FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

(703) 324-1290 TTY 711 (Virginia Relay Center) Fax (703) 324-3924

V I R G I N I A

January 18, 2005

Jane W. Gwinn
Land Use Coordinator
Walsh, Colucci, Lubeley, Emerich & Terpak, P.C.
Courthouse Plaza
2200 Clarendon Blvd., Thirteenth Floor
Arlington, Va. 22201-3359

Re: Interpretation for RZ 1997-DR-021, SE 1998-DR-023, VC 98-D-142: Noise Wall

Dear Ms. Gwinn:

This is in response to your letter of November 9, 2004, supplemental information submitted by email on December 22 and 28, 2004, and prior correspondence from Jerry K. Emerich dated September 15, 2004, and August 27, 2004, (attached) requesting an interpretation of the Generalized Development Plan (GDP) and proffers accepted by the Board of Supervisors in conjunction with the approval of RZ 1997-DR-021, the Special Exception (SE) Plat and development conditions approved by the Board of Supervisors with SE 1998-DR-023, and the Variance (VC) Plat and development conditions approved by the Board of Zoning Appeals with VC 98-D-142. As I understand it, the question is whether the proposed concrete noise wall to be located along the southern boundary of the property would be in conformance with the above-referenced zoning approvals. This determination is based on the plan attached to the letter of September 15, 2004, entitled "Site Plan Spring Hill Road," Sheets 2, 3, 5 and 6, prepared by BC Consultants, and dated October 1998, as revised through December 12, 2001. Copies of the letters and reductions of the submitted plan are attached for reference.

The subject wall was not shown on the final site plans submitted to the County for the Wilshyre of McLean residential subdivision and the Sunrise Assisted Living facility, both of which have been constructed and occupied. You now propose to provide a six foot high concrete/masonry wall along the entire southern boundary of the property, as was shown on the approved GDP, SE Plat and VC Plat. The submitted plan shows the wall to be 1.8 meters in height (which equates to 5.9 feet) but you have clarified that the height of the wall would be a minimum of six feet. You have indicated that the wall is to be constructed as either a concrete Sierra wall, as detailed in the brochure submitted with your letter, or as a solid brick wall with brick piers, as illustrated in photographs, also submitted with your letter. The submitted plan omits a section of the proposed wall in the area of an existing culvert along the southern boundary; however, you have verbally indicated that the wall in this limited area would be continued on the same alignment but would be constructed of wood in order to span the culvert. The wall would also be continued along the eastern boundary but would be constructed of wood in this area as well.

You have also submitted a noise analysis prepared by Wyle Laboratories and dated August 27, 2004, demonstrating that, with the proposed noise wall, proffered noise levels would be met on the property.

The SE and VC development conditions provide that final approval of the location, height and materials of the noise wall shall be obtained from VDOT. Of the proposed materials, VDOT has approved the use of the proposed Sierra concrete wall design,which is consistent with the materials used on other VDOT noise walls. It is noted that this type of wall could be expanded or increased in height in the future by VDOT or others, if necessary (with the permission of the owners).

It is my determination that the proposed concrete noise wall along the southern boundary, constructed in the Sierra design submitted, including a wooden section to span the existing culvert and a wooden section along the eastern boundary, all having a minimum height of six feet, would be in substantial conformance with the applicable zoning approvals, provided that the wooden sections are designed as continuations of the concrete sections and as solid noise attenuation barriers, recognizing that such barrier cannot be completely flush to the ground in the area of the culvert.

This determination has been reviewed with the Environment and Development Review Branch, Planning Division, DPZ, and has been made in my capacity as the duly authorized agent of the Zoning Administrator.

If you have any questions regarding this interpretation, please feel free to contact Kevin Guinaw at (703) 324-1290.

Sincerely,

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/KG/O:\kguina\Interpretations\Springhill Noise Wall.doc

Attachments: A/S

cc: Joan DuBois, Supervisor, Dranesville District
Nancy Hopkins, Planning Commissioner, Dranesville District
William E. Shoup, Zoning Administrator
Michael R. Congleton, Deputy Zoning Administrator
Michelle Brickner, Director, Office of Site Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
File: RZ 1997-DR-021, SE 1998-DR-023, VC 98-D-142, Imaging, Reading

WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

Jerry K. Emrich
(703) 528-4700 Ext. 25
jemrich@arl.thelandlawyers.com
Fax: (703) 528-6050

August 27, 2004

RECEIVED
Department of Planning & Zoning
AUG 27 2004
Zoning Evaluation Division

Barbara A. Byron
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Interpretation Request for RZ 1997-DR-021, SE 1998-DR-023 and VC 98-D-142

Dear Ms. Byron:

This is a follow up to a June 18, 2004 meeting held with Kevin Guinaw and MaryAnn Godfrey of your staff regarding the noise wall associated with the above-referenced zoning actions.

These applications allowed the construction of a single family detached dwelling subdivision and assisted living facility on property located at Spring Hill Road and the Dulles Access and Toll Road. The rezoning application, RZ 1997-DR-021, rezoned approximately 16 acres to the PDH-3 District, and special exception SE 1998-DR-023 was to permit a housing for the elderly facility. Both of these applications were approved by the Board of Supervisors (the "Board") on November 16, 1998. The Board, in approving the rezoning application, also approved a waiver of the 200 foot setback for all residential buildings from the Dulles Airport and Access Road ("DAAR") right-of-way for some of the proposed single family detached dwellings and accepted proffered conditions (the "proffers") that include, among other things, the following conditions:

5. Noise
   a. Prior to the issuance of the first RUP, Applicant shall construct a concrete noise wall pursuant to VDOT standards in a location as shown on the CDP/FDP as approved by VDOT and shall utilize building materials with characteristics to achieve a maximum interior noise level of 45 dBA LDN and a maximum exterior noise level of 65 dBA LDN.

      1. All units located 250 feet from centerline of the Dulles Airport Toll Road between the 65-70 dBA LDN highway noise impact contours shall have the following acoustical attributes:

(1) Exterior walls shall have a laboratory STC rating of at least 39.

(2) Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than twenty percent (20%) of any façade, they should have the same laboratory STC as the walls.

(3) Measures to seal and caulk between exterior wall surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

b. As an alternative, the Applicant may submit to the Department of Planning and Zoning (DP&Z) and Department of Public Works and Environmental Service (DPW&ES) an acoustical engineering study which will specify those building materials to be used to ensure that building interior sound levels will not be in excess of 45 dBA LDN for all of those residential units delineated on the CDP/FDP within the above referenced areas. The study methodology shall be acceptable to DP&Z and the Director, DPW&ES.

10. Noise Wall
No single-family detached homes within 200 feet of Dulles Airport Access and Toll Road right of way shall be issued a RUP prior to the construction of the Toll Road sound wall shown on the CDP/FDP or an alternative measure pursuant to Paragraph 5b above is approved by DPW&ES.

The Board's approval of the special exception for the housing for the elderly use included the following conditions:

5. A variance for the location of the Housing for the Elderly Structure within two-hundred (200) feet of the Dulles Access and Toll Road shall be obtained by the applicant prior to Site Plan approval unless the applicant obtains a Special Exception Amendment which locates the structures outside of the two-hundred (200) foot setback area.

6. Final approval for the location, height and materials to be used in the construction of the noise wall along the Dulles Access and Toll Road shall be obtained by the Applicant from Virginia Department of Transportation (VDOT) prior to site plan approval. This wall shall be installed prior to the issuance of a Non-RUP for the structure.

Subsequently, Variance VC 98-D-142 was approved by the Board of Zoning Appeals (the "BZA") on January 7, 1999 to allow the housing for the elderly structure to

be located closer than 200 feet to the DAAR right-of-way. This variance approval contained the following condition:

> The noise wall shall extend along the site's entire Dulles Airport and Access Road frontage, shall be constructed to VDOT standards and shall be in a location, height and materials as approved by VDOT. This wall shall utilize building materials with characteristics to achieve a maximum interior noise level of 45 dBA LDN and a maximum exterior noise level of 65 dBA LDN, as demonstrated in the noise study provided by the applicant pursuant to RZ 1997-DR-021.

There was also a special exception amendment application, SEA 98-D-023, approved by the Board on June 11, 2001 and this approval continued the provisions of Condition 6 of the original special exception.

On December 9, 1998, subsequent to the Board approval of the rezoning and during the site plan processing, an acoustical study by Wyle Laboratories was submitted, pursuant to Paragraph 5b of the proffers, to demonstrate that a concrete noise wall was not required to reduce the exterior noise levels to 65 dBA LDN or below. The study recommended construction of a tongue and groove wooden board wall, along the rears of Lots 1 through 8 and along the side lot lines of Lots 8 and Lot 9. Unfortunately, this study was only submitted to the Department of Public Works and Environmental Services ("DPWES") via a sheet shown on the site plan, and not to the Department of Planning and Zoning ("DPZ"), as required by the proffers. DPWES approved the site plan on July 2, 2000, the dwellings were constructed, RUPs subsequently issued, and the noise wall constructed in the locations noted above.

A subsequent site plan revision was submitted to DPWES on September 14, 2001 and approved on December 13, 2001 to incorporate a Sunrise Assisted Living Facility ("Sunrise") into the plan. A refined acoustical analysis was performed for the revised building configuration and location for this structure and the analysis confirmed that the six-foot tall noise wall proposed on the site plan satisfied the requirements.

The Sunrise facility has been constructed and occupied and both this use and the single family dwelling development are approaching final bond release and the issue has been raised as to whether both developments are in compliance with the applicable approvals.

Coordination with representatives of VDOT has indicated that the department did not have any standards for alternative noise walls and would not have any reviewing authority for a wall located outside of the right-of-way. This position was presented in an August 20, 2001 letter from Lloyd B. Arnold, Noise Abatement Program Manager of VDOT, which was included on the site plan revisions for the Sunrise facility, and a copy

is enclosed for your information. Based upon this position and letter from VDOT, it was impossible to obtain VDOT approval of the noise barrier.

Enclosed is a Wyle Laboratories acoustical analysis presented in an August 25, 2004 letter to Ms. Rita Bamberger, of The Holladay Corporation, from Gary Ehrlich, P. E., Senior Acoustical Engineer. As presented in Table 4 on page 5 of the letter, with the existing noise wall and retaining wall behind Lots 1 through 8, the noise wall along Lot 9 and the shielding effect caused by the location of the houses on Lots 1 through 9, the exterior Day-Night Average Sound Levels ("DNL" or Ldn) in the rear yards for all the single family lots is clearly less than 65 dB.

It is recognized that there have been some concerns expressed by homeowners regarding the noise levels in the front yards of some of the lots. In addition, it is acknowledged that the proffered Conceptual Development Plan/Final Development Plan ("CDP/FDP"), approved special exception and variance conditions speak to the provision of a noise wall along the DAAR frontage of the property. Based on coordination with Gary Ehrlich of Wyle Laboratories, it was determined to evaluate the noise levels on the most impacted front yards of the single family detached dwelling lots, i.e., on Lots 9-24, Lot 34 and 35. Table 7 of the attached noise analysis from Mr. Ehrlich indicates that the addition of a six foot high wood board-and-batten design wall along the entire DAAR frontage of the property provides for a DNL of 65 for all lots, measured in the front yard, except for Lots 9 and 10. In order to reduce the DNL in the front and side yards on Lots 9 and 10 to 65 Db or below, it is proposed to install a noise barrier extending perpendicular to the noise wall along the DAAR frontage and along the entire side lot line of Lot 9. This wall would also be of a board-and batten design, solid from the ground up. Enclosed is a plan consisting of five sheets from the site plan revised to show the location of the new proposed noise wall as well as the existing noise walls.

Based upon the enclosed analysis prepared by Wyle Laboratories, it is believed that the constructed and proposed noise wall barriers for the property and the construction materials used for the single family houses and Sunrise facility result in development that is in compliance with the proffers, and special exception and variance conditions. The analysis from Wyle Laboratories demonstrates that a concrete wall is not required to abate the noise impacts from the DAAR and the proffers provide for alternative measures to be considered, subject to approval by DPWES and DPZ.

We look forward to meeting with Kevin Guinaw of your staff and Michael Congleton of the Zoning Administration Division on September 1, 2004 to discuss this issue further and should you have any questions or need further elaboration, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

Jerry K. Emrich

cc: Michael R. Congleton
Rita J. Bamberger
Timothy Dugan, Esquire
Martin D. Walsh, Esquire
Keith C. Martin, Esquire
Jane W. Gwinn
Kevin Guinaw

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Fax: (703) 528-6050

RECEIVED
Department of Planning & Zoning
SEP 16 2004
Zoning Evaluation Division

September 15, 2004

Via Hand Delivery

Barbara A. Byron
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Interpretation Request for RZ 1997-DR-021, SE 1998-DR-023 and VC 98-D-142

Dear Ms. Byron:

This is a follow up to a meeting held on September 1, 2004 with Kevin Guinaw, John Bell, and Mike Congleton relating to the above-referenced matter. We committed to provide our new proposal by today.

At the September 1 meeting we discussed our clients' position with regard to the requirement for construction of an additional noise wall. Although it is clear that our clients are not in agreement with what appears to be the position that is being considered by the County, although no final decision has been made by the County, our clients are resubmitting an alternative method of dealing with the noise wall. We believe the proposal is consistent with the position being considered by the County. I have enclosed plans that show the construction of a six-foot concrete noise wall along the full-length of the property with the exception of that area where the culvert is located. This gap is accommodated by an existing wood barrier.

At our September 1 meeting we discussed other alternatives that we believed would be more acceptable by the residents, but the indications from the County Staff that were present was that it was unlikely that anything other than a concrete wall along the full length of the frontage would be accepted ultimately.

The estimated cost of this noise wall is substantially more than the assumption that was made when all of the interested parties on our side of the issue met last week. At that meeting, they agreed to put this proposal forward if the cost was in the range anticipated. The representative of the client of this firm that has an interest in this

matter is not available this week to consider the increased cost. She will be returning next week. The other parties that are involved on our side agree with bringing this proposal forward even in view of the substantial increased cost. While we understand that the County's position appears to be that cost is not a relevant factor in the decision it will make, it is a relevant factor in the proposals that the involved parties can put forward. I anticipate that the client of this firm will agree with the proposal, but I do not have the authority at this time to commit to the specific proposal.

We would like to set a meeting with the County Staff to discuss this proposal on Thursday or Friday of next week, September 23rd or 24th if, as I believe, our client does agree to the proposal.

In conclusion, I request that in reviewing this plan and our request for a further meeting, it be kept in mind that the noise levels specified in the applicable regulations are not exceeded by the present installation and would be improved somewhat by the proposals that we have made and our motion. It should also be kept in mind that the issue that we are discussing is a noise wall and not a wall that is intended to screen the toll road from the view of the residents.

Thank you very much for your consideration. We look forward to addressing this proposal with you in more detail.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

Jerry K. Emrich

cc: Michael R. Congleton
Rita J. Bamberger
Timothy Dugan, Esquire
Martin D. Walsh, Esquire
Keith C. Martin, Esquire
Jane W. Gwinn
Kevin Guinaw

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WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

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jgwinn@arl.thelandlawyers.com

RECEIVED
Department of Planning & Zoning

NOV 1 0 2004

Zoning Evaluation Division

November 9, 2004

by hand delivery

Kevin Guinaw
Branch Chief, Special Projects & Applications Branch
Fairfax County Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 800
Fairfax, Virginia 22035-5505

Re: Interpretation Request for RZ 1997-DR-021, SE 1998-DR-023 and VC 98-D-142

Dear Mr. Guinaw:

As a follow up to the meeting held on October 14, 2004 and in response to your request, please find enclosed two copies of line of sight elevations prepared by BC Consultants and dated October 2004. This plan reflects wall cross-section profiles at eight locations between the single family dwellings and the proposed new six-foot noise wall along the Dulles Airport Access Road. With regard to the materials to be used, it is proposed to construct either a Sierra wall, as detailed in the enclosed brochure, or a brick noise wall, as illustrated in the attached photographs. We are seeking your concurrence that either type of wall would be acceptable.

Based on the information provided with this letter, the plan showing the location of the proposed noise wall provided with the September 15, 2004 letter to Ms. Byron and the information presented in the August 27, 2004 letter to Ms. Byron, we are requesting a determination by the Zoning Administrator that the construction of this proposed wall will be in conformance with the approved proffers of RZ 1997-DR-021, the special exception approvals of SE and SEA 1998-DR-023 and the variance approval of VC 98-D-142.

Should you have any questions or the need for additional information, please do not hesitate to contact me.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

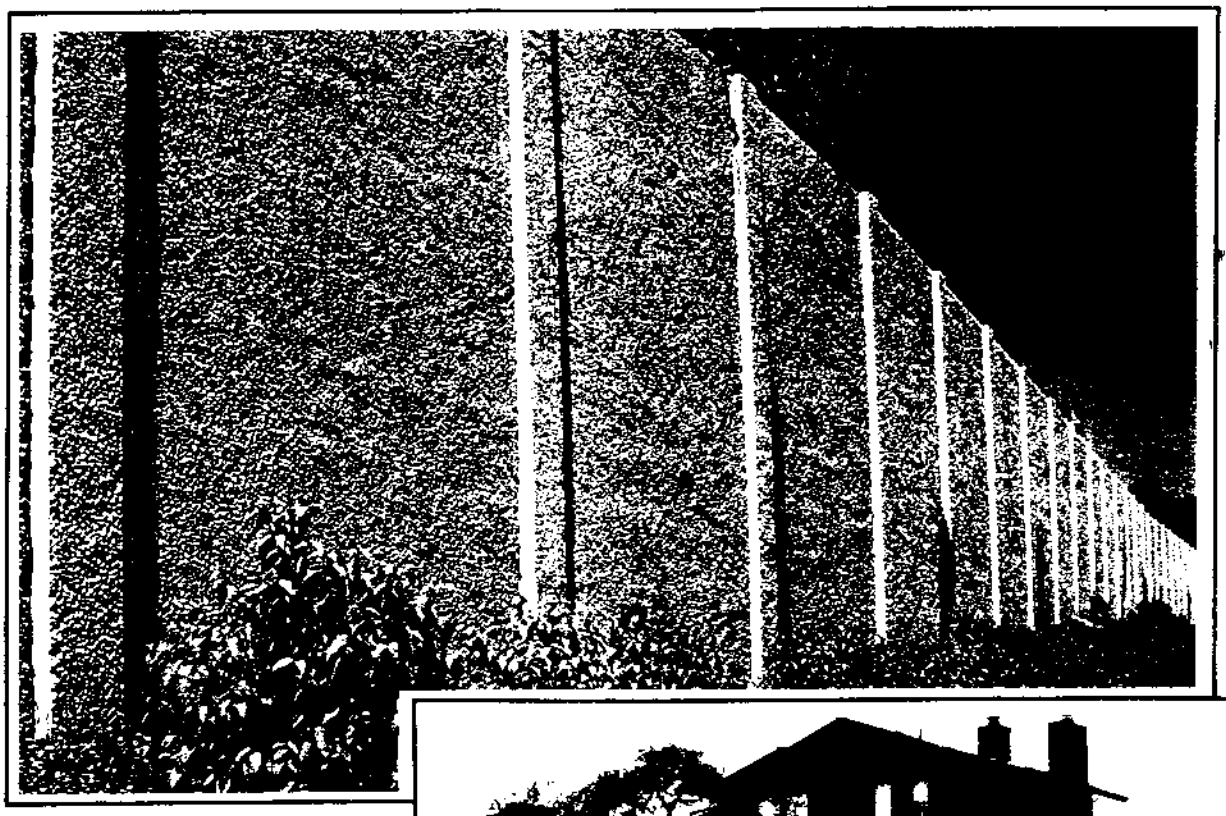
Jane W. Gwinn
Land Use Coordinator

Enclosures
cc: Rita J. Bamberger
Jerry K. Emrich, Esquire
Timothy Dugan, Esquire
Martin D. Walsh, Esquire
Keith C. Martin, Esquire

J:\HOLLADAY\21.14\11-9-04 letter to Guinaw.doc

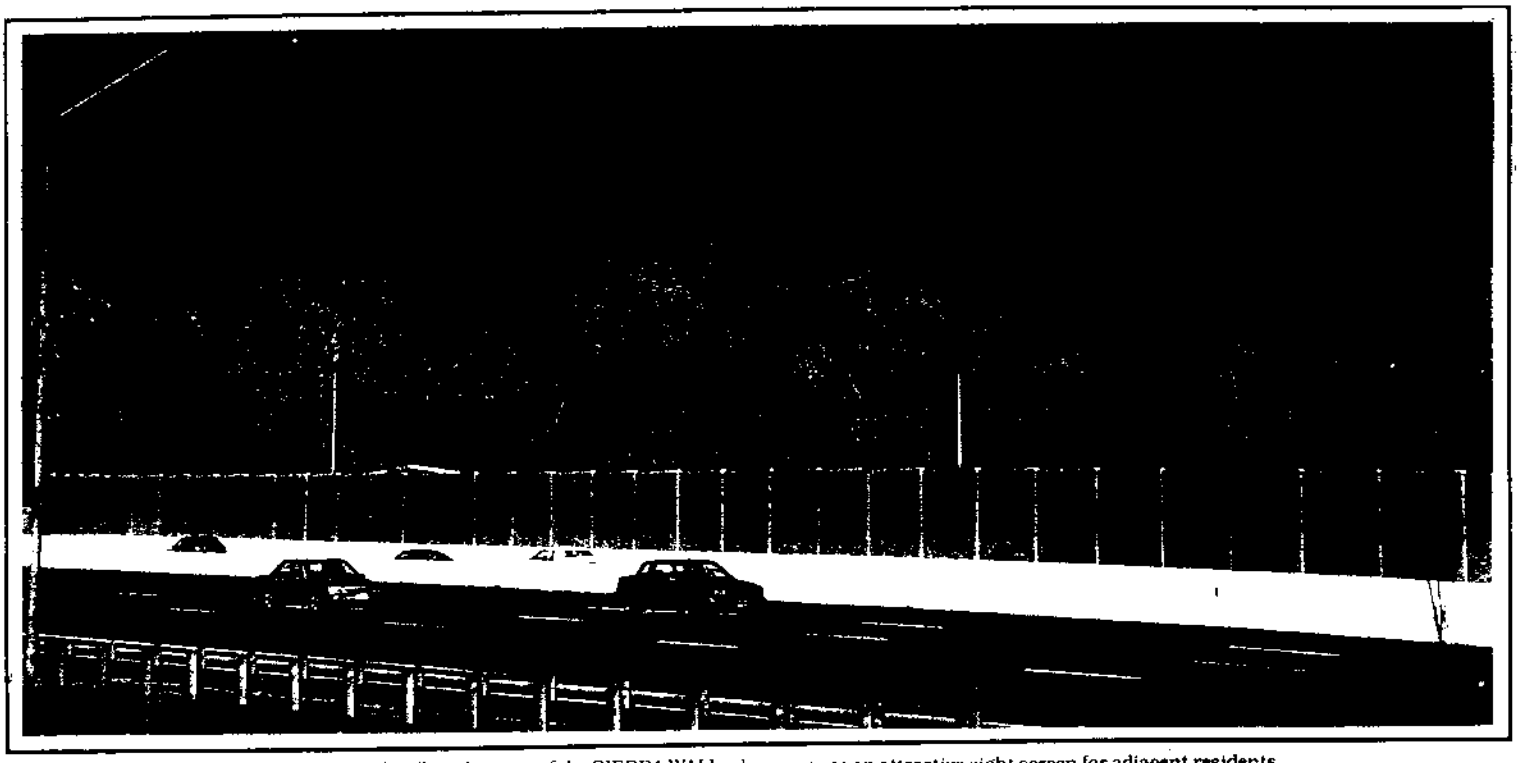
The **EASI-SET**

SIERRA WALL



parent pending

Quiet Security

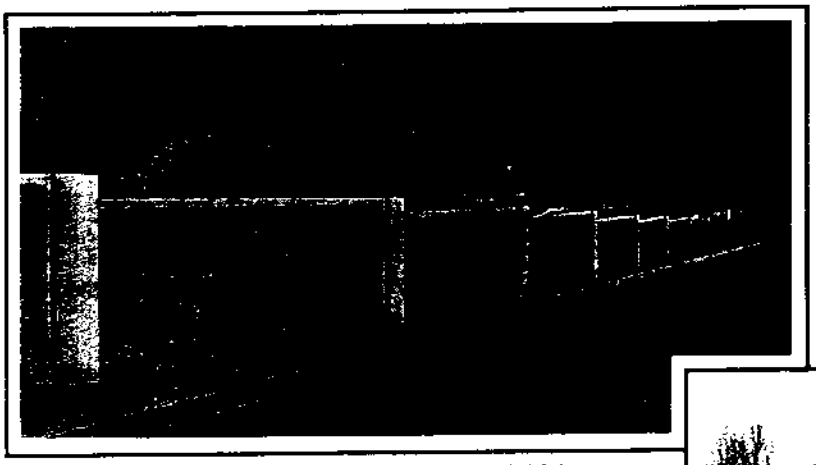


A highway sound wall application of the SIERRA WALL also serves as an attractive sight screen for adjacent residents.

Highway

The SIERRA WALL is widely recognized and accepted as an effective sound barrier system. Standard highway sections measure 12' from center to center and can be manufactured in heights up to and exceeding 20'.

Additional noise abatement benefits are available with the use of Sound-Lok®, our exclusive sound-absorbing acoustical surface of interconnecting microcells that exceeds all ASTM noise reduction standards (see back cover).



A shopping center surrounded by SIERRA WALL becomes a welcome addition to a neighborhood.

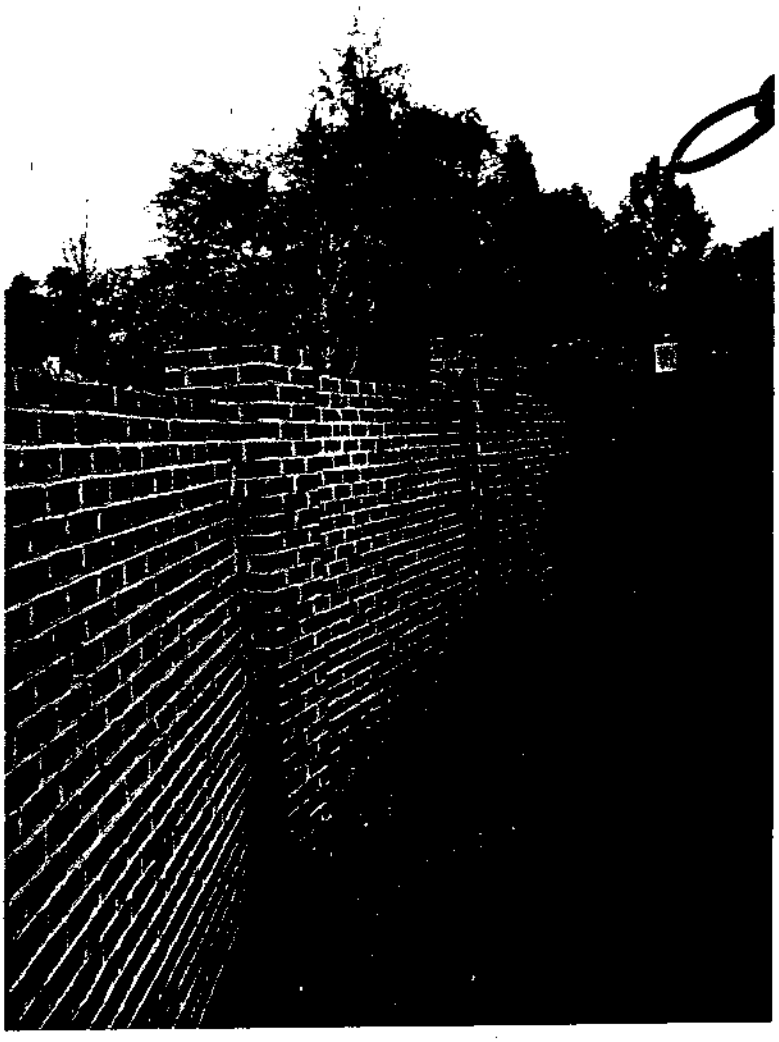
Commercial

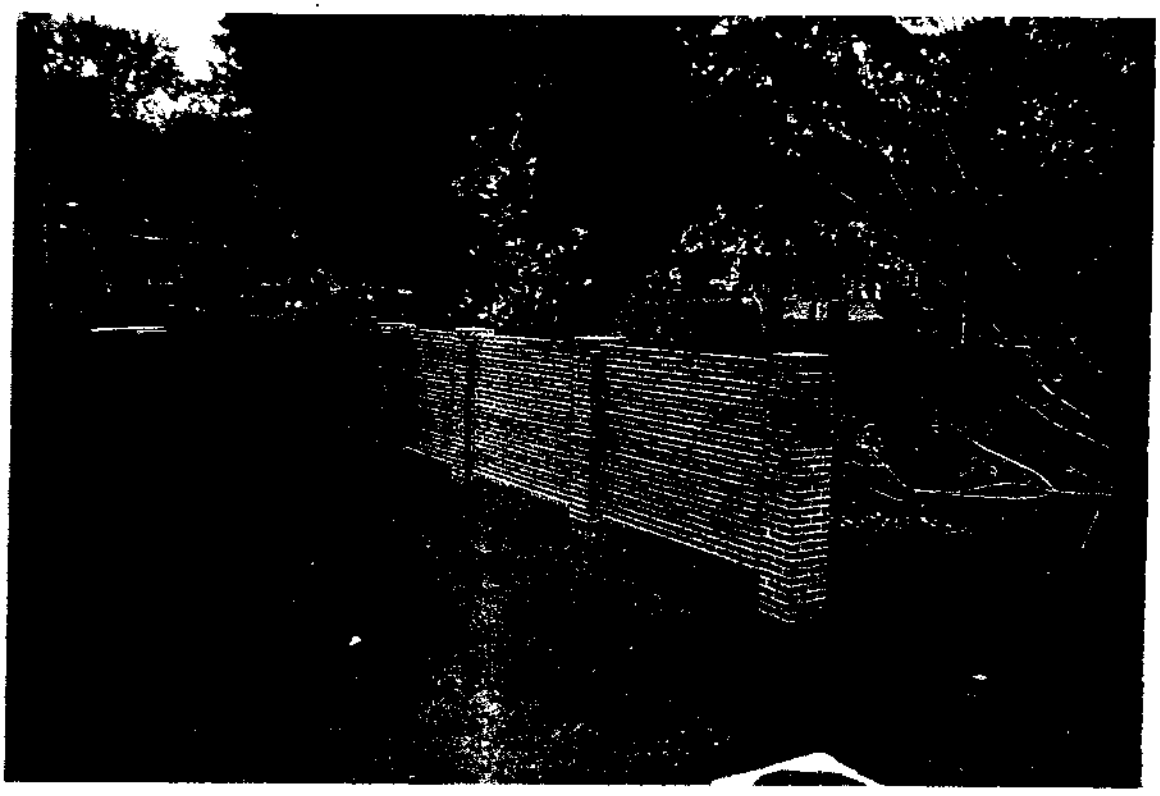
The stately SIERRA WALL screens and protects commercial property, allowing shopping centers and institutions to be conveniently and compatibly located near residential areas.

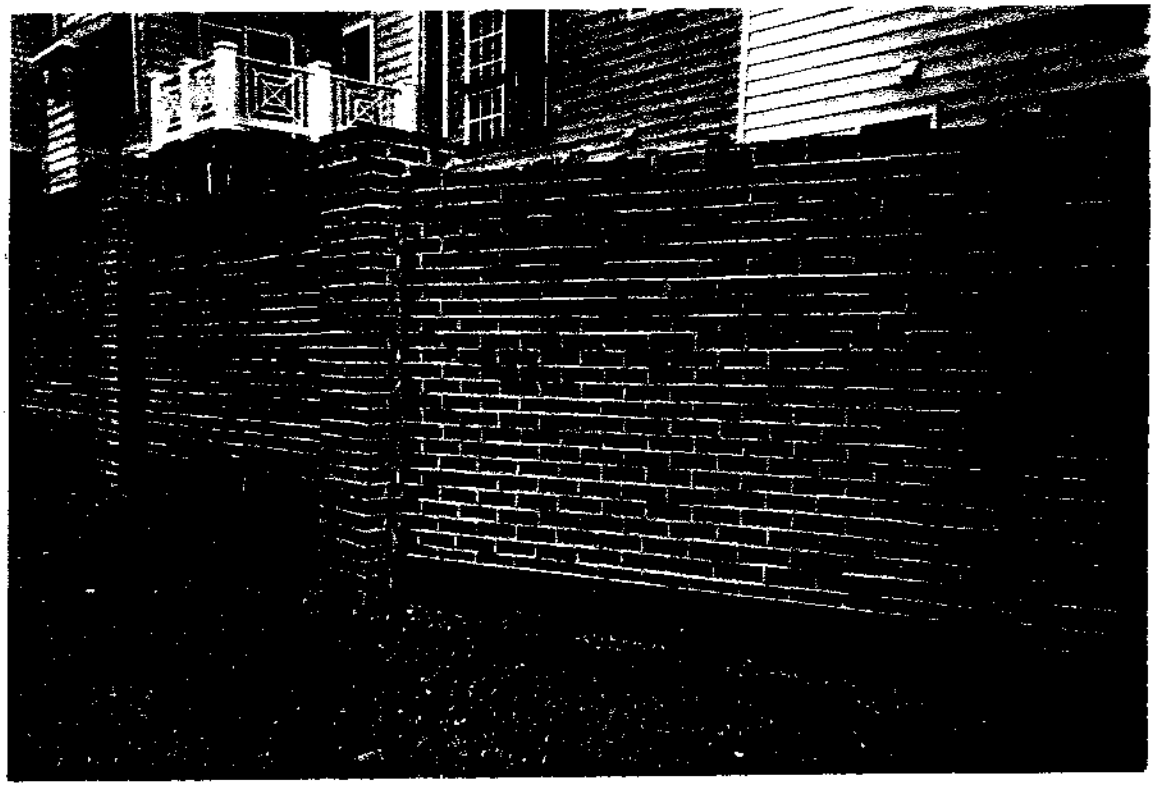
Retaining Wall

The strength, permanence and weather-resistant qualities of concrete make it the best material for retaining walls. For retaining wall applications, the SIERRA WALL is made with additional reinforcing steel. A variety of buttressing methods are used for installation.

SIERRA WALL is the ideal system for retaining earth in both highway and residential construction.

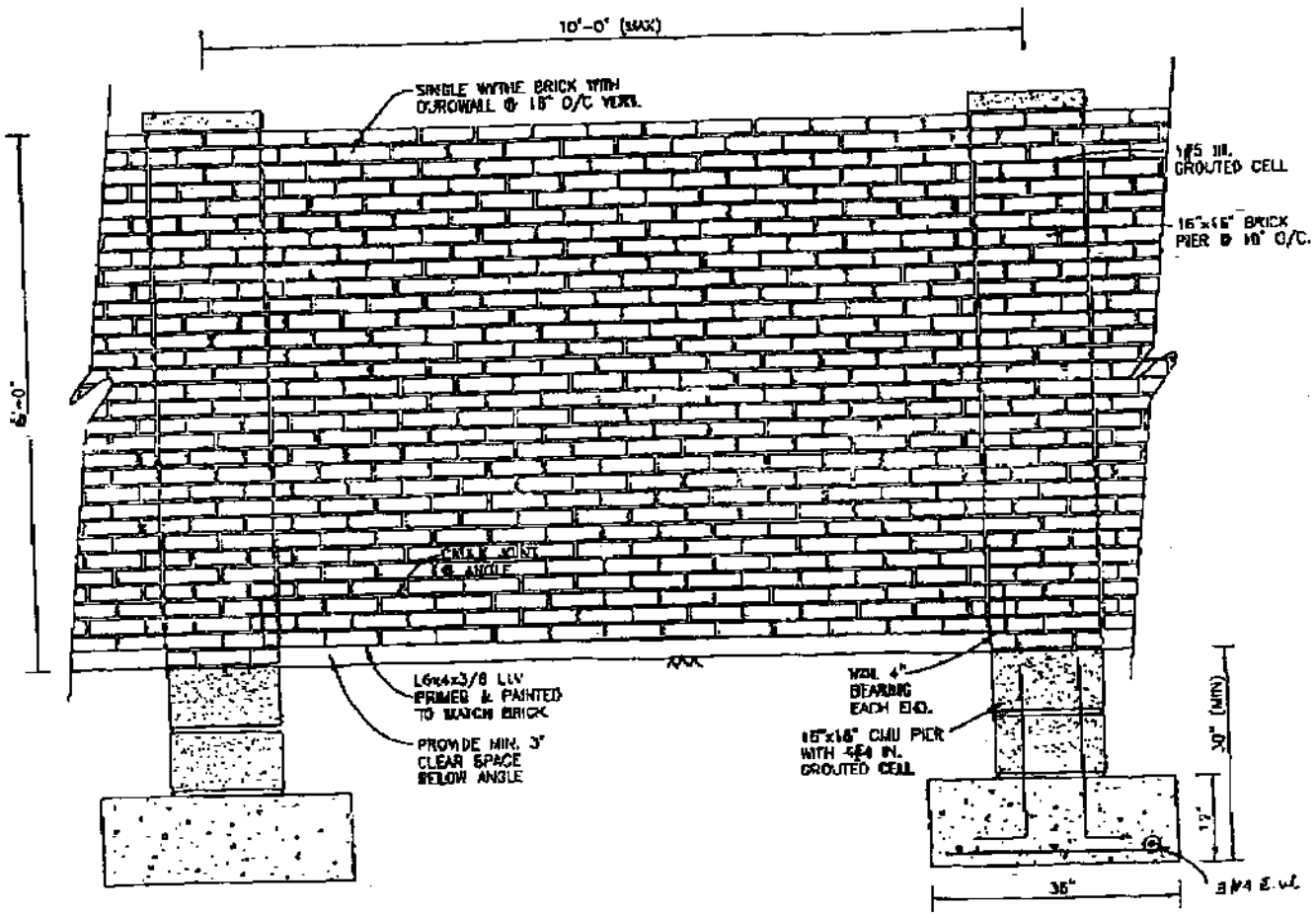






LANDSCAPE SCREENING WALL

NOT TO SCALE



SOIL BEARING
2000 psf

CONCRETE
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5/9/04	J	REV. STORM 48-52			

LANDSCAPE DETAI

BC REVISIONS
4-25-02 ADDRESSED 1ST. SUB. CO. COMMENTS

DESIGNED B
DRAFTED B
CHECKED B
DATE: OCTC
SCALE: HC

12/22/2004 17:18 7033632244

Guinaw, Kevin

From: Gwinn, Jane W. [jgwinn@arl.thelandlawyers.com]
Sent: Wednesday, December 22, 2004 12:56 PM
To: Guinaw, Kevin
Subject: RE: Spring Hill Noise Wall

Mike Burton is suppose to be Faxing me the construction details which I will then send to you - based on my telephone conversation with him, I don't think concrete panels are involved.
It does appear that we can place a wooden fence in the gap so that shouldn't be an issue
I have also mailed you the plan reductions
So hopefully we may be able to wrap this up the first week in January
Have a good holiday
Jane

From: Guinaw, Kevin [mailto:Kevin.Guinaw@fairfaxcounty.gov]
Sent: Tuesday, December 21, 2004 4:23 PM
To: Gwinn, Jane W.
Subject: FW: Spring Hill Noise Wall

-----Original Message-----
From: Guinaw, Kevin
Sent: Tuesday, December 21, 2004 4:22 PM
To: 'landlawyers.com'
Subject: Spring Hill Noise Wall

Jane,

Another wrinkle.

I forgot to show John Bell the pictures of the brick wall. While brick veneer in the context of the Sierra wall was acceptable to VDOT, he isn't sure that a conventional brick wall would be. It is hard to tell from the photographs whether the brick wall is constructed the same way (i.e. in sections containing concrete panels). There appear to be steel spans under the brick sections in three of the four photos, but not the fourth. Can you please clarify. Thanks.

Kevin

****
This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail and delete all copies of the message. Thank you very much.
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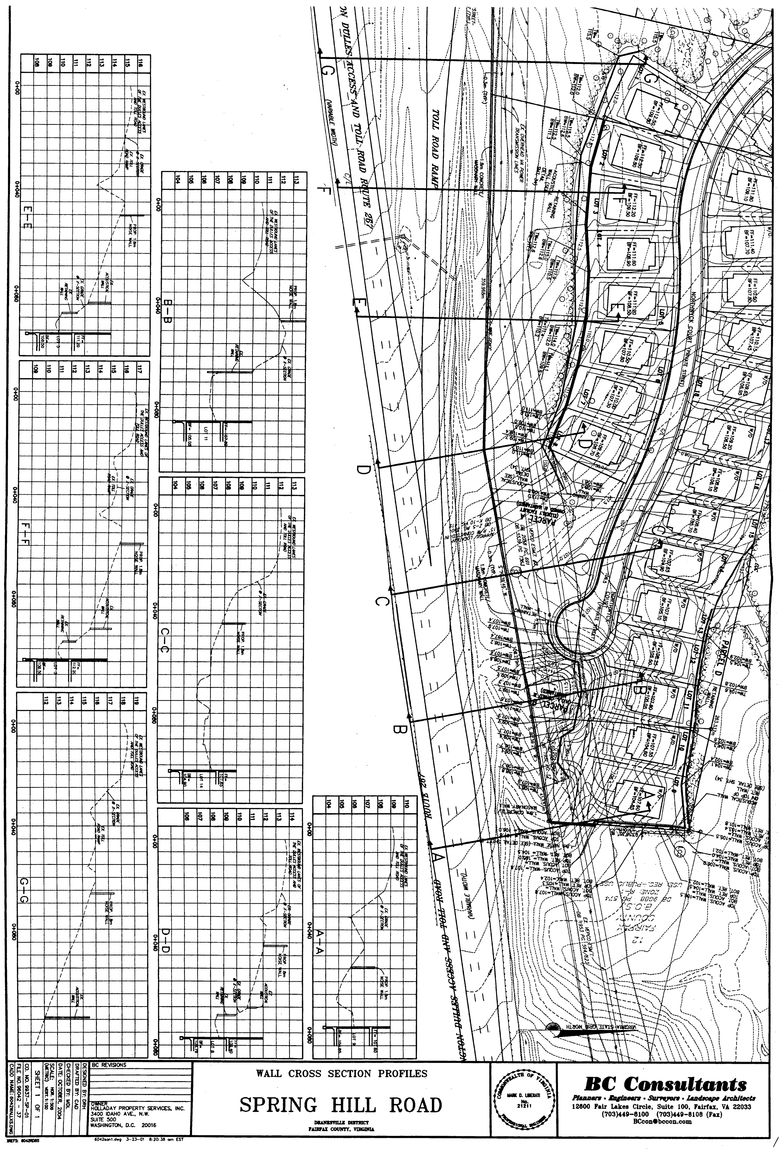
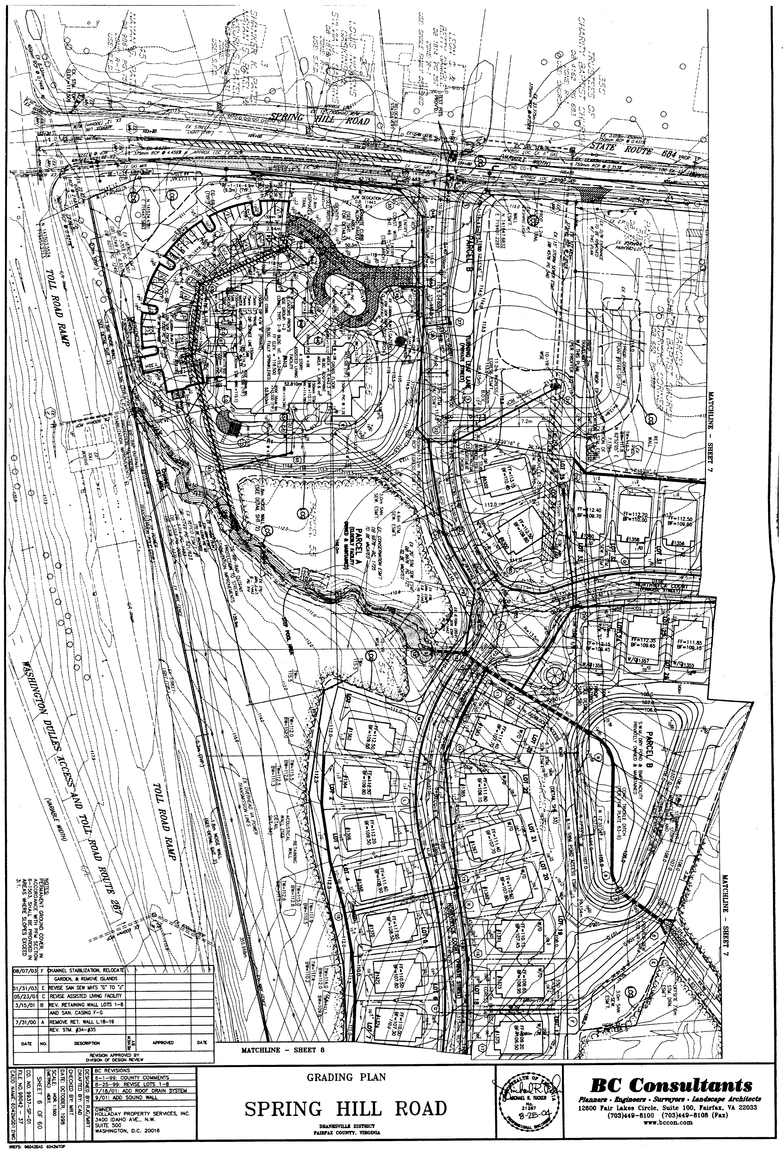


WALL CROSS SECTION PROFILES

SPRING HILL ROAD

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

BC Consultants
Planners · Engineers · Surveyors · Landscape Architects
12800 Fair Lakes Circle, Suite 100, Fairfax, Va 22033
(703)449-8100 (703)449-8108 (Fax)
BCcon@bccon.com



GRADING PLAN

SPRING HILL ROAD

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

BC Consultants
Planners · Engineers · Surveyors · Landscape Architects
12800 Fair Lakes Circle, Suite 100, Fairfax, Va 22033
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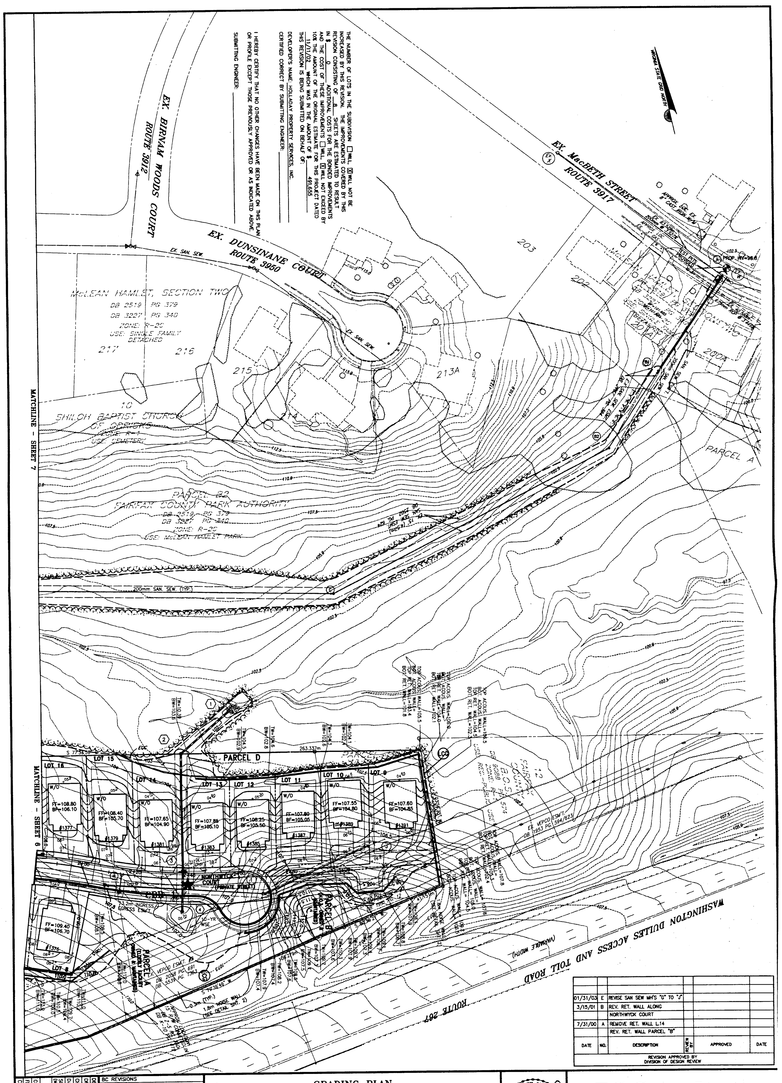
www.bccon.com



GRADING PLAN

SPRING HILL ROAD

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

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