County of Fairfax, Virginia

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

July 31, 2006

Sheri L. Hoy, Land Use Planner
McGuire Woods, LLP
1750 Tysons Boulevard
McLean, VA 22102-4215

Re: Interpretation for PCA 79-C-089 and SEA 00-Y-017, Dulles Business Park Asha Hotel, Tax Map Parcel 34-4 ((12)) C-3: Hotel A Footprint and Elevations

Dear Ms. Hoy,

This is in response to your letters of June 15, 2006, and July 18, 2006, requesting an interpretation of the proffers and the Generalized Development Plan (GDP) accepted by the Board of Supervisors in conjunction with the approval of PCA 79-C-089, and of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors with SEA 00-Y-017. As I understand it, the question is whether the proposed building footprint and elevations for Hotel A are in substantial conformance with the proffers, GDP/SEA Plat, and development conditions. This determination is based on the proffers, development conditions, two elevation exhibits entitled "The HOTELS at DULLES BUSINESS PARK" which were prepared by Brown Craig Turner (BCT) both of which are dated May 19, 2006, which were submitted on June 15, 2006, and July 18, 2006, and a third exhibit of the same date and title, also prepared by BCT which shows the building footprint and circulation. Copies of your letters and relevant exhibits are attached.

On September 9, 2002, the Board of Supervisors approved SEA 00-Y-017, subject to development conditions, and PCA 79-C-089, subject to proffers. The approved development plan was a combined GDP/SEA Plat. SEA 00-Y-017 permitted an eating establishment, swimming pool enclosures, and two hotels. Proffer #5 states the following:

> *"Building Architecture: The design and architecture of the two (2) hotels shall be in substantial conformance with the general design described on the illustrative elevations titled 'Staybridge Suites Hotel' and 'Hawthorn Suites Hotel' and dated May 20, 2002, or of comparable quality as determined by the Department of Public Works and Environmental Services (DPWES)..."*

Development Condition #6 states the following:

> *"The architecture of all four sides of Hotel A and Hotel B shall be in substantial conformance with the elevations prepared by D.R. Brasher Architects dated May 20, 2002 and shown on Sheets 4 and 5 of the Special Exception Amendment Plat, respectively."*

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
FAX 703 324-3924
www.fairfaxcounty.gov/dpz/

The elevations for both Hotel A and Hotel B show traditional Colonial architecture with pitched roofs, gables, and primarily masonry construction. Hotel B has been built as a Staybridge Suites Hotel with architecture which conforms to the elevation for Hotel B. You have submitted two separate proposed elevations for Hotel A on June 15, 2006, and on July 18, 2006, respectively. Both of the proposed elevations depict a modernistic design with a flat roof. The first elevation submitted showed very modern rainbow striped features extending above the flat roofline and over the main entrance. You were verbally advised by staff that this elevation was not in substantial conformance with the required elevation. The elevation submitted with your letter of July 18, 2006, continues to be a flat-roofed structure which no longer contains the modernistic features on the roof, or over the entrance. However, it does not incorporate the traditional features of the required elevation, such as the pitched roof, gables, and arched portico at the entrance. The basic style of both of the proposed hotel prototypes appear to use a theme or style which was not incorporated into the approved PCA and SEA.

As such, it is my determination that the proposed elevations for Hotel A that were submitted on June 15, 2006, and July 18, 2006, are not in substantial conformance with the PCA proffers and SEA development conditions.

As stated in your letter, the proposed modifications to the building footprint are within the area generally shown for the hotel on the GDP/ SEA Plat. The proposed design for the hotel shows a re-orientation of the building from a rectangular configuration to an L-shape. The entrance is now oriented more toward the SWM pond. Site access has not changed. The re-orientation of the footprint has removed an area of landscaped open space that was previously around the hotel entrance. It is not clear from the proposed layout if the amount of landscaped open space or number of parking spaces is impacted by the proposed change in footprint. Absent more detailed information, I am not able to determine that the modified building footprint is in substantial conformance with PCA 79-C-089 and SEA 00-Y-017.

These determinations have 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 Byron

Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

BAB/MAG/O:\mgodfr\SE Interpretations DullesBusiness Park Hotel A..doc

Attachments: A/S

cc: Michael Frey, Supervisor, Sully District
Ronald Koch, Planning Commissioner, Sully Mill District
Leslie Johnson, Senior Deputy Zoning Administrator, ZAD, DPZ
Michelle Brickner, Assistant Director, Land Development Services, DPWES
Angela Rodcheaver, Chief, Site Analysis Section, DOT
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
Audrey Clark, Director, Building Plan Review Division, DPWES
File: SEA 00-Y-017/PCA 79-C-089, PI 0606 102, SEI 0606 042, Imaging, Reading File

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Department of Planning & Zoning
JUL 19 2006
Zoning Evaluation Division

July 18, 2006

VIA FEDERAL EXPRESS

Ms. Mary Ann Godfrey
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Asha Hotels (formerly Axar Management, Inc.)
Dulles Business Park - Tax Map No. 34-4-((12)-C3
SEA 00-Y-017 and PCA 79-C-089
Substantial Conformance Request

Dear Mary Ann:

As you know, this firm represents Asha Hotels (formerly Axar Management, Inc.), owner and developer of the above-referenced property. In our recent telephone conversation, you advised that the architectural rendering for the proposed Westin Aloft Hotel submitted to your office on June 15, 2006, would not be in substantial conformance with prior approvals. Based upon that conversation, I am submitting a revised design for your review.

As noted in the proffers, the original elevations were illustrative, and the future design and architecture of the hotel should be in substantial conformance with the "general design" depicted on the elevations. In response to your comments and in accordance with the proffers, the enclosed elevation now more closely mirrors the previously approved elevation. It incorporates similar types and proportion of building materials, including use of stone and shape of windows, and the revised design retains the porte-cochere and landscaping at the building's foundation. Further, the proposed building materials and design will be high-quality and blend in with the Dulles Business Park.

Again, we request your determination that the revised architecture is in

substantial conformance with the SEA/PCA approvals. Your time and assistance is greatly appreciated

Sincerely,

Sherri L. Hoy
Land Use Planner

encs.

cc: Gregory A. Riegle, Esquire, McGuireWoods LLP

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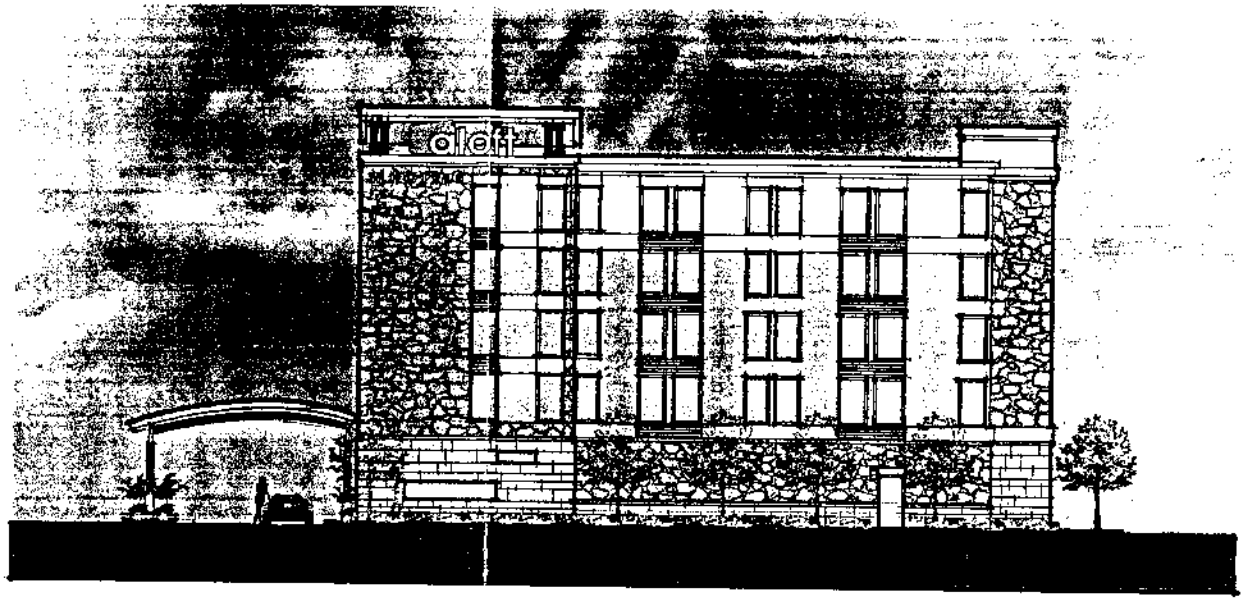

East Elevation scale: 1"=20'

South Elevation scale: 1"=20'

BROWN CRAIG TUR
tide point | cascade bui
1030 hull street, suite
baltimore, maryland 2
1 410.837
1 410.837

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Hotel Conce

The HOTELS at DULLES BUSINESS PARK

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Fairfax Co., V

DEVELO

hotels

Asha H
Clarksvile

architects | designers
www.bctarchitects.c

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June 15, 2006

RECEIVED
Department of Planning & Zoning

JUN 1 5 2006

Zoning Evaluation Division

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

Re: Asha Hotels (formerly Axar Management, Inc.)
Dulles Business Park - Tax Map No. 34-4-((12)-C3
SEA 00-Y-017 and PCA 79-C-089
Substantial Conformance Request

Dear Ms. Byron:

This firm represents Asha Hotels (formerly Axar Management, Inc.), owner and developer of the above-referenced property. I am writing on behalf of our client to request a determination regarding the Special Exception and Proffer Condition approvals for this site and whether the proposed building footprint and architecture for the "Westin Aloft Hotel" as shown on the attached drawings would be in substantial conformance with these approvals.

As background, the original approval (SE 00-Y-017) for a hotel use in the I-5 zoning district was made by the Board of Supervisors on October 16, 2000. The approval included two hotels - Hotel A and Hotel B. A Special Exception Amendment (SEA 00-Y-017) and Proffered Condition Amendment (PCA 79-C-089) was approved by the Board of Supervisors on September 9, 2002 (copy attached), to permit an increase in square footage for the two previously approved hotels, to enclose the previously approved outdoor swimming pools, and permit an additional building with a restaurant use.

This letter requests your interpretation regarding Hotel A only which is to be known as the Westin Aloft Hotel. Hotel B (Staybridge Suites Hotel) has been constructed. The approved Proffers and Development Conditions limit Hotel A to a maximum of 68,300 gross square feet and 75 feet in height. The two hotels were allowed to develop to a combined maximum of 286 rooms. For purposes of this letter, Hotel B is developed with a total of 142 rooms. As such, based upon the combined 286 maximum, Hotel A may be developed with up to 144 rooms.

As shown on the attached drawings, Hotel A is proposed to be developed as a five story hotel with 136 rooms. Although the building footprint has been modified, it remains in the area originally shown on the special exception approvals. Further, the modified footprint breaks up the building's massing and is now oriented away from Thunderbolt Place.

Also enclosed is a revised architectural rendering of the proposed Westin Aloft Hotel. Development Condition #6 and Proffer #5 require that the architecture of Hotel A be in substantial conformance with the illustrative elevation entitled "Hawthorn Suites Hotel" dated May 20, 2002, or be of "comparable quality" as determined by the Department of Public Works and Environmental Services. We request your determination that the revised architecture is in substantial conformance with the SEA/PCA approvals. The proposed architecture displays an aeronautical design that is fitting for its close proximity to Dulles Airport. Further, the proposed building materials and design will be high-quality and aesthetically pleasing to balance the variety of architectural designs in the Dulles Business Park.

Your review of these requests is greatly appreciated. If you have any questions or comments, please contact me at the number above.

Sincerely,

Sheri L. Hoy
Land Use Planner

encs.

cc: Gregory A. Riegle, Esquire, McGuireWoods LLP

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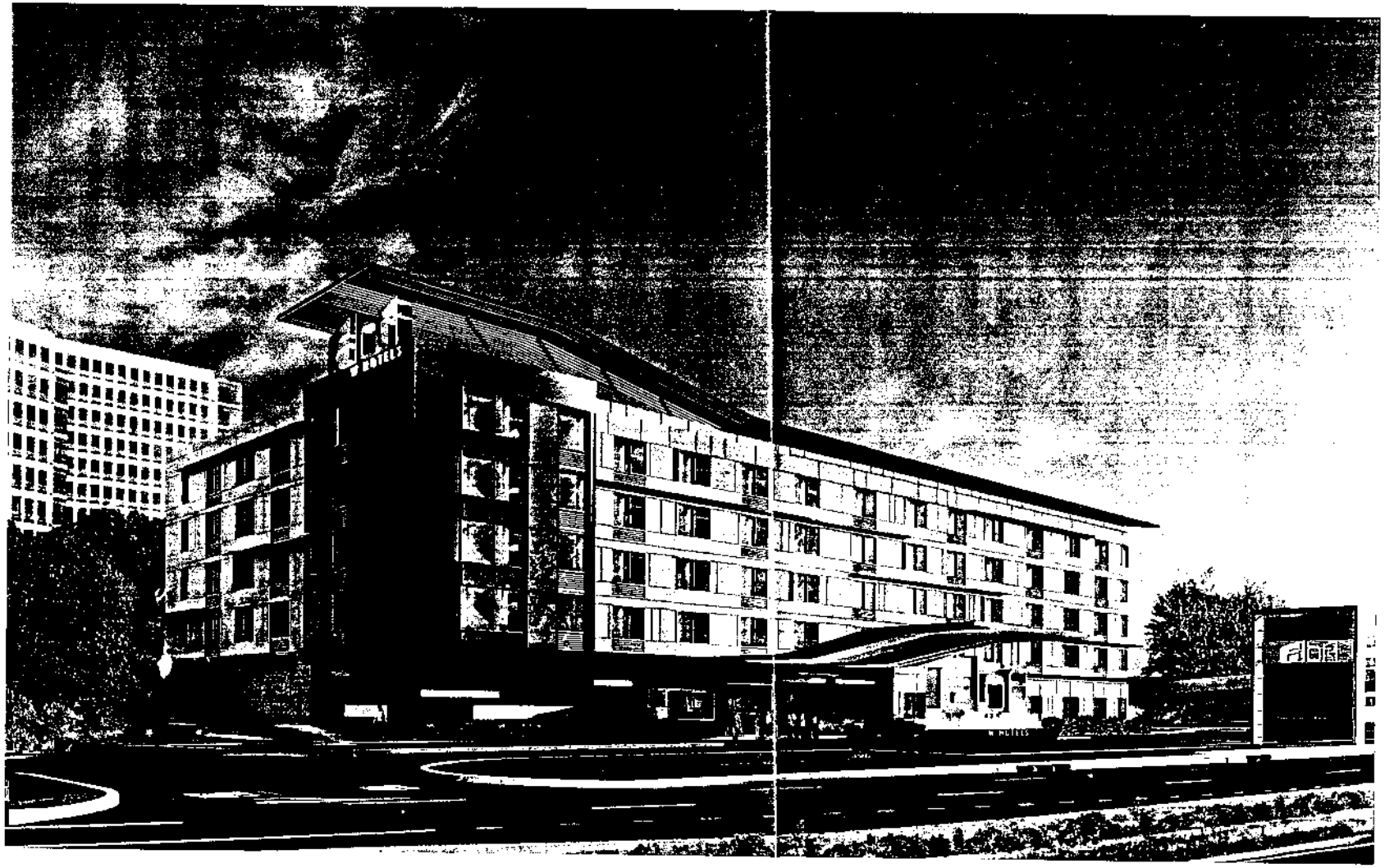

Westin Aloft Hotel - Standard Prototype

JUNE 15, 2006

bct

BROWN CRAIG TUR
tide point | cascade ouil
1030 hull street, suite
baltimore, maryland 21
t 410.837.2
f 410.837.7

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Hotel Conce,

The HOTELS at
DULLES BUSINESS PARK

Dull
Business Pa
Fairfax Co., V

DEVELOP

hotels

Asha Ho
Clarksville,

architects | designers
www.bctarchitects.c

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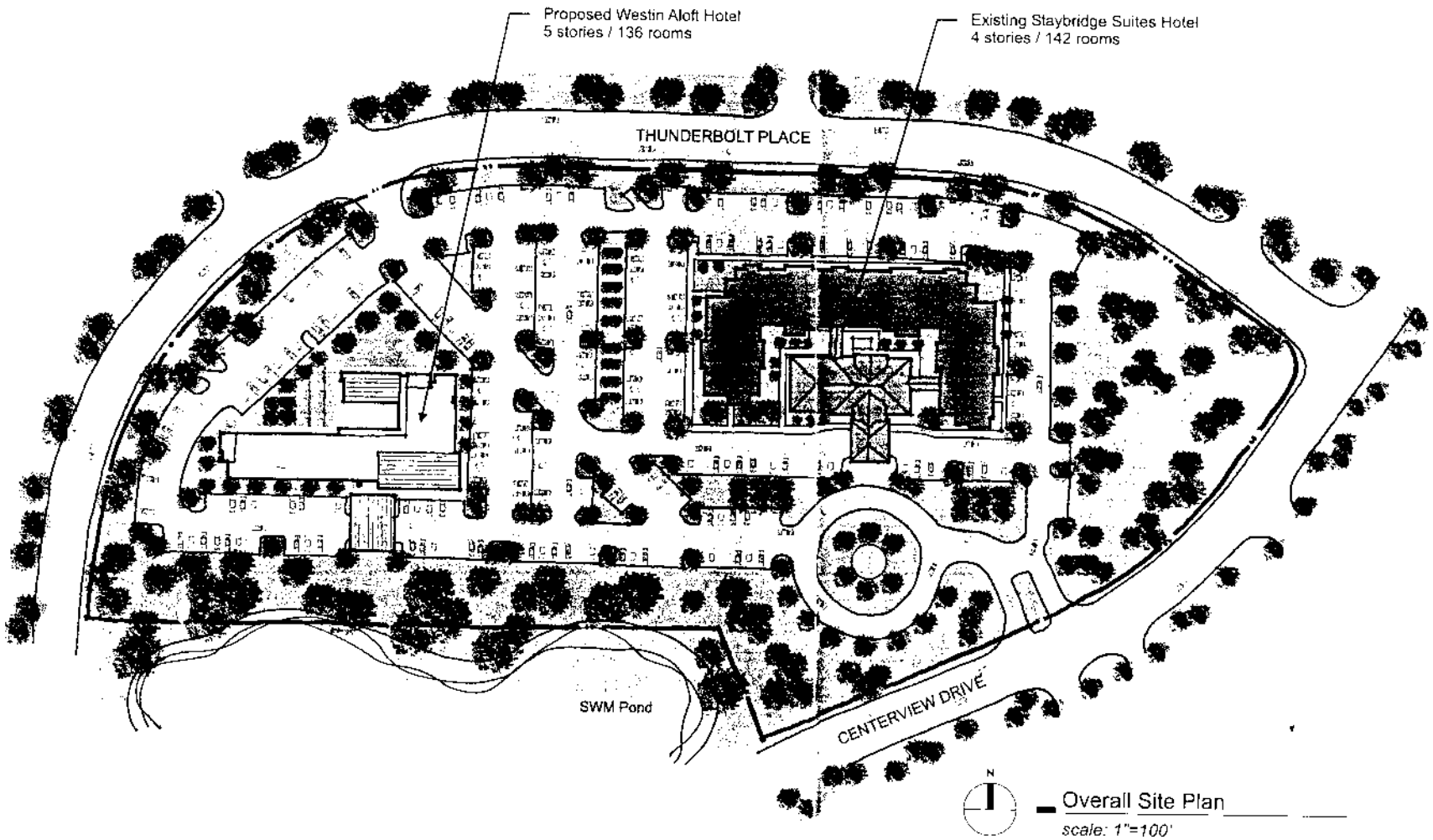

Overall Site Plan

scale: 1"=100'

bct

BROWN CRAIG TURI
tide point cascade buil
1030 hull street, suite
baltimore, maryland 21
t 410.837.2
f 410.837.3

05.19.
Hotel Conce

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DULLES BUSINESS PARK

Dull
Business Pa
Fairfax Co., V

DEVELOP

hotels

Asha Ho
Clarksville,

architects | designers
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3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Generalized Development Plan/Special Exception Amendment Plat entitled "Hotels @ Dulles Business Park", prepared by Greenhorne & O'Mara and dated November 9, 2001 and revised through March 14, 2002, and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. The two hotels may be developed to a combined maximum of 286 rooms. Use of hotel facilities, including the swimming pool and other recreational facilities shall be limited to registered hotel guests only and shall not be open to the general public.

*5. Landscaping shall be provided in substantial conformance with the location, size, quality, quantity and design as depicted on Sheet 2 of the Special Exception Amendment Plat as determined by the Urban Forestry Division.

*6. The architecture of all four sides of Hotel A and Hotel B shall be in substantial conformance with the elevations prepared by D.R. Brasher Architects dated May 20, 2002 and shown on Sheets 4 and 5 of the Special Exception Amendment Plat, respectively.

7. Pedestrian connections shall be provided as displayed on Sheet 2 of the Special Exception Amendment Plat between the two hotels and the trail to the south of the site, located on Tax Map 34-4 ((12)) 12 and the sidewalks on Thunderbolt Place and Centerview Drive. Prior to the time of site plan approval for the first hotel, the applicant shall diligently pursue the off-site approvals necessary to provide a pedestrian connection between Thunderbolt Place and the existing trail which encircles the stormwater pond located on Tax Map 34-4 ((12)) 12. The applicant shall construct the connection to the standard determined by DPWES. If the necessary easements/agreements cannot be secured, it must be demonstrated to the satisfaction of DPWES that said easements/agreements were diligently pursued and adequate funds to construct the trail shall be escrowed, to DPWES satisfaction.

8. Outdoor lighting fixtures used to illuminate the parking area and walkways between buildings shall not exceed 20 feet in height, shall be of low intensity design, shall be full cut-off, shielded to minimize glare, shall focus directly on the subject property, and shall meet the Performance Standards set forth in Article 14 of the Zoning Ordinance. The lights shall be in general conformance with the light fixture detail shown on Sheet 1 and located in substantial conformance as illustrated on Sheet 2 of the Special Exception Amendment Plat

PROFFERED CONDITION AMENDMENT APPLICATION

AXAR MANAGEMENT

PCA 79-C-089

April 22, 2002
Revised May 20, 2002
Revised June 7, 2002
Revised June 13, 2002

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this Proffered Condition Amendment Application hereby reaffirms that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference No. 34-4 ((12)) C2 (hereinafter referred to as the "Property") will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ 79-C-089 except as qualified below. In the event the Proffered Condition Amendment request is denied, these proffers shall be null and void. The Owners and the Applicant ("Applicant"), for themselves, their successors and assigns, reaffirm all previous proffers except as specifically modified herein and agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. Additions and/or revisions to the proffered conditions accepted in the approval of RZ 79-C-089 are listed below.

1. Substantial Conformance Development of the Property will be in substantial conformance with the plan entitled "Special Exception Amendment Proffer Condition Amendment Hotels @ Dulles Buisiness Park" consisting of three sheets, dated November 9, 2001 and revised through May 20, 2002 and prepared by Greenhorne & O'Mara (the "Plat").

2. Minor Modifications Pursuant to Par. 5 of Sect. 18-204 of the Zoning Ordinance, minor modifications from the Plat may be permitted as determined by the Zoning Administrator.

3. Floor Area Ratio The maximum Floor Area Ratio (FAR) of the site shall be limited to 0.42 (182,000 square feet). Hotel A may be developed to a maximum of 68,300 gross square feet, Hotel B to a maximum of 94,125 gross square feet, the office building/eating establishment shall not exceed 18,000 total gross square feet.

4. Building Height The maximum building height shall be 75 feet.

5. Building Architecture The design and architecture of the two (2) hotels shall be in substantial conformance with the general design described on the illustrative elevations titled "Staybridge Suites Hotel" and "Hawthorn Suites Hotel" and dated May 20, 2002, or of comparable quality as determined by the Department of Public Works and Environmental Services (DPWES). This proffer shall not preclude the enclosure of the swimming pools as

contemplated by this application and as shown on the Plat. The approved free standing restaurant shall be designed to incorporate a type and quality of materials that is compatible with the approved hotels, as demonstrated at the time of building permit reviews. Brand and logo information is conceptual and is subject to change. The requirements of these proffers should not preclude the use of signage and similar corporate identifiers provided that the same are in conformance with these proffers and the requirements of the Fairfax County Zoning Ordinance.

6. Signage All freestanding and building-mounted signs shall comply with the provisions of Article 12 of the Zoning Ordinance. No pole mounted signs shall be permitted. Signage shall be front-lit and light directed downward onto the sign to minimize glare. Back-lit building mounted signage may be installed provided it is demonstrated to the satisfaction of DPWES that (1) the sign is designed to minimize glare in accordance with the Performance Standards of Article 14 of the Zoning Ordinance and (2) that the sign will not generate glare beyond the boundary of the site.

7. Noise Mitigation Proffer 6 of RZ 79-C-089 is deleted in its entirety and replaced with the following:

A. In order to achieve an interior noise level not to exceed DNL 45 dBA, those portions of the approved structure(s) located within the Airport Noise Overlay District shall have the following acoustical attributes as approved by the Department of Public Works and Environmental Services:

Roof and exterior walls shall have a laboratory sound transmission class (STC) of at least 39.

Doors and windows shall have a laboratory STC of approximately 28. If glazing functions as walls, then it shall have the STC specified for exterior walls.

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

The Applicant may pursue other methods of mitigating interior noise if it can be demonstrated, through an independent noise study that is reviewed and approved by DPWES showing that these methods will be effective in reducing interior noise levels to DNL 45 dBA or less.

8. Erosion Control Prior to the start of construction perimeter erosion and sediment control measures shall be installed and other similar measures shall be coordinated with DPWES and the Northern Virginia Soil and Water Conservation District throughout the stages of development.

9. Traffic Signal Prior to site plan approval, the Applicant shall escrow with the Department of Public Works and Environmental Services (DPWES) $25,000.00 for the construction of a traffic signal at the intersection of Skyhawk Drive and Centreville Road.

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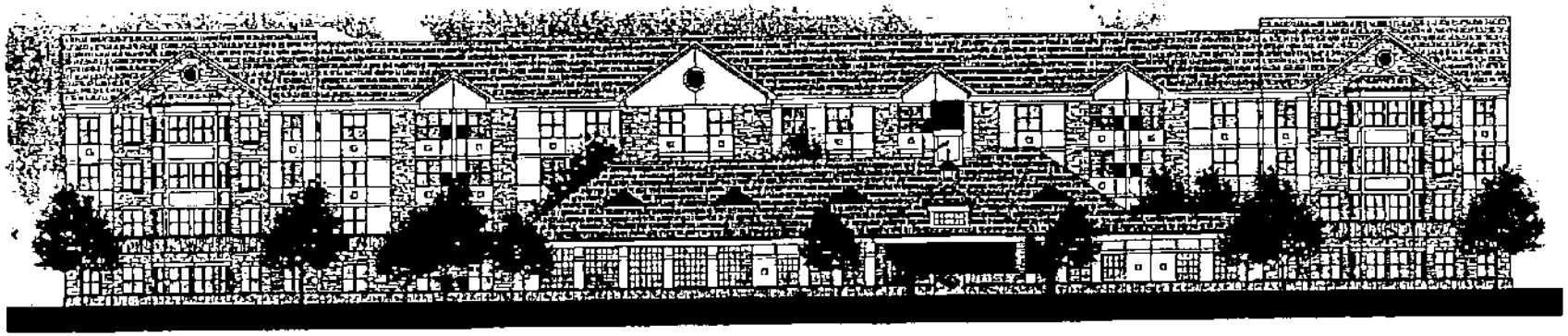


FRONT ELEVATION - REVISED

STAYBRIDGE SUITES HOTEL

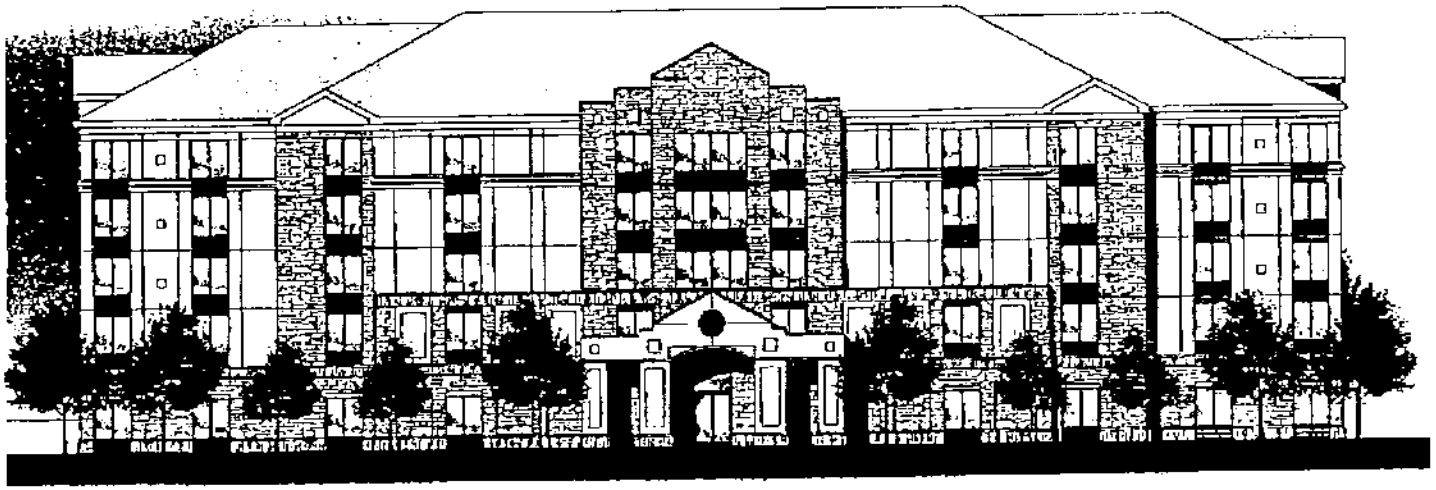
DULLES BUSINESS PARK - CHANTILLY, VIRGINIA

DEVELOPED BY: AXAR MANAGEMENT

26 MAY, 2002
SCALE: 1/32" = 1'-0"

0 16'

EXHIBIT A



FRONT ELEVATION - REVISED

HAWTHORN SUITES HOTEL

DULLES BUSINESS PARK - CHANTILLY, VIRGINIA

DEVELOPED BY: AXAR MANAGEMENT

[illegible] MAY, [illegible]
SCALE: [illegible]

0 15'

EXHIBIT A

ARCHITECTURE · PLANNING
INTERIOR ARCHITECTURE

DRBrasher

[illegible] STREET PLACE, SUITE [illegible] COLUMBIA, MD [illegible]
[illegible]
[illegible]