



# 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

June 29, 2005

Elizabeth D. Baker, Land Use Planner  
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C.  
2200 Clarendon Blvd., 13<sup>th</sup> Floor  
Arlington, VA 22201-3359

Re: Interpretation for RZ/FDP 2003-PR-008: The Reserve at Tysons Corner, Building height  
Tax Map Parcel 39-2 ((1)) 13 pt.

Dear Ms. Baker:

This is in response to your letter of April 25, 2005, and subsequent letters dated June 23, 2005, from John Amatetti of VIKA and June 22, 2005, from Abed Benzina of the SK&I Architectural Design Group, both of which were faxed to this office on June 23, 2005, requesting an interpretation of the proffers and Conceptual Development Plan (CDP) accepted by the Board of Supervisors in conjunction with the approval of RZ 2003-PR-008 and the development conditions and Final Development Plan (FDP) approved with the Planning Commission approval of FDP 2003-PR-008. As I understand it, you are asking if an increase in building height for Building 1 from 50 feet shown on the CDP/FDP to 52 feet would be in substantial conformance with the proffers and development conditions. This determination is based on your letters and attached exhibits consisting of a plan sheet entitled "CDP/FDP Interpretation Exhibit" which was prepared by VIKA and was last revised on September 3, 2004; a Roof Plan of Building 1; and, a North Elevation of Building 1. Copies of your letter with relevant exhibits are attached.

On March 15, 2004, the Board of Supervisors approved RZ 2003-PR-008, with the Planning Commission approving FDP 2003-PR-008 on April 7, 2004, to permit a residential development consisting of 80 single-family attached dwellings and 560 multi-family dwelling units. Your question pertains to only Multi-family Building #1, which is located in the northern portion of the development south of Science Applications Court. The proffered combined CDP/FDP shows Building #1 as a four-story building with a maximum height of 50 feet. The proffers do not specifically address the height of this building. An administrative interpretation was approved on December 17, 2004, which permitted revisions to Building #1 and underground parking. The interpretation exhibit also showed Building #1 as a four-story 50 foot high building.

According to your letters, the topography of the site, which drops 12.75 feet from west to east, and the length and shape of the building with its three large courtyards results in an

Elizabeth D. Baker

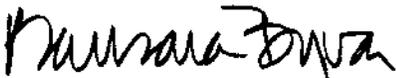
Page 2

average building height of 52 feet. The attached letter from Abed Benzina, the Roof Plan of Building #1, and the North Elevation of Building #1 illustrate that only 25% of the building is at the 52 foot building height and that the remaining 75% of the building has a building height measured from average grade of 42.7 feet. The 50 foot height maximum height is exceeded in the northwest corner and the western wing of Building #1 only.

It is my determination that the proposed increase from 50 feet to 52 feet in building height as depicted in the attached exhibits, is in substantial conformance with RZ/FDP 2003-PR-008.

This determination 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 Mary Ann Godfrey at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director  
Zoning Evaluation Division, DPZ

*BAB/MAG/O:\mgodfr\Proffer Interpretations Reserve at Tysons (RZ/FDP 2003-PR-008) bldg.ht.doc*

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District  
Kenneth Lawrence, Planning Commissioner, Providence District  
Leslie Johnson, Deputy Zoning Administrator, DPZ  
Michelle Brickner, Assistant Director, Office of Land Development Services, DPWES  
Angela Rodeheaver, Section Chief for Site Analysis, DOT  
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES  
Audrey Clark, Director, Building Plan Review Division, DPWES  
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ  
File: RZ/FDP 2003-PR-008, PI 0505 065, **Imaging**, Reading File

Elizabeth D. Baker  
Land Use Coordinator  
(703) 528-4700 Ext. 14  
ebaker@arl.thelandlawyers.com

**WALSH COLUCCI  
LUBELEY EMRICH  
& TERPAK PC**

April 25, 2005

**Via Scheduled Express**

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

Re: Proffer Interpretation Request  
The Reserve at Tysons Corner  
RZ 2003-PR-008

Dear Ms. Byron:

The referenced rezoning was approved by the Board of Supervisors on March 15, 2004. The Board of Supervisors rezoned approximately 19.04 acres (the "Property") from the I-3 District to the PDH-30 District subject to proffers dated March 14, 2004. Copies of the approved proffers and a reduced version of Sheet 4 of the CDP/FDP are enclosed for your convenient reference. I am requesting your administrative determination with regard to the issue of height of Building 1.

Building 1 is a multi-family building located in the northern portion of the Property immediately south of Science Application Court. This building was the subject of an administrative interpretation approved on December 17, 2004, which permitted revising the building to place parking previously approved in an above-grade garage into a structure beneath the building. A copy of the interpretation and the portion of the administrative interpretation exhibit showing Building 1 is enclosed.

Both the original CDP/FDP and the CDP/FDP interpretation plat show Building 1 as four stories with a height of 50 feet. Final architectural design of Building 1 is underway. The proposed building is four stories, but due to a number of factors the building height as defined by the Zoning Ordinance exceeds 50 feet.

- The first factor is the natural topography of the site. The topography of the Property drops from west to east. The lowest grade around building occurs at the southeast corner and is 462 feet. The highest grade is 474.75 feet and is located at the northwest corner of the building. Thus, there is a 12.75 foot change in grade.

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Zoning Evaluation Division

- A second factor is the length and shape of the building. Building 1 is approximately 491 feet in length, which necessitates that the building breaks and “steps down” with the natural topography. The shape of the building as administratively approved with three large courtyards results in a very long building perimeter to measure and factor into the average grade used in height calculations. The requirement to measure around the building including the facades in the three courtyards skews the average grade to the low side. The average grade is 466 feet.

This building configuration, in conjunction with the natural topographical conditions, results in an average building height of 55.5 feet. While the majority of Building 1 is at or below 50 feet in height, the northwest corner of the building and the western wing are set a higher elevation, resulting in an average building height above 50 feet. This is illustrated in the enclosed exhibit entitled *The Reserve at Tysons Corner, Building 1, North Elevation*, prepared by SK&I Architectural Design Group and dated February 8, 2005. While technically taller than 50 feet as defined by the Zoning Ordinance, please note that when taken from the finished floor at the northwest corner of the building, the building is not taller than 50 feet.

In the approved proffers for the Property, Proffer 3 allows for minor modifications to the FDP as may be determined by the Zoning Administrator pursuant to Par. 4 of Sec. 16-403, and under Par. 5 of Sec. 18-204 of the Zoning Ordinance minor modifications to proffered conditions may be permitted as determined by the Zoning Administrator. I request a determination that proposed minor revisions to the height of Building 1 is in substantial conformance with the approved proffers and CDP/FDP.

This request is in accordance with the requirements of paragraph 5 of Section 18-204 and may be considered a minor modification to proffered conditions. The proposed modifications are in response to final architectural and engineering design and are in substantial conformance with the approved proffers and CDP/FDP. The proposed modifications do not request the following:

- A more intensive use from that approved pursuant to the proffered conditions. The total number of dwelling units or square footage has not changed.
- An increased parking requirement. There is no increase in the parking requirement. Parking will be provided in keeping with the Ordinance requirements.
- Uses other than those approved pursuant to the proffered conditions. No changes are proposed to the uses.
- A reduction in approved transitional screening, buffering, landscaping or open

**Baker, Elizabeth D.**

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**From:** Baker, Elizabeth D.  
**Sent:** Thursday, June 23, 2005 3:20 PM  
**To:** Barbara A. Byron (barbara.byron@fairfaxcounty.gov)  
**Cc:** Richard Rose (rose@ipsi.com); Walsh, Martin D.  
**Subject:** Reserve @ Tysons Corner  
**Attachments:** Byron (6-23-05).pdf; 2005-06-22\_byronzoning2.pdf; roof\_plan.pdf; a-elev\_bldg1-west01 .pdf

Barbara,

Attached is the information and exhibits I promised you describing in greater detail the building height situation. I think the roof plan is particularly helpful in seeing that the building height above 50 feet occurs only on 25% of the building. As we mentioned over the phone, this is affecting Building 1 only, which is located in the north portion of the subject property directly adjacent to SAIC Court.

Thank you so much for your help in this matter.

*Elizabeth D. Baker*

Land Use Coordinator

Walsh Colucci Lubeley Emrich & Terpak PC

703-528-4700

**VIKA**  
 ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES

June 23, 2005

Ms. Barbara Byron  
 Director, Zoning Evaluation Division  
 Fairfax County Department of Planning and Zoning  
 12055 Government Center Parkway  
 8th Floor  
 Fairfax, VA 22035

**RE: The Reserve at Tysons Corner  
 Fairfax County #RZ-2003-PR-008  
 VIKA #6235K**

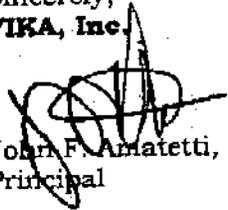
Dear Barbara:

As you know, your office reviewed a layout modification for building #1 for the referenced CDP/FDP and issued a letter dated October 22, 2004, finding it in substantial conformance with the original rezoning. Building #1 was modified to provide parking underground and increase the courtyard open space.

Under the revised layout, Building #1 would be considered a single building. Based on the zoning ordinance, the height of the building is determined by establishing "grade", by averaging the elevation at the building's exterior walls, and measuring the vertical distance from the flat roof to the "grade." The building is approximately 490 feet long and, due to the topography of the site, it must be stepped. There is approximately 12' of existing ground elevation change along the building in the east-west direction. Based on final site grading, VIKA has established "grade" as 467.5. The first floor of clubhouse on the western portion of the building is at elevation 474.00. The roof is elevation 519.50. The building is therefore 52 feet from "grade." "Grade" in this area is approximately 7.5 feet below the ground surface adjacent to the building. The effective building height from the sidewalk is, therefore, approximately 46 feet at the main entrance.

The stepped elevation of the building, as proposed with the final site plan, is consistent with that presented on sheet A-13 of the layout modification. I have enclosed a letter and exhibit prepared by the architect that graphically represents the facts as outlined in this letter. In my opinion, the bulk elevation of the building, as proposed with the final design, conforms with the elevation representation in the layout modification exhibit submitted to your office. The building is four (4) stories and the stepped portion of the building constitutes only 25% of the roof.

Sincerely,  
**VIKA, Inc.**

  
 John F. Amatetti, P.E.  
 Principal

JFA/jr

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**VIKA Incorporated**  
 8180 Greensboro Drive, Suite 200 ■ McLean, VA 22102 ■ (703) 442-7800 ■ Fax (703) 761-2787  
 McLean, VA ■ Germantown, MD



Architectural Design Group

June 22, 2005

Barbara Byron  
Director of the Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035

Re: The Reserve at Tysons  
4-story Multi Family Building #1.

Ms. Byron,

The two exhibits submitted show that the height (from average grade) of the building is **two feet over 50'** for only 25% of the building footprint. The length of the overall building on the north elevation is 490'. The height from the adjacent finished grade at the tallest portion of the building is only 46'. The height (from average grade) of 75% of the building is 42.7'.

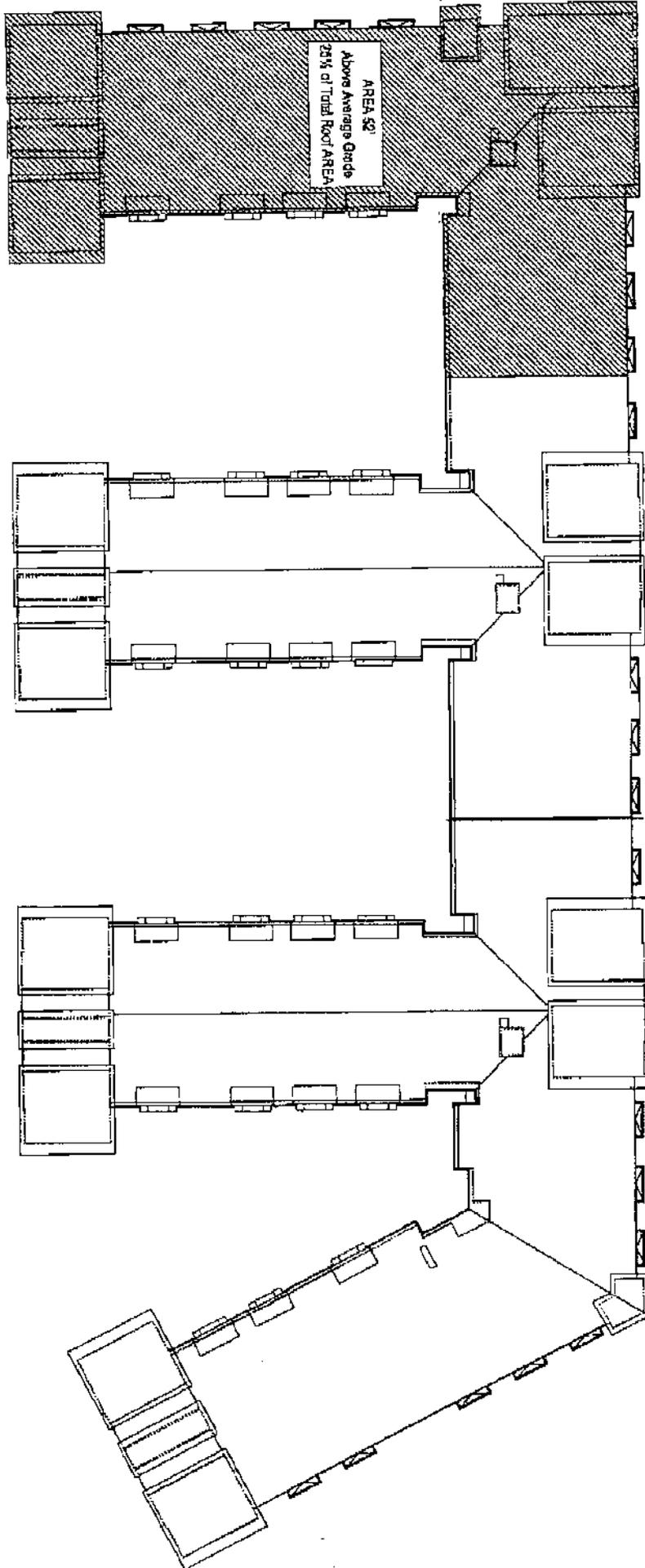
Please feel free to call me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abed Benzina', written over a horizontal line.

Abed Benzina

cc: Richard Rose, Lincoln Properties  
Elisabeth Baker, Walsh Cotucci Lubeley Enrich & Terpak PC  
John Amatetti, VIKA



ROOF PLAN  
BUILDING 1  
The Reserve at Tyson's Corner  
NO SCALE

