



County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods, and diverse communities of Fairfax County

January 27, 2021

Elizabeth D. Baker
Walsh, Colucci, Lubeley & Walsh, P.C.
2200 Clarendon Blvd, #1300
Arlington, Virginia 22201

**RE: Proffered Condition Amendment Application PCA 2013-PR-009 - Tysons
Westpark, L.C.
Providence District**

Dear Ms. Baker:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 26, 2021. The Board approved Proffered Condition Amendment Application PCA 2013-PR-009, subject to the executed proffers dated November 19, 2020.

The Board also:

- Waived Par. 15 of Sect. 6-505 of the Zoning Ordinance on the requirement that new vehicle storage be located within a parking structure
- Modified Sects. 13-303 and 13-304 of the Zoning Ordinance for the transitional screening and barrier requirements to that shown on the FDPA Plan
- Reaffirmed the waiver of Sect. 2-505 of the Zoning Ordinance to permit structures and vegetation on a corner lot as shown on the CDP/FDP
- Reaffirmed the waiver of Par. 7 of Sect. 6-505 of the Zoning Ordinance requiring the designation of specific outdoor dining areas on the CDP. Outdoor dining may be provided in any area outside of the public right-of-way where the adjoining use includes dining activity and will be indicated at time of FDP
- Reaffirmed the waiver of Par. 1 of Sect. 6-506 of the Zoning Ordinance to allow a district size of less than 10 acres for an application
- Reaffirmed the modification of Par. 3E of Sect. 10-104 of the Zoning Ordinance to permit a maximum fence height of eight feet around outdoor recreational courts/fields shown on an FDP

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- Reaffirmed the modification of Par. 12 of Sect. 11-102 and Par. 1 of Sect. 6-509 of the Zoning Ordinance to allow for tandem spaces and valet spaces controlled by building management to count towards required parking specified in the Zoning Ordinance
- Reaffirmed the modification of Sects. 11-201 and 11-203 of the Zoning Ordinance to permit a reduction in the required number of loading spaces to that shown on the CDP/FDP
- Reaffirmed the modification of Par. 4 of Sect. 11-202 of the Zoning Ordinance requiring a minimum distance of 40 feet of a loading space in proximity to drive aisles, to that shown on the CDP/FDP
- Reaffirmed the waiver of Sect. 11-302 of the Zoning Ordinance to allow a private street to exceed 600 feet in length as shown on the CDP
- Reaffirmed the waiver of Sect. 17-201 of the Zoning Ordinance to not require provision of a service road along Leesburg Pike
- Reaffirmed the modification of Sect. 17-201 of the Zoning Ordinance to permit the streetscape and on-road bike lane system shown on the CDP/FDP in place of any trails and bike trails shown for the subject property on the Comprehensive Plan
- Reaffirmed the waiver of Par. 3 of Sect. 17-201 of the Zoning Ordinance to provide any additional interparcel connections to adjacent parcels beyond that shown on the CDP/FDP and as proffered
- Reaffirmed the waiver of Par. 4 of Sect. 17-201 of the Zoning Ordinance to not require further dedication, construction, or widening of existing roads beyond that which is indicated on the CDP/FDP and proffers
- Reaffirmed the waiver of Par. 7 of Sect. 17-201 of the Zoning Ordinance to permit the applicant to establish parking control signs and parking meters along private streets within and adjacent to the development
- Reaffirmed the modification of Sect. 12-0508 of the Public Facilities Manual to allow for tree preservation target deviations as justified by PFM 12-0508.3A(1) and 3A(3)
- Reaffirmed the modification of Sect. 12-0510 of the Public Facilities Manual to permit trees located in rights-of-way and easements to count toward the 10-year tree canopy requirement subject to the proffered replacement provisions
- Reaffirmed the waiver to allow the use of underground stormwater management and best management practices in a residential development (826-WPFM-002-1)

Elizabeth D. Baker
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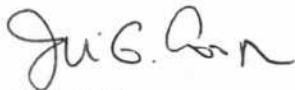
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subject to the Conditions dated August 26, 2014, contained in Attachment A of Appendix 11 of the staff report associated with RZ 2013-PR-009

Please note that on December 9, 2020, the Planning Commission approved Final Development Plan Amendment Application FDPA 2013-PR-009, subject to the development conditions dated December 7, 2020.

For additional information, please go to <http://ldsnet.fairfaxcounty.gov/ldsnet> or contact the Zoning Evaluation Division at (703) 324-1290.

Sincerely,



Jill G. Cooper
Clerk for the Board of Supervisors

Cc: Supervisor Dalia A. Palchik, Providence District
Thomas Reed, Director, Real Estate Division, Dept. of Tax Administration
David Pellegrino, Assistant Director, Real Estate Division, Dept. of Tax Administration
Tracy D. Strunk, Director, Zoning Evaluation Division, Dept. of Planning and Development
Deputy Zoning Administrator, Dept. of Planning and Development
Michael Liddle, Director, GIS Services, Department of Information Technology
Jeff Hermann, Section Chief, Transportation Planning Division
Andrea Dorlester, Park Planning Branch Manager, FCPA
Abdi Hamud, Program Administrator, DHCD/Design Development Division
Jessica Gillis, Coordinator, Facilities Planning, Fairfax County Public Schools
Michael Guarino, Chief Capital Projects Sections, Dept. of Transportation
Morgan Wolfe, Chief, Bonds & Agreements, Land Development Services

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held electronically (due to the State of Emergency caused by the COVID-19 pandemic) on January 26, 2021, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROFFERED CONDITION AMENDMENT APPLICATION PCA 2013-PR-009**

WHEREAS, Tysons Westpark, L.C. filed in the proper form an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

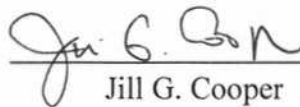
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., §15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 26th day of January, 2021.



Jill G. Cooper
Clerk for the Board of Supervisors