



FAIRFAX COUNTY

APPLICATION FILED: December 21, 2004

APPLICATION AMENDED: May 31, 2006

PLANNING COMMISSION PUBLIC HEARING: October 5, 2006

PLANNING COMMISSION DECISION ON THE RZ & CDP: December 7, 2006

PLANNING COMMISSION DECISION ON THE FDP: January 11, 2007

BOARD OF SUPERVISORS: January 22, 2007 @ 4:30 p. m.

V I R G I N I A

January 5, 2007

STAFF REPORT ADDENDUM II

APPLICATION RZ/FDP 2004-PR-044

PROVIDENCE DISTRICT

APPLICANT: Tysons Corner Holdings LLC and Tysons Corner Property Holdings LLC

PRESENT ZONING: C-4 – 4.90 acres
C-7 – 73.75 acres
Total – 78.65 acres

REQUESTED ZONING: PDC

OVERLAY DISTRICTS: Highway Corridor (HC) & Sign Control (SC)

PARCEL(S): 29-4 ((1)) 35A & 35C
39-2 ((1)) 2, 4 & 5

ACREAGE: 78.65 acres

FLOOR AREA RATIO: 1.76 (Development with Rail Option)
1.11 (Pre-Rail Option without subsequent phases)

OPEN SPACE: 19.4 acres – 25 % (Development with Rail Option)
15.6 acres – 20 % (Pre-Rail Option)

O:\pbraha\TYSONS CORNER\RZ 2004-PR-044, Tysons Corner Center\Staff Report File\Tysons I Addendum II.doc

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/

PLAN MAP: Mixed Use

PROPOSAL: *Development with Rail Option* – Redevelop the Tysons Corner Center as a 6,023,825 sq. ft. Transit Oriented Mixed-use Development consisting of 2,474,135 sq. ft. in the existing Regional Mall; 1,357,328 sq. ft. Office Development; 266,513 sq. ft. devoted to a maximum of 300 Hotel Rooms; 1,728,175 sq. ft. Residential Development yielding 950 to 1385 dwelling units; and 197,674 sq. ft. of new Retail-type Commercial phased to the Future Extension of Metrorail through the Tysons Corner Urban Center.

The applicant is requesting Conceptual Development Plan and Final Development Plan approval for the mixed use development described above, which is shown on the CDP/FDP in four phases; however, the draft proffers require the approval of an amended Conceptual Development Plan and Final Development Plan prior to the development of the approximately 1,050,000 sq. ft. shown as Phases 3 and 4 on the Development with Rail Option (Part 1 of 2) of the CDP/FDP.

Development Prior to Rail Option – In addition to the existing Regional Mall, permit an additional 490,076 sq. ft. Office; 266,513 sq. ft. devoted to a maximum of 300 hotel rooms; 523,775 sq. ft. Residential (up to 380 dwelling units) prior to the Future Extension of Metrorail should that project be delayed. The applicant is requesting that the Conceptual and Final Development Plans for the Prior to Rail Option be approved. If this option is exercised, the proffers would allow the applicant to proceed to the subsequent phases once the rail project is underway and the proffered phasing elements are satisfied.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2004-PR-044 subject to the execution of proffers consistent with the draft proffers contained in Attachment 2 and approval of the Conceptual Development Plans for both options; however, the residential buildings, office buildings and plazas located within the areas depicted as Phases 3 and 4, as shown on Sheets 32-47, Sheet 52 and Sheet 54 of the Development with Rail (Part 1 of 2) shall be considered illustrative only in accordance with Proffer Number 6.

Staff recommends approval of a Final Development Plan for the 78.65 acre property with regard to the construction of the buildings, plazas and associated improvements for the Development Prior to Rail Option (Part 2 of 2) and for Phases 1 and 2 of the Development with Rail Option (Part 1 of 2) as shown on Sheets 1 through 31, Sheets 48 through 51, Sheet 53, and Sheets 55 through 61 as those Sheets apply to Phases 1 and 2. This FDP approval shall not permit the construction of any residential buildings, office buildings or plazas identified as Phases 3 and 4 on the Development with Rail CDP/FDP as shown on Sheets 32 through 47,

Sheet 52 or Sheet 54. Pursuant to Proffer Number 6, approval of a CDPA and a FDPA by the Board of Supervisors and the Planning Commission, respectively, are required prior to the approval of site plans for the construction of the buildings and other features associated with that portion of the site illustrated on the CDP/FDP as Phases 3 and 4.

Staff also recommends approval of the following requested waivers and modifications:

- Waiver of the service drive requirement along Leesburg Pike (Rt. 7) and Chain Bridge Road (Rt. 123)
- Modification of the minimum 8-foot planting width for trees per Sect. 12-0702(2) of the Public Facilities Manual (PFM) to allow planting areas that are less than 8 feet wide
- Waiver of the barrier requirement along the eastern boundary (adjacent to the Capital Beltway)
- Modification of the transitional screening yard requirements along the eastern boundary (adjacent to the Capital Beltway)
- Modification of the peripheral parking lot landscaping requirement for the parking structures located adjacent to Chain Bridge Road
- Waiver of the transitional screening yard and barrier requirements internal to the project
- Waiver of the interior parking lot landscaping requirements for the existing parking structures identified as Parking Terrace B, Parking Terrace C and Parking Terrace E
- Waiver to allow the use of underground stormwater management facilities with residential development pursuant to Par. 6-0303.8 of the PFM (see the report prepared by the Site Review Division, DPWES in Appendix 7 of the September 14, 2006 Staff Report)
- Approval by the Board of Supervisors pursuant to Sect. 2-414 of the Zoning Ordinance to allow a commercial building within 75 feet of the right-of-way of an interstate highway (the Capital Beltway – I-495)
- Modification to allow the pedestrian pathways shown on the CDP/FDP (the 25 foot wide sidewalk within the bus plaza and an internal loop trail) to meet the requirement for a trail along Chain Bridge Road west of Tysons Boulevard (With Rail CDP/FDP only)
- Waiver of the trail requirement along Chain Bridge Road between the site entrance opposite Tysons Boulevard and the ramp for the Capital Beltway
- Modification of the trail along Leesburg Pike to allow combined sidewalk/trail that is consistent with the streetscape recommendations for the Tysons Corner Urban Center
- Waiver of the trail requirement within the right-of-way of the Beltway
- Modification of the trail requirement along International Drive to allow the temporary trail to be constructed with Phase 1 to meet this requirement
- Modification of the recommended on-road bike trail on ShopsTysons Boulevard to allow a ten foot wide off-road bike trail
- Modification of the number of loading spaces required on site

It should be noted that the main/trunk sewer lines serving this property may be inadequate. Should the Board approve this application, that approval does not guarantee that sewer capacity will be available to serve this site, at such time as the applicant elects to develop the property.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

BACKGROUND

The September 14, 2006, Staff Report published for RZ/FDP 2004-PR-044 recommended approval of the application, including the requested waivers and modifications. The Planning Commission public hearing was held on October 5, 2006. At the conclusion of that hearing, the decision was deferred with the record remaining open for written comment.

The applicant submitted a revised proffer statement and a revised Conceptual/Final Development Plan on November 13, 2006. These documents were addressed by a Staff Report Addendum that was published on November 30, 2006. In addition, by letter also dated November 13, 2006 (Attachment 3 of the November 30, 2006, Staff Report Addendum), the applicant modified the request to commit that prior to the construction of any development beyond Phases 1 and 2 as shown in the Development with Rail Option portion of the CDP/FDP, the applicant would file a proffered condition amendment application and a Conceptual/Final Development Plan amendment application to allow the design of those portions of the project to be reviewed through the public hearing process. Therefore, through the approval of the rezoning application, the applicant is assured that the amount of gross floor area associated with Phases 3 and 4 is available for future development while the community, the staff, the Planning Commission and the Board of Supervisors will be provided an opportunity to review the design of those latter phases after the adoption of new Comprehensive Plan text applicable to the Tysons Corner Center, the Metrorail extension is in operation and the efficacy of the proffered Transportation Demand Management Program can be judged, among other things. This commitment was also incorporated into the draft proffer statement as part of a revised Proffer Number 6 and is described in greater detail below.

On December 7, 2006, the Planning Commission recommended that the Board of Supervisors approve RZ 2004-PR-044 subject to draft proffers dated November 13, 2006. The Planning Commission also recommended that the Board of Supervisors approve the associated Conceptual Development Plan for both the Development Prior to Rail Option and the Development with Rail Option. The Planning Commission further recommended that the waivers and modifications requested by the applicant be approved by the Board of Supervisors. Finally, the Planning Commission deferred the decision with regard to the approval of the Final Development Plan to January 11, 2007, to allow the pedestrian and bicycle networks within Phases 1 and 2 to be reviewed further.

The Conceptual Development Plan was recommended for approval by the Planning Commission with the caveat that:

“the residential buildings, office buildings and plazas located within the areas depicted as Phases 3 and 4, as shown on Sheets 32-47, Sheet 52 and Sheet 54 of the Development with Rail (Part 1 of 2) shall be considered illustrative only in accordance with Proffer Number 6.”

Proffer Number 6 allows the applicant to construct Phases 1 and 2 of the Development with Rail Option, along with the associated proffered improvements such as roads and

trails (some of which are located within areas of the site identified as Phases 3 and 4). Proffer Number 6 also requires that the applicant obtain approval of a Proffered Condition Amendment (PCA), a Conceptual Development Plan amendment (CDPA) and a Final Development Plan amendment (FDPA) prior to the construction of the gross floor area associated with any development beyond Phases 1 and 2. The following chart illustrates the uses and gross floor area associated with each phase of the Development with Rail Option. While the GFA associated with Phases 3 and 4 will be approved pursuant to the rezoning, the layout, design and distribution of this GFA is subject to changes pursuant to Proffer Number 6 as described above.

| TYSONS CORNER CENTER – WITH RAIL CDP/FDP | | | | | | |
|---|---------------------------|--------------------------------|---------------|--------------------------|-------------------------------|-----------------------|
| Gross Floor Area (GFA) In Square Feet | | | | | | |
| | Main Mall Building | Residential¹ | Office | Hotel² | Retail Type Commercial | Total in Phase |
| Existing | 2,474,135 ³ | | | | | 2,474,135 |
| Phase 1 | | 542,175 | 551,638 | 266,513 | 25,274 | 1,342,700 |
| Phase 2⁴ | | 518,000 | 488,290 | | 48,500 | 1,096,900 |
| Phase 3 | | 298,000 | 26,100 | | 55,800 | 379,900 |
| Phase 4 | | 320,000 | 281,300 | | 68,100 | 669,400 |
| Totals | 2,474,135 ³ | 1,728,175 | 1,347,328 | 266,513 | 197,674 | 6,013,825 |

- 1) The total number of dwelling units is a range of 950 to 1345 dwelling units.
- 2) The hotel is to have a maximum of 300 rooms.
- 3) The GFA for the existing mall building includes a planned but un-built addition to the existing Macy's building of up to 75,000 sq. ft allowed under the current zoning envelope. It does not include the strip shopping center building (42,922 sq. ft.) near Chain Bridge Road that is proposed to be demolished. Site Plan approval for 47,578 sq. ft. of the 75,000 sq. ft. addition to the Macy's building noted above is pending.
- 4) Phase 2 also includes a 13,000 sq. ft. transit pavilion not included in this chart.

As noted in the Staff Report, the Tysons Land Use Task Force is currently reviewing and evaluating the current rail-related land use recommendations for the Tysons Corner Urban Center. PB Placemaking was hired to assist the Tysons Land Use Task Force in envisioning a future for the Tysons Corner Urban Center. One of the consultant's tasks is to comment on pending zoning applications within the Tysons Corner Urban Center. As such, the consultants were requested to review the proposed pedestrian and bicycle trail system(s) connecting the rail station with the points of nearest access to the existing mall and to other uses within Phases 1 and 2 of the application. PB Placemaking, through MVE & Partners, Inc., a sub-contractor, undertook that review and provided comments on the afore-mentioned aspects of the proposal.

As a result, the applicant submitted the revised CDP/FDP dated January 8, 2007 (Attachment 1) and a revised set of proffers dated January 8, 2007 (Attachment 2), which are discussed below. The revised proffers include editorial changes requested by staff and the Providence District Supervisor's office.

DISCUSSION

The following addresses the changes made to the pedestrian/bicycle network within Phases 1 and 2 shown on the CDP/FDP in response to the analysis provided by the consultant team. A memorandum including the comments of the consultant is contained in Attachment 3.

Conceptual/Final Development Plan

The comments of the consultant on the layout addressed in the Staff Report and the first Staff Report Addendum focused on the pedestrian movements between the rail station and Phase 2 as well as through Phase 2 to Phase 1, to the shopping mall and to International Drive. The comments noted that in general the connections were appropriate and well designed. However, the consultants suggested that the two major points of interconnection of the pathways in Phase 2 could have been designed to be more readily understood by users of that network. The two major points of interconnection in Phase 2 are the on-site transit pavilion area and the junction of three trails near the western end of the residential building (Building 2A). In addition, the consultant commented on the character of the proposed bus plaza, making recommendations to enliven that area through architectural treatments and lighting, particularly because that area is located on the northern edge of the parking structure that provides the platform for the buildings and plaza in Phase 2.

Transit Pavilion

The additional design effort has modified the layout within and around the transit pavilion. The revisions include changing the shape to a more angular design rather than the oval shape previously shown. This design is more consistent with the design of the two other Phase 2 buildings. The size of the area identified as part of the transit pavilion has been enlarged, ensuring that it is adequate to accommodate the anticipated pedestrian movements. Accordingly, the gross floor area of the structure has been increased from 10,000 sq. ft. to 13,000 sq. ft. The redesigned exterior of the pavilion, along with changes to the façade of the northern façade of the Phase 2 parking structure, have better integrated those two elements visually, while also providing a way to distinguish those two elements from each other, as described below. Most importantly, the modifications have reorganized this corner of Phase 2 so that the pedestrians and bicyclists will be better able to identify the various routes and be able to decide which route to follow without utilizing a map. One way this is accomplished is by ensuring that the vertical circulation elements, especially the stairways and/or escalators, are visible as one crosses Chain Bridge Road from the future rail station.

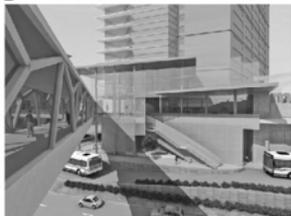
The bridge over Chain Bridge Road will connect to the pavilion at an elevated outdoor platform that is covered by the roof of the pavilion. The landing platform is located under a two-story tall area that is open to the weather on three sides. As described in the original Staff Report, the bridge over Chain Bridge Road is at a similar elevation as the second level of the existing shopping. Just inside the pavilion building access is available to five possible routes that provide access to:

- 1) the east (Phase 1) via a pedestrian bridge over the entrance to Tysons Corner Center from Chain Bridge Road,
- 2) the mall along the walkway in front of the office building in Phase 2, which is sheltered under a portion of the building that overhangs the walkway,
- 3) the west to the Phase 2 plaza located above the main pedestrian level via a staircase to that plaza,
- 4) the bus plaza area located along Chain Bridge Road via escalators or a staircase, or
- 5) the same level and along the cantilevered trail to the area west of Building 2A, the residential building.

The elevators at the western end of the transit pavilion provide access to all three pedestrian levels associated with this portion of the site; the bus plaza at elevation 450 feet, the main pedestrian level associated with second level of the mall, elevation 467, which is also the elevation of the bridge across Chain Bridge Road, the bridge to Phase 1 and its plazas and the path to the mall along the office building; and, the Phase 2 plaza at elevation 489 feet. The revised design ensures that a pedestrian crossing Chain Bridge Road on the bridge from the future Metrorail station will be able to see the stair/escalator connections to the Phase 2 plaza and to the bus plaza, as illustrated below.



①



②



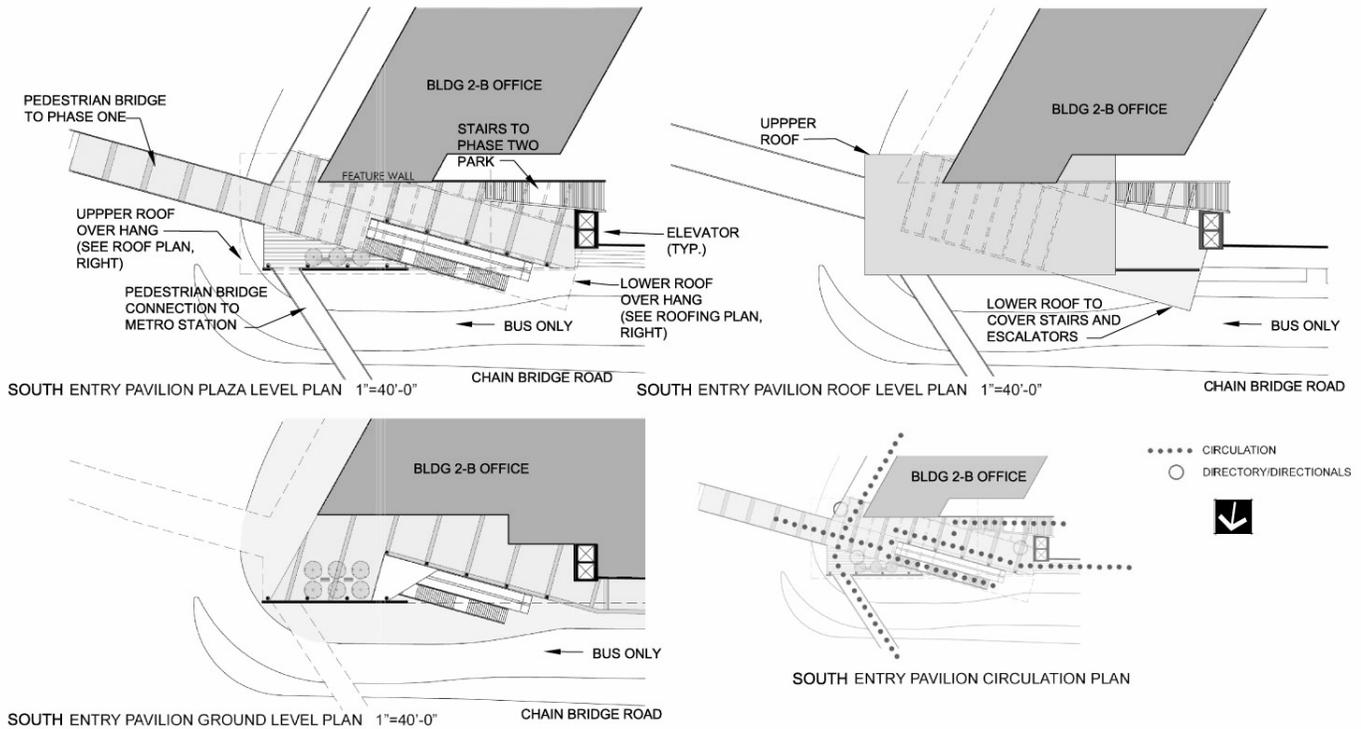
③



④

NOTES:
 1. THESE RENDERINGS SHOW THE INTENT, CHARACTER AND QUALITY OF THE PROPOSED DEVELOPMENT. PER PROFFER 17, FINAL DESIGN AND MATERIALS WILL BE DETERMINED PRIOR TO ISSUANCE OF BUILDING PERMITS.
 2. PER PROFFER #6, A CDPA AND FDPA SHALL BE APPROVED BY THE BOARD OF SUPERVISORS AND PLANNING COMMISSION, RESPECTIVELY, PRIOR TO THE APPROVAL OF A SITE PLAN FOR ANY RESIDENTIAL BUILDINGS, OFFICE BUILDINGS OR PLAZAS BEYOND PHASE 2 (INCLUDING BUT NOT LIMITED TO THESE FEATURES INDICATED IN PHASES 3 AND 4 IN THIS COP/DP).

The design clearly demonstrates that the vertical circulation between the bus plaza, the main pedestrian level and the Phase 2 plaza which is located above the main pedestrian level is accommodated via elevators located at the western end of the pavilion building, the stairs and escalators between the main pedestrian level and the bus plaza, and stairs to the Phase 2 plaza. Accessible access to the Phase 2 plaza is provided via the elevators in the office building and via the cantilevered path to the western end of Phase 2.

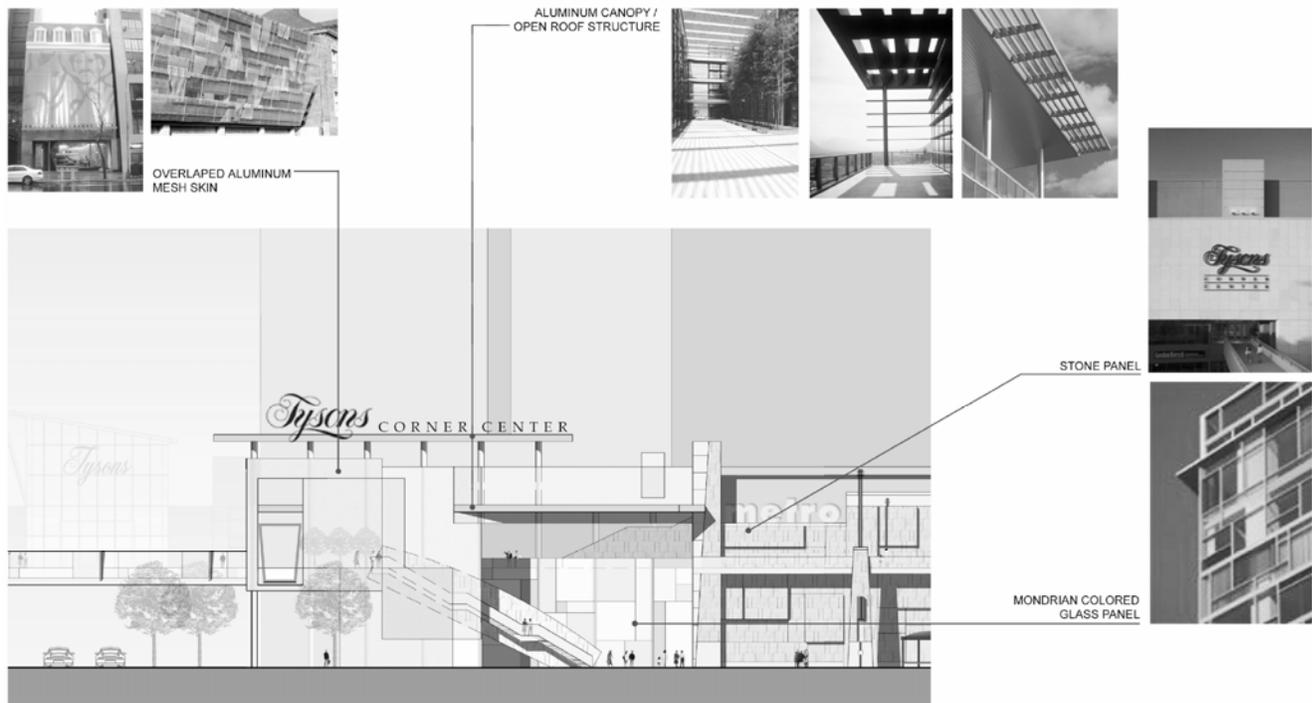


NOTES:
 1. THESE REND PROPOSED D WILL BE DETE
 2. SEE PROFFER

① PHASE TWO:
 PLAN VIEWS

The portion of the vertical face of the parking garage that is devoted to the transit pavilion has been expanded to extend approximately the width of the face of Building 2A facing this road and is now clearly divided between the transit pavilion and the rest of that façade which is located above the bus plaza. This visual distinction is provided by differing architectural treatments. The pavilion building is faced with metallic panels and topped with two roof structures consisting of two narrow horizontal planes. One roof structure is located at the top of the pavilion building and the second lower roof covers the stairs and escalator to the bus plaza. The area under the lower roof is in front of a wall comprised of rectangular colored panels located below the main pedestrian level that vary in size and resemble a piece of abstract art. This element provides the backdrop for the stairs and escalator between the bus plaza and the main pedestrian level, and is on the same general vertical plane as the garage wall. The architecture of the garage and the pavilion is also linked by the design of the garage wall, which includes stone facing that is also divided into panels. The stone panels on

the garage are differentiated by placing the panels on protruding vertical planes that create shadows and a feeling of depth. (See the illustration under Bus Plaza below.)



② PHASE TWO:
SOUTH ENTRANCE PAVILION FROM CHAIN BRIDGE ROAD ELEVATION

As described in the memorandum from the consultant, the revised layout of transit pavilion addresses their original concerns regarding the design included in the previous CDP/FDPs as described above.

Bus Plaza Area

The bus plaza area is located to west of the transit pavilion and along Chain Bridge Road. In this area, Chain Bridge Road rises from east to west. However, the bus plaza is flatter than the grade of the road and is generally located above the road. It is separated from Chain Bridge Road by a retaining wall that includes landscaping on either side of the retaining wall. This is the same treatment as described in the original Staff Report and the first Addendum, as is the width of the travelway, the waiting area for transit riders, and the other related facilities. The changes are primarily to the treatment of the façade of the parking garage that is the backdrop for the bus plaza.

The comments of the design consultant noted that the bus plaza is on the northern side of the parking garage and, therefore, needed to be carefully designed to

ensure that this area will be inviting and pleasant to be in, and so that the constraints of such a location, including lack of sun and exposure to weather, would be minimized. The applicant's designer has responded to this challenge by redesigning the façade of the garage, the cantilevered trail and the interconnection of the bus plaza and the transit pavilion. As noted in the memorandum in Attachment 3, the new design addresses the issues noted by the consultant.



③ PHASE TWO:
BUS PLAZA WALL ELEVATION

The garage façade has been redesigned so that it appears to be a platform on which the buildings of Phase 2 sit. This has been accomplished by converting the façade to a stone-like material that is divided into a variety of rectangular shapes – similar to the treatment of the pavilion but of a different material, and by providing vertical elements similar to piers and/or columns. The stone material in this area is all similar in color; the rectangular shapes are expressed by changing the vertical planes of individual panels. The façade is also anchored by a series of vertical elements or columns faced with a stone that is similarly colored but of a lighter tone than the panels. These columns are on a base of lighter, almost white stone material. The cantilevered trail is supported by similarly designed but separate columns that are topped by a spire that extends to the height of the columns at the garage façade. Bus shelters are still proposed and the cantilevered trail will also provide protection from precipitation.

Bridge between Phases 1 & 2

The revised CDP/FDP does not include a roof on the bridge between Phases 1 and 2 to protect pedestrians from inclement weather. Staff concurs with the consultant's comment that a roof should be considered. In lieu of the roof, the revised

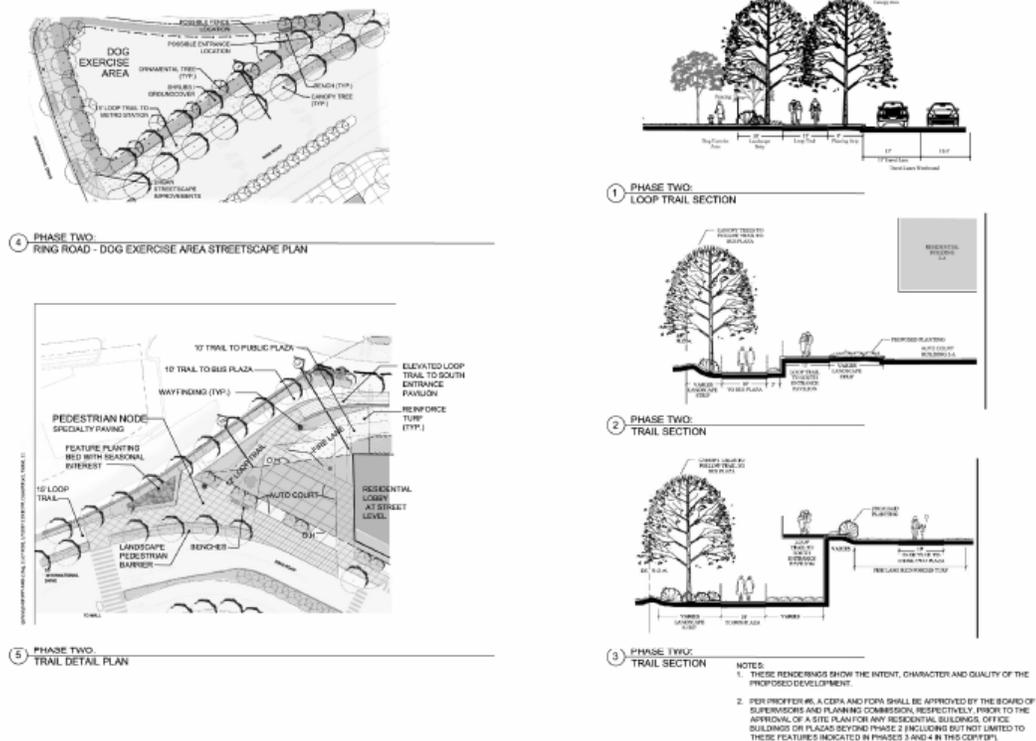
design includes a glass screening wall on the northern side of the bridge to protect pedestrians from northern winds during the winter. The applicant is concerned that having a roof or other structure would make the bridge too substantial in appearance and be contrary to the design of the enhanced entrance area, which includes the proposed waterfall fountain. However, it should be noted that both the draft proffers and the CDP/FDP note that a roof on this bridge is an option and that the design of this bridge is one of the elements proffered to be reviewed by the Planning Commission. Staff feels that the design of the bridge could be modified to better integrate it with the project and that the bridge could be an entry or gateway element, in lieu of the applicant's desire to limit its impact. These elements could be considered as part of the Planning Commission's review of the architecture of the bridge pursuant to the proffers.



② PHASE TWO:
MALL ENTRANCE WITH WATER FEATURE AND TRANSIT PLAZA FROM CHAIN BRIDGE ROAD AT
STREET LEVEL

Pedestrian Node at the Western End of Phase 2

In response to the suggestions of the consultant, the convergence of the pathways at the western end of Building 2A, the residential building, has been redesigned to create a place that provides pedestrians with a well sized plaza and discernible routes to follow at what had been a potentially confusing node where the three pathways along Chain Bridge Road (the path along the Bus Plaza, the cantilevered trail and the pathway along the northern edge of the Phase 2 plaza) merge into the combined trail connecting to International Drive.



The trail to International Drive from the west has been expanded to fifteen feet wide from 10 feet wide to better accommodate the variety of users of the trail, walkers as well as those on wheels, such a bicycles, skates, skateboards, etc. Where this trail reaches the crossing of the Ring Road, the pavement type is proposed to change to lead trail users to the plaza discussed above. From here, a pedestrian or bicyclist can proceed down to the Bus Plaza or onto the cantilevered portion of the loop trail through the project. Once on this link, pedestrians going to the Phase 2 plaza can turn onto that trail. Separation from the auto court at the residential building is provided by a landscaped island, while a pedestrian path to the entry lobby is maintained. Staff suggests that the design be modified so that the triangularly shape planting bed along the property boundary be revised to include a seating wall to help encourage bicyclists and other persons on wheels to slow down at this node as the grade descends between International Drive and this point and then descends at a steeper rate to the Bus Plaza.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The additional effort to provide additional details regarding the pedestrian network within Phase 2 has resulted in a better design that:

- 1) ensures that sufficient area is provided to accommodate all the vertical and horizontal movements within and around the transit pavilion;
- 2) provides a design that allows a pedestrian to more readily determine which

- pathway provides access to the mall, Phase 1, the Phase 2 plaza or the bus plaza;
- 3) improves the design of the structure behind the Bus Plaza to make that wall appear more like a platform supporting the buildings above and provides better protection from the elements for persons using the Bus Plaza;
 - 4) provides a taller screen along the bridge between Phase 1 and Phase 2 to protect uses from the winds;
 - 5) redesigns the pathway node at the western end of the residential building has been redesigned to provide both a plaza and better definition between the various pathways; and
 - 6) increases the width of the pathway between International Drive and Phase 2 has been increased to 15 feet to better accommodate the mix of pedestrians and bicyclists.

The draft proffers include the design of the pavilion and the wall of the garage as the architectural elements that are to be reviewed by the Planning Commission.

Recommendations

Staff recommends approval of RZ 2004-PR-044 subject to the execution of proffers consistent with the draft proffers contained in Attachment 2 and approval of the Conceptual Development Plans for both options; however, the residential buildings, office buildings and plazas located within the areas depicted as Phases 3 and 4, as shown on Sheets 32-47, Sheet 52 and Sheet 54 of the Development with Rail (Part 1 of 2) shall be considered illustrative only in accordance with Proffer Number 6.

Staff recommends approval of a Final Development Plan for the 78.65 acre property with regard to the construction of the buildings, plazas and associated improvements for the Development Prior to Rail Option (Part 2 of 2) and for Phases 1 and 2 of the Development with Rail Option (Part 1 of 2) as shown on Sheets 1 through 31, Sheets 48 through 51, Sheet 53, and Sheets 55 through 61 as those Sheets apply to Phases 1 and 2. This FDP approval shall not permit the construction of any residential buildings, office buildings or plazas identified as Phases 3 and 4 on the Development with Rail CDP/FDP as shown on Sheets 32 through 47, Sheet 52 or Sheet 54. Pursuant to Proffer Number 6, approval of a CDPA and a FDPA by the Board of Supervisors and the Planning Commission, respectively, are required prior to the approval of site plans for the construction of the buildings and other features associated with that portion of the site illustrated on the CDP/FDP as Phases 3 and 4.

Staff also recommends approval of the following requested waivers and modifications:

- Waiver of the service drive requirement along Leesburg Pike (Rt. 7) and Chain Bridge Road (Rt. 123)
- Modification of the minimum 8-foot planting width for trees per Sect. 12-0702(2) of the Public Facilities Manual (PFM) to allow planting areas that are less than 8 feet wide

- Waiver of the barrier requirement along the eastern boundary (adjacent to the Capital Beltway)
- Modification of the transitional screening yard requirements along the eastern boundary (adjacent to the Capital Beltway)
- Modification of the peripheral parking lot landscaping requirement for the parking structures located adjacent to Chain Bridge Road
- Waiver of the transitional screening yard and barrier requirements internal to the project
- Waiver of the interior parking lot landscaping requirements for the existing parking structures identified as Parking Terrace B, Parking Terrace C and Parking Terrace E
- Waiver to allow the use of underground stormwater management facilities with residential development pursuant to Par. 6-0303.8 of the PFM (see the report prepared by the Site Review Division, DPWES in Appendix 7 of the September 14, 2006 Staff Report)
- Approval by the Board of Supervisors pursuant to Sect. 2-414 of the Zoning Ordinance to allow a commercial building within 75 feet of the right-of-way of an interstate highway (the Capital Beltway – I-495)
- Modification to allow the pedestrian pathways shown on the CDP/FDP (the 25 foot wide sidewalk within the bus plaza and an internal loop trail) to meet the requirement for a trail along Chain Bridge Road west of Tysons Boulevard (With Rail CDP/FDP only)
- Waiver of the trail requirement along Chain Bridge Road between the site entrance opposite Tysons Boulevard and the ramp for the Capital Beltway
- Modification of the trail along Leesburg Pike to allow combined sidewalk/trail that is consistent with the streetscape recommendations for the Tysons Corner Urban Center
- Waiver of the trail requirement within the right-of-way of the Beltway
- Modification of the trail requirement along International Drive to allow the temporary trail to be constructed with Phase 1 to meet this requirement
- Modification of the recommended on-road bike trail on ShopsTysons Boulevard to allow a ten foot wide off-road bike trail
- Modification of the number of loading spaces required on site

It should be noted that the main/trunk sewer lines serving this property may be inadequate. Should the Board approve this application, that approval does not guarantee that sewer capacity will be available to serve this site, at such time as the applicant elects to develop the property.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

ATTACHMENTS

1. Conceptual/Final Development Plan dated January 8, 2007
2. Draft Proffer Statement dated January 8, 2007
3. Comments of Erin Miller, MVE & Partners, Inc
4. Revised Affidavit dated
5. Locator Map