density. As stated in the original nomination submission, the 33 acres which is now County property was originally part of the development and, hence, was utilized in the density calculation for the developed portion of the property. Using the original 49.15 acres, the site is developed at a density just below 12 dwelling units per acre. This is also reflected in the existing planning designation for the developed portion of the property which is 8 to 12 dwelling units per acre. Even though the APR process guidelines exclude County property from the nomination, in order to make a fair and equitable comparison, like acreages should be utilized in terms of reviewing the impact of increased density on the property. Utilizing like acreages, the current density, excluding the County parcels, is 38 dwelling units per acre or a density range of 20+ du/ac. The recalculated density

based on the deletion of the properties described above is 51 dwelling units per acre or again, the same density range of 20+ du/ac.

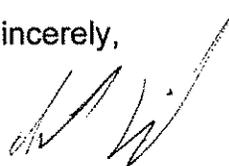
- Part 4G – You have requested the total square feet proposed for retail and office uses. See the table below for a complete description.
- Part 4H – You have requested a calculation of the total number of units that will be on site. Most of the single family attached units will be eliminated and 200 additional multifamily units will be added to the existing 606 units for a total of 806 multifamily units. Thus, most of the existing 52 existing townhomes will be replaced with potentially up to 252 multifamily units (806 total units). The size of the proposed units will average 1,000 square feet. The additional units will be in “stick-built” multi-family buildings between 4 and 5 stories tall. The average size of the existing units is not known but the GFA for the two existing high-rise buildings is approximately 794,692 square feet. See table below.
- You have requested a calculation of the total FAR for the site. The table below should provide the requested information:

	Existing	Permitted under existing Zoning	Proposed	FAR	% of total FAR
Residential	554 MF units; 52 SFA units (606 total)	630 du (12 du to the acre x 52.5 acres as acknowledged in CDPA/FDPA B-993 and SE 95-P-003)	806 multifamily @ 994,692 GSF (potential preserve 10 to 15 existing townhomes)	At 49.15 acres, including commercial, = 0.51 FAR At 16.06 acres, including commercial, = 1.57 FAR	90% residential; 10% commercial (4% office and 6% retail +/-)
Commercial (includes office, retail, eating establishments, banks etc.)	62,000 gross sq. ft. (GSF); 44,000 GSF of office; 18,000 GSF of retail	181,000 GSF (606 du x 300 sf per dwelling unit) as a secondary use permitted by § 6-106(6) of the Zoning Ordinance	102,000 GSF +/- (40,000 additional sq. ft. to consolidate underperforming retail and accommodate a smaller grocer, e.g. Trader Joes)	N/A since the potential GFA is driven by the number of residential units	

August 18, 2008
Page 3

I trust this adequately addresses your questions. Please do not hesitate to contact me if additional questions remain or other information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "D. R. Gill", with a long, sweeping flourish extending upwards and to the right.

David R. Gill

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