



APPLICATION FILED: February 21, 2007  
APPLICATION AMENDED: June 21, 2007  
PLANNING COMMISSION: October 4, 2007  
BOARD OF SUPERVISORS: January 28, 2008 @ 4:00 PM

# County of Fairfax, Virginia

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January 16, 2008

## STAFF REPORT ADDENDUM

APPLICATIONS PCA 84-L-020-23 & FDPA 84-L-020-02-13

### LEE DISTRICT

**APPLICANT:** KINGSTOWNE L, L.P.  
KINGSTOWNE PARCEL O, L.P.  
KINGSTOWNE M&N, LP  
BP KINGSTOWNE OFFICE BUILDING T, LLC  
KINGSTOWNE TOWNE CENTER, L.P.  
BP KINGSTOWNE OFFICE BUILDING K, LLC  
BP KINGSTOWNE THEATRE, LLC

**PRESENT ZONING:** PDC

**PARCEL(S):** 91-2 ((1)) 26K, 32F, 36B, 36C, 36G, 36H, & 36I

**ACREAGE:** 43.37 acres

**F.A.R.:** 1.03

**PLAN MAP:** Mixed Use

**PROPOSAL:** Amend the proffers and CDP/FDP for the Kingstowne Towne Center to allow two additional office buildings, add 800,000 square feet (SF) of office space, an increase in FAR, and transportation improvements

**WAIVERS/MODIFICATION:** Modification of the transitional screening requirements along the northern and western boundaries to permit landscaping as shown on the CDPA/FDPA

Waiver of the barrier requirements along all edges of the PDC District subject to this application

O:\SWILL\PCAV\PCA 84-L-020-23-FDPA 84-L-020-02-13 Kingstowne\Staff Report\Addendum Cover.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/](http://www.fairfaxcounty.gov/dpz/)

## **STAFF RECOMMENDATIONS:**

Staff recommends approval of PCA 84-L-020-23 and the associated Conceptual Development Plan Amendment, subject to the execution of proffers consistent with those dated October 9, 2007 as contained in Attachment 1 of the staff addendum.

Staff recommends approval of FDPA 84-L-020-02-13, subject to the Board's approval of PCA 84-L-020-23.

Staff recommends approval of a modification of the transitional screening requirements to the north and west of the subject property to permit landscaping as shown on the CDPA/FDPA.

Staff recommends approval of a waiver of the barrier requirement at all edges of the PDC District subject to this application.

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.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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).

### Proffered Condition Amendment

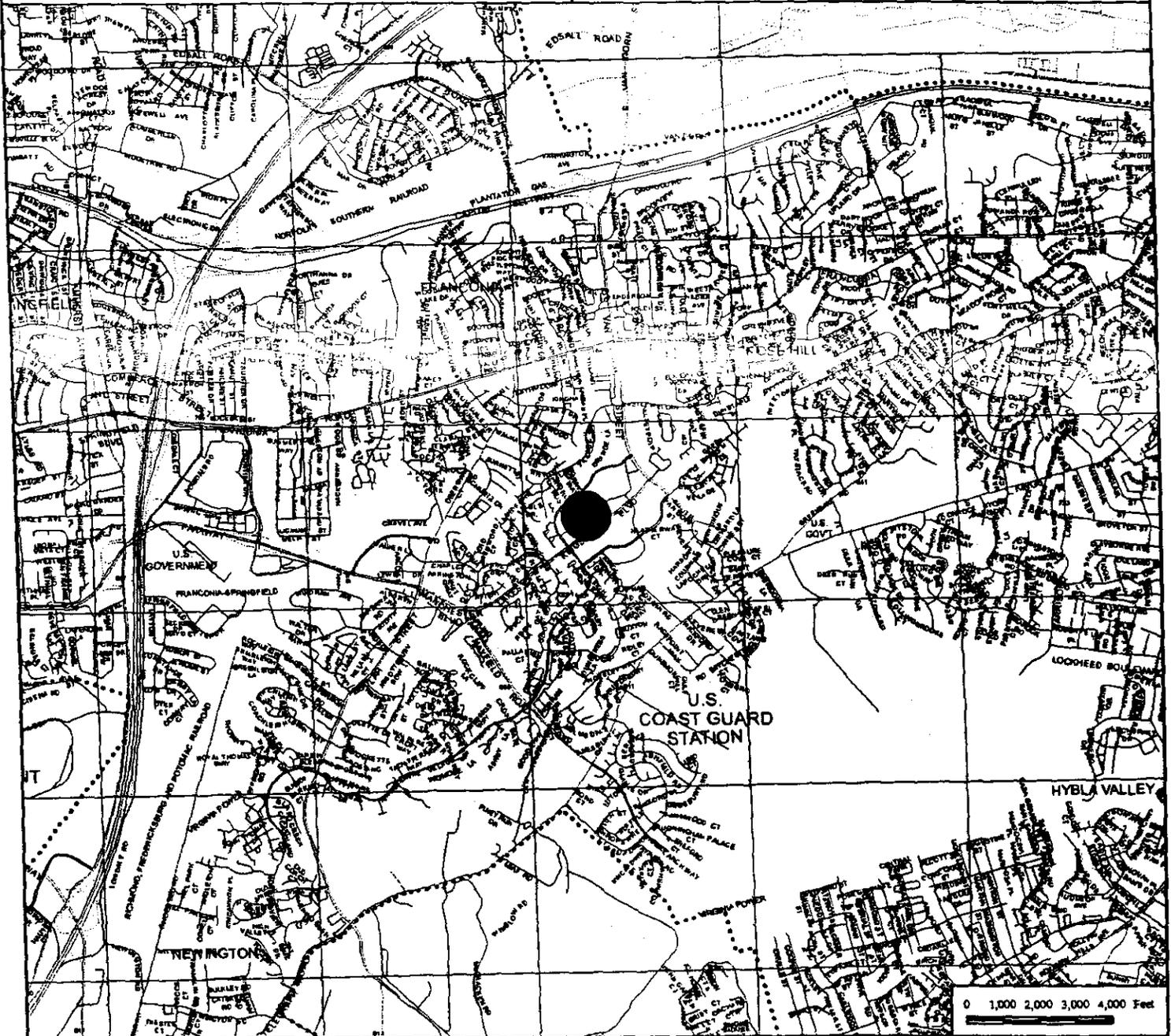
PCA 84-L-020-23

Applicant: KINGSTOWNE M & N, LP, ET. AL.  
Accepted: 02/21/2007  
Proposed: TO AMEND RZ 84-L-020 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT TWO ADDITIONAL BUILDINGS AND SITE MODIFICATIONS  
Area: 43.37 AC OF LAND; DISTRICT - LEE  
Zoning Dist Sect:  
Located: NORTHEAST AND SOUTHEAST QUADRANT OF THE INTERSECTION OF KINGSTOWNE BOULEVARD AND KINGSTOWNE VILLAGE PARKWAY  
Zoning: PDC  
Overlay Dist:  
Map Ref Num: 091-2- /01/ /0026K /01/ /0032F /01/ /0036B /01/ /0036C /01/ /0036G /01/ /0036H /01/ /0036I

### Final Development Plan Amendment

FDPA 84-L-020-02-13

Applicant: KINGSTOWNE M & N, LP, ET. AL.  
Accepted: 02/21/2007  
Proposed: TO AMEND FDP 84-L-020 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT TWO ADDITIONAL BUILDINGS AND SITE MODIFICATIONS  
Area: 43.37 AC OF LAND; DISTRICT - LEE  
Zoning Dist Sect:  
Located: NORTHEAST AND SOUTHEAST QUADRANTS OF THE INTERSECTION OF KINGSTOWNE BOULEVARD AND KINGSTOWNE VILLAGE PARKWAY  
Zoning: PDC  
Overlay Dist:  
Map Ref Num: 091-2- /01/ /0026K /01/ /0032F /01/ /0036B /01/ /0036C /01/ /0036G /01/ /0036H /01/ /0036I



# Proffered Condition Amendment

**PCA 84-L-020-23**

Applicant: KINGSTOWNE M & N, LP, ET. AL.  
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 Proposed: TO AMEND RZ 84-L-020 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT TWO ADDITIONAL BUILDINGS AND SITE MODIFICATIONS

Area: 43.37 AC OF LAND; DISTRICT - LEE

Zoning Dist Sect: NORTHEAST AND SOUTHEAST QUADRANT OF THE INTERSECTION OF KINGSTOWNE BOULEVARD AND KINGSTOWNE VILLAGE PARKWAY

Zoning: PDC

Overlay Dist: 091-2- /01/ /0026K /01/ /0032F /01/ /0036B /01/ /0036C /01/ /0036G /01/ /0036H /01/ /0036I

Map Ref Num:

# Final Development Plan Amendment

**FDPA 84-L-020-02-13**

Applicant: KINGSTOWNE M & N, LP, ET. AL.  
 Accepted: 02/21/2007  
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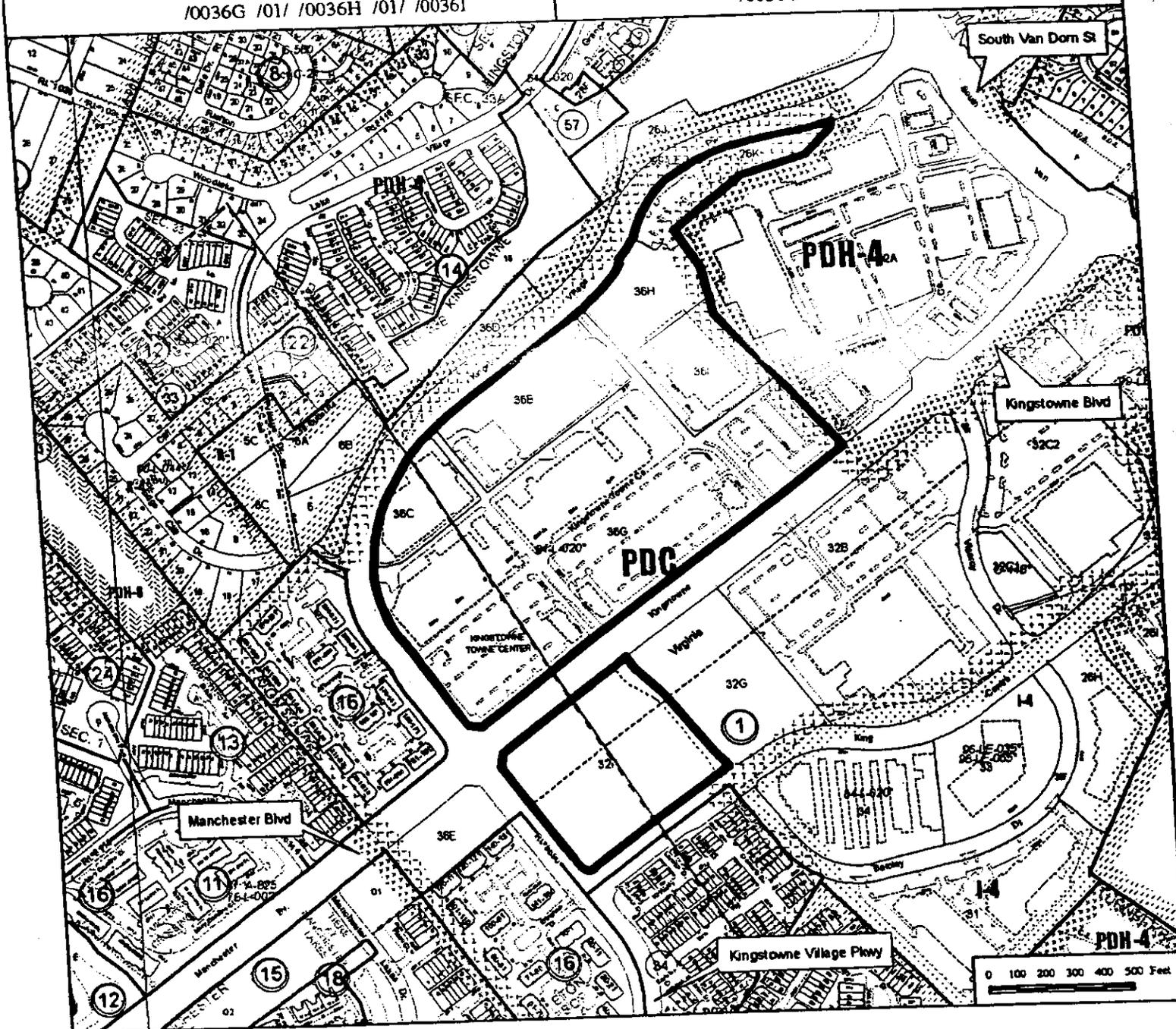
Area: 43.37 AC OF LAND; DISTRICT - LEE.

Zoning Dist Sect: NORTHEAST AND SOUTHEAST QUADRANTS OF THE INTERSECTION OF KINGSTOWNE BOULEVARD AND KINGSTOWNE VILLAGE PARKWAY

Zoning: PDC

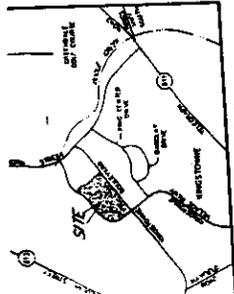
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Map Ref Num:





DATE	1/27/20
REV. NO.	1
REV. DATE	1/27/20
REV. BY	THI-LEN
REV. DESCRIPTION	ISSUED FOR PERMIT
DATE	1/27/20
REV. NO.	1
REV. DATE	1/27/20
REV. BY	THI-LEN
REV. DESCRIPTION	ISSUED FOR PERMIT



# KINGSTOWNE TOWNE CENTRE

## PROFFERED CONDITION AMENDMENT CONCEPTUAL DEVELOPMENT PLAN AMENDMENT FINAL DEVELOPMENT PLAN AMENDMENT

LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

**OWNER'S/APPLICANT'S**

- KINGSTOWNE M&N, L.P.  
2000 LINDEN LANE, SUITE 300  
SILVER SPRING, MD 20910  
TAX MAP NO. 91-2-((1))-368
- KINGSTOWNE TOWNE CENTER, L.P.  
2000 LINDEN LANE, SUITE 300  
SILVER SPRING, MD 20910  
TAX MAP NO. 91-2-((1))-366
- BP KINGSTOWNE OFFICE BUILDING T, LLC  
C/O BOSTON PROPERTIES, INC.  
111 HUNTINGTON AVE., SUITE 300  
BOSTON, MA 02199-7610  
TAX MAP NO. 91-2-((1))-36C
- BP KINGSTOWNE OFFICE BUILDING K, LLC  
C/O BOSTON PROPERTIES, INC.  
111 HUNTINGTON AVE., SUITE 300  
BOSTON, MA 02199-7610  
TAX MAP NO. 91-2-((1))-36I
- BP KINGSTOWNE THEATER, LLC  
C/O BOSTON PROPERTIES, INC.  
111 HUNTINGTON AVE., SUITE 300  
BOSTON, MA 02199-7610  
TAX MAP NO. 91-2-((1))-36J
- KINGSTOWNE PARCEL O, L.P.  
2000 LINDEN LANE, SUITE 300  
SILVER SPRING, MD 20910  
TAX MAP NO. 91-2-((1))-36P
- KINGSTOWNE L, L.P.  
2000 LINDEN LANE, SUITE 300  
SILVER SPRING, MD 20910  
TAX MAP NO. 91-2-((1))-36K

**SHEET INDEX**

- 1) COVER SHEET
- 2) NOTES AND TABULATIONS
- 3) PCA/CDPA/FDPA
- 4) LANDSCAPE PLAN
- 5) PEDESTRIAN PLAN
- 6) PCA/CDPA/FDPA LIMITS
- 7) KTC SITE PLAN - GENERAL NOTES
- 8) KTC SITE PLAN - E&S AND DRAINAGE DIVIDES
- 9) KTC SITE PLAN - E&S AND DRAINAGE DIVIDES
- 10) KTC SITE PLAN - STORM SEWER COMPUTATIONS

**ATTORNEY**

COOLEY GODWARD  
KROMISH LLP  
ANTONIO J. CALABRESE  
ONE FREEDOM SQUARE  
RESTON TOWN CENTER  
11951 FREEDOM DRIVE  
RESTON, VA 20190

**NOTE:**

THE PURPOSE OF THE PCA/CDPA/FDPA IS TO  
RECORD THE AREA KNOWN AS BUILDING M AND N TO  
BE THE OFFICE BUILDINGS LOCATED ABOVE A  
PARKING STRUCTURE AND TO ADD ADDITIONAL  
OFFICE SPACE. THE OFFICE BUILDINGS AND  
CONSTRUCTION SHALL BE SUBJECT TO THE  
AREA DIRECTLY AFFECTED BY THE CHANGE.



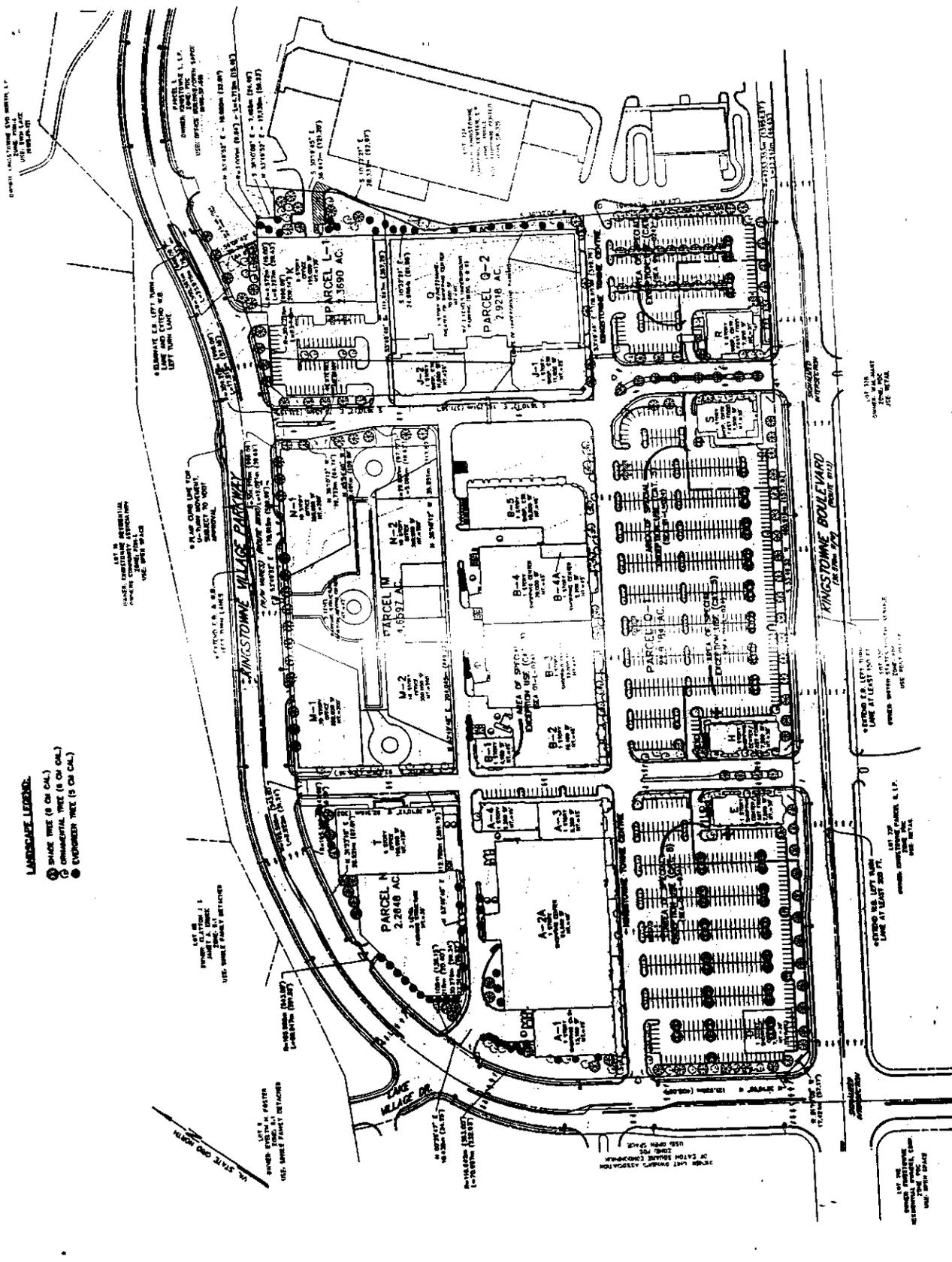




KINGSTOWNE  
TOWNE CENTRE

LANDSCAPE PLAN

DATE	REVISION
12/20/17	1.00
12/20/17	1.01
12/20/17	1.02
12/20/17	1.03
12/20/17	1.04
12/20/17	1.05
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12/20/17	1.93
12/20/17	1.94
12/20/17	1.95
12/20/17	1.96
12/20/17	1.97
12/20/17	1.98
12/20/17	1.99
12/20/17	2.00



- LANDSCAPE LEGEND:**
- ☉ SHADE TREE (S ON CAL)
  - ☉ ORNAMENTAL TREE (O ON CAL)
  - ☉ EVERGREEN TREE (E ON CAL)

LET BY OWNER, S.L.P.  
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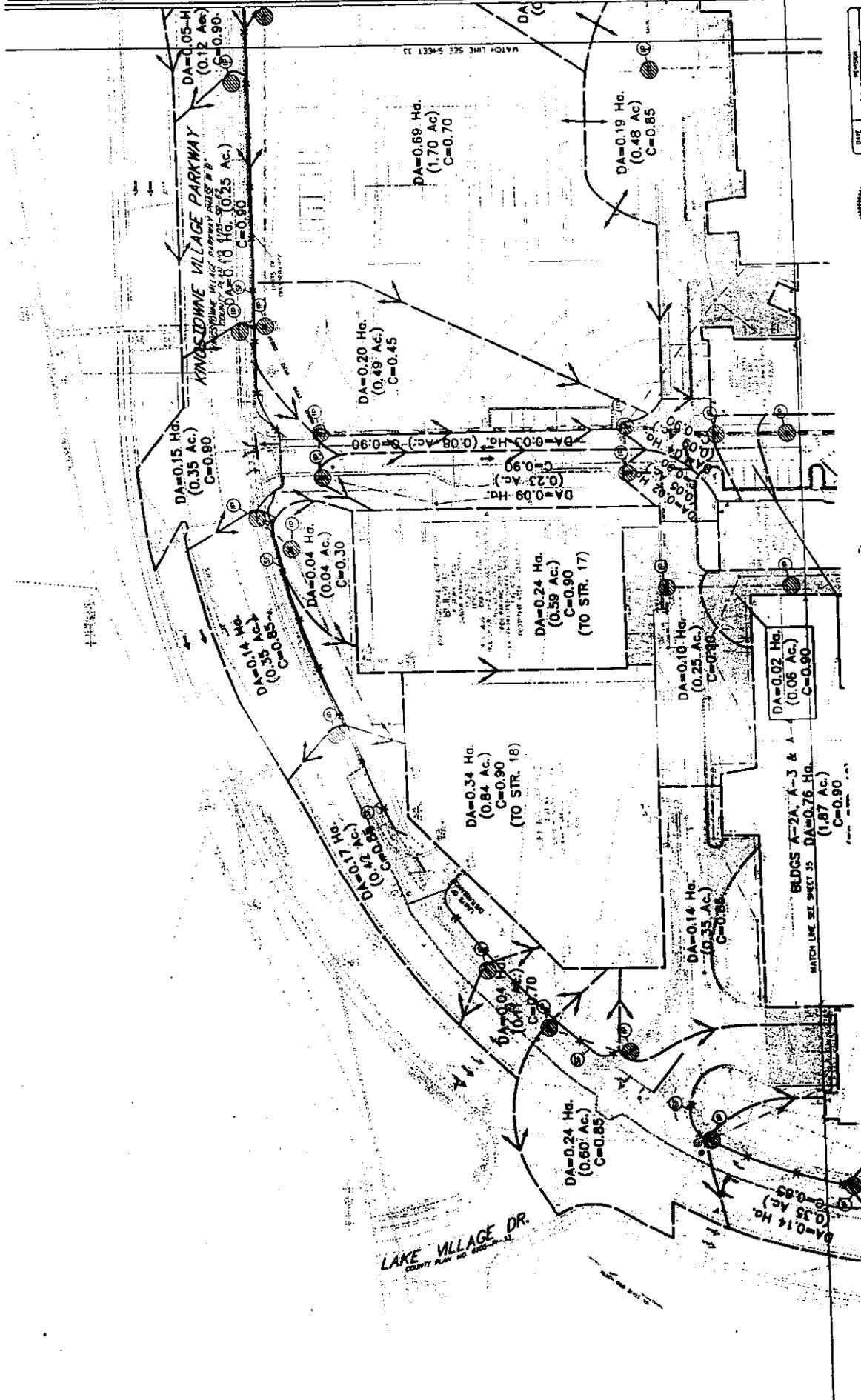


TRI-TEK ENGINEERING  
 200 S. BROADWAY, SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1100  
 FAX: 303.733.1101

KINGSTOWNE TOWNE CENTRE  
 FAIRFAX COUNTY, VIRGINIA  
 LEE DISTRICT

EROSION & SEDIMENT CONTROL  
 PHASE 2 AND DRAINAGE DIVIDES

SCALE: 1"=50'  
 DATE: 11/28/02  
 DRAWN BY: JLD  
 CHECKED BY: JLD  
 PROJECT NO.: 02-00000000  
 SHEET NO.: 15 OF 15



NO.	DESCRIPTION
1	SEE COUNTY COMMENTS
2	SEE COUNTY COMMENTS
3	SEE COUNTY COMMENTS
4	SEE COUNTY COMMENTS
5	SEE COUNTY COMMENTS



FOR INFORMATION ONLY!

ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.

THIS SHEET IS FOR EROSION & SEDIMENT CONTROL  
 PHASE 2 AND DRAINAGE DIVIDE PURPOSES ONLY!



TR-TEK ENGINEERING  
 202 S. WASHINGTON ST. SUITE 200  
 CHICAGO, ILL. 60604  
 PHONE: (773) 327-1100  
 FAX: (773) 327-1101  
 WWW: WWW.TR-TEK.COM

KINGSTOWNE TOWNE CENTRE  
 117 EAST DISTRICT  
 FEDERAL COUNTY, IOWA

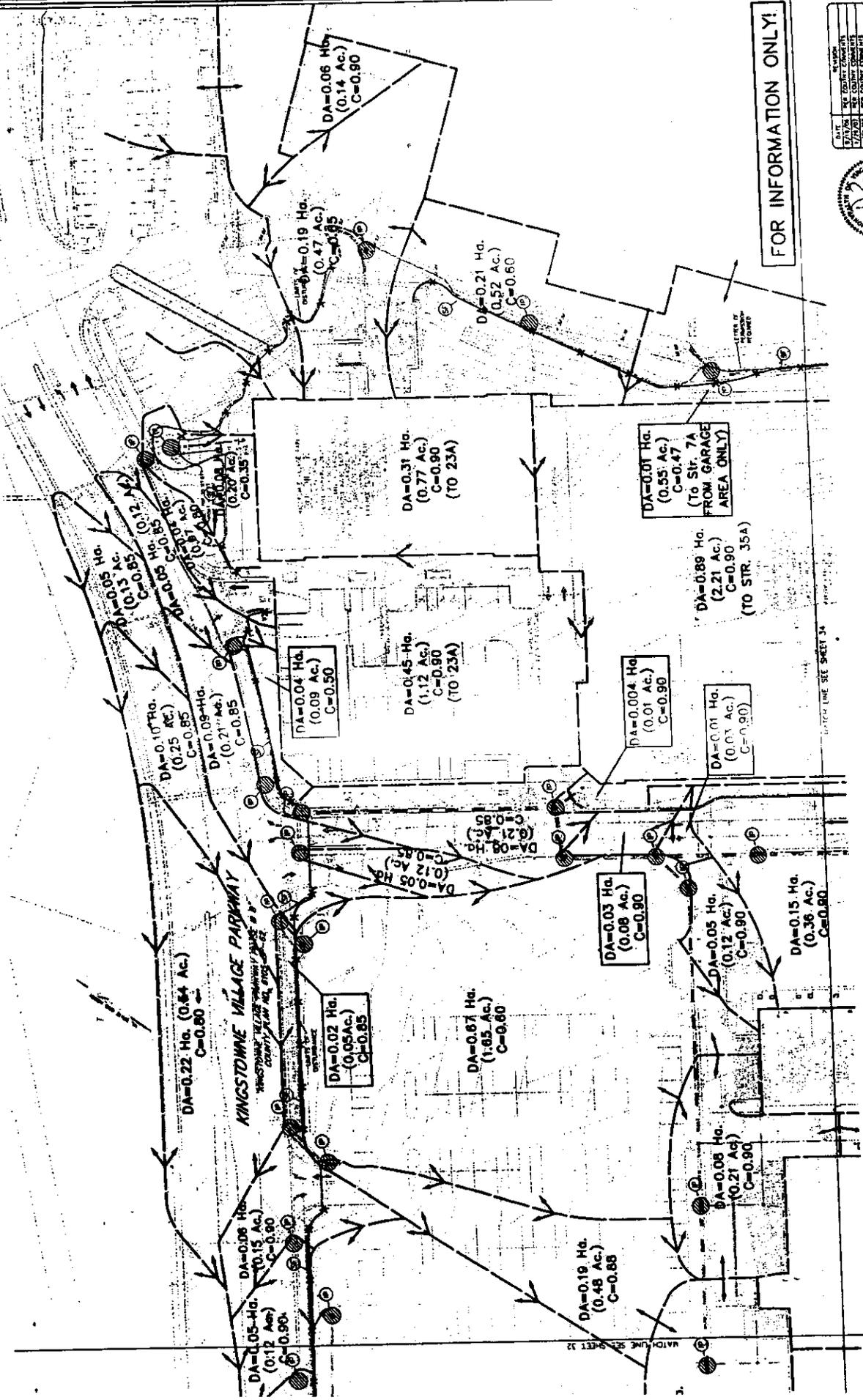
EROSION & SEDIMENT CONTROL  
 PHASE 2 AND DRAINAGE DIVIDES

SCALE: 1"=50'  
 DATE: 11/27/11  
 DWP: M.S.D.  
 SHEET: 2 OF 10

DATE	BY	REVISION
11/27/11	M.S.D.	ISSUE FOR PERMITS
11/27/11	M.S.D.	REVISED PER COMMENTS
11/27/11	M.S.D.	REVISED PER COMMENTS
11/27/11	M.S.D.	REVISED PER COMMENTS



FOR INFORMATION ONLY!



ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE NOTED.

- LEGEND
- ① CONST. CURB WITH TIE
  - ② 6" FENCE
  - ③ SILT PROTECTION
  - ④ EXP. SANDWICH MAT

THIS SHEET IS FOR EROSION & SEDIMENT CONTROL  
 PHASE 2 AND DRAINAGE DIVIDE PURPOSES ONLY!

SEE SHEET 3A

MATCH LINE SEE SHEET 3A

TR-TEK ENGINEERING  
 2000 S. UNIVERSITY AVE. SUITE 100  
 TAMPA, FLORIDA 33629  
 PHONE: (813) 973-1100 FAX: (813) 973-1101

KINGSTOWNE TOWNE CENTRE  
 LEWIS COUNTY, VIRGINIA

STORM SEWER  
 COMPUTATIONS

SCALE: 1" = 100'  
 DATE: 11/21/01  
 DRY: 1.0  
 CD: 0.015  
 SHEET NO. 10 OF 10

STATION	INLET	OUTLET	PIPE SIZE	LENGTH	ROUGHNESS	INLET ELEVATION	OUTLET ELEVATION	HEAD LOSS	VELOCITY	DISCHARGE	WATER SURFACE ELEVATION	DEPTH	AREA	PERCENT FULL	WATER SURFACE ELEVATION	DEPTH	AREA	PERCENT FULL	WATER SURFACE ELEVATION	DEPTH	AREA	PERCENT FULL
1+00			18"	100'	0.015	100.00	99.50	0.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+10			18"	100'	0.015	100.00	99.00	1.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+20			18"	100'	0.015	100.00	98.50	1.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+30			18"	100'	0.015	100.00	98.00	2.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+40			18"	100'	0.015	100.00	97.50	2.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+50			18"	100'	0.015	100.00	97.00	3.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+60			18"	100'	0.015	100.00	96.50	3.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+70			18"	100'	0.015	100.00	96.00	4.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+80			18"	100'	0.015	100.00	95.50	4.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+90			18"	100'	0.015	100.00	95.00	5.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+100			18"	100'	0.015	100.00	94.50	5.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+110			18"	100'	0.015	100.00	94.00	6.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+120			18"	100'	0.015	100.00	93.50	6.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+130			18"	100'	0.015	100.00	93.00	7.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+140			18"	100'	0.015	100.00	92.50	7.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+150			18"	100'	0.015	100.00	92.00	8.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+160			18"	100'	0.015	100.00	91.50	8.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+170			18"	100'	0.015	100.00	91.00	9.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+180			18"	100'	0.015	100.00	90.50	9.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+190			18"	100'	0.015	100.00	90.00	10.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+200			18"	100'	0.015	100.00	89.50	10.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+210			18"	100'	0.015	100.00	89.00	11.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+220			18"	100'	0.015	100.00	88.50	11.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+230			18"	100'	0.015	100.00	88.00	12.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+240			18"	100'	0.015	100.00	87.50	12.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+250			18"	100'	0.015	100.00	87.00	13.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+260			18"	100'	0.015	100.00	86.50	13.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+270			18"	100'	0.015	100.00	86.00	14.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+280			18"	100'	0.015	100.00	85.50	14.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+290			18"	100'	0.015	100.00	85.00	15.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+300			18"	100'	0.015	100.00	84.50	15.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+310			18"	100'	0.015	100.00	84.00	16.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+320			18"	100'	0.015	100.00	83.50	16.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+330			18"	100'	0.015	100.00	83.00	17.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+340			18"	100'	0.015	100.00	82.50	17.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+350			18"	100'	0.015	100.00	82.00	18.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+360			18"	100'	0.015	100.00	81.50	18.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+370			18"	100'	0.015	100.00	81.00	19.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+380			18"	100'	0.015	100.00	80.50	19.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+390			18"	100'	0.015	100.00	80.00	20.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+400			18"	100'	0.015	100.00	79.50	20.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+410			18"	100'	0.015	100.00	79.00	21.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+420			18"	100'	0.015	100.00	78.50	21.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+430			18"	100'	0.015	100.00	78.00	22.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+440			18"	100'	0.015	100.00	77.50	22.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+450			18"	100'	0.015	100.00	77.00	23.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+460			18"	100'	0.015	100.00	76.50	23.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+470			18"	100'	0.015	100.00	76.00	24.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+480			18"	100'	0.015	100.00	75.50	24.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+490			18"	100'	0.015	100.00	75.00	25.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+500			18"	100'	0.015	100.00	74.50	25.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+510			18"	100'	0.015	100.00	74.00	26.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+520			18"	100'	0.015	100.00	73.50	26.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+530			18"	100'	0.015	100.00	73.00	27.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+540			18"	100'	0.015	100.00	72.50	27.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+550			18"	100'	0.015	100.00	72.00	28.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+560			18"	100'	0.015	100.00	71.50	28.50	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+570			18"	100'	0.015	100.00	71.00	29.00	1.50	100.00	100.00	1.50	0.00	100.00	1.50	0.00	0.00	100.00	1.50	0.00	0.00	
1+580																						

## **BACKGROUND**

The subject applications are Proffered Condition Amendment/Final Development Plan Amendment (PCA/FDPA) for a portion of the Kingstowne Towne Center. The applicant is seeking to amend proffers and the combined Conceptual/Final Development Plan for the "core area" of the Kingstowne Towne Center, the area bounded by Kingstowne Village Parkway, Kingstowne Boulevard, and the existing shopping center in the corner of S. Van Dorn Street and Kingstowne Boulevard. The application property is zoned PDC and includes the core area and Parcel 32 F on the south side of Kingstowne Boulevard only. The remainder of the Towne Center is not affected by these applications. Further, the applications propose to change only a portion of the application property, Tax Map Parcel 36B which is in the center of the core of the Towne Center.

The applicant proposes to increase the amount of commercial office space allowed in the Towne Center from 1,000,000 square feet (SF) within two buildings to 1,505,000 SF by increasing the number of office buildings from two to four and by increasing the maximum permitted height of the un-built buildings to 200 feet above the average grade plan. Within the application property, the shopping center, the movie theater and two office buildings (Buildings K and T) have been constructed. The proposed two additional office buildings would be located within the central portion of application property, identified as Parcel M on the CDPA/FDPA and as Tax Map Parcel 36B. This portion of the Towne Center was previously approved for two office buildings, Buildings M and N, each approved for 250,000 SF each and served by a common parking structure.

The draft proffers include the following transportation improvements:

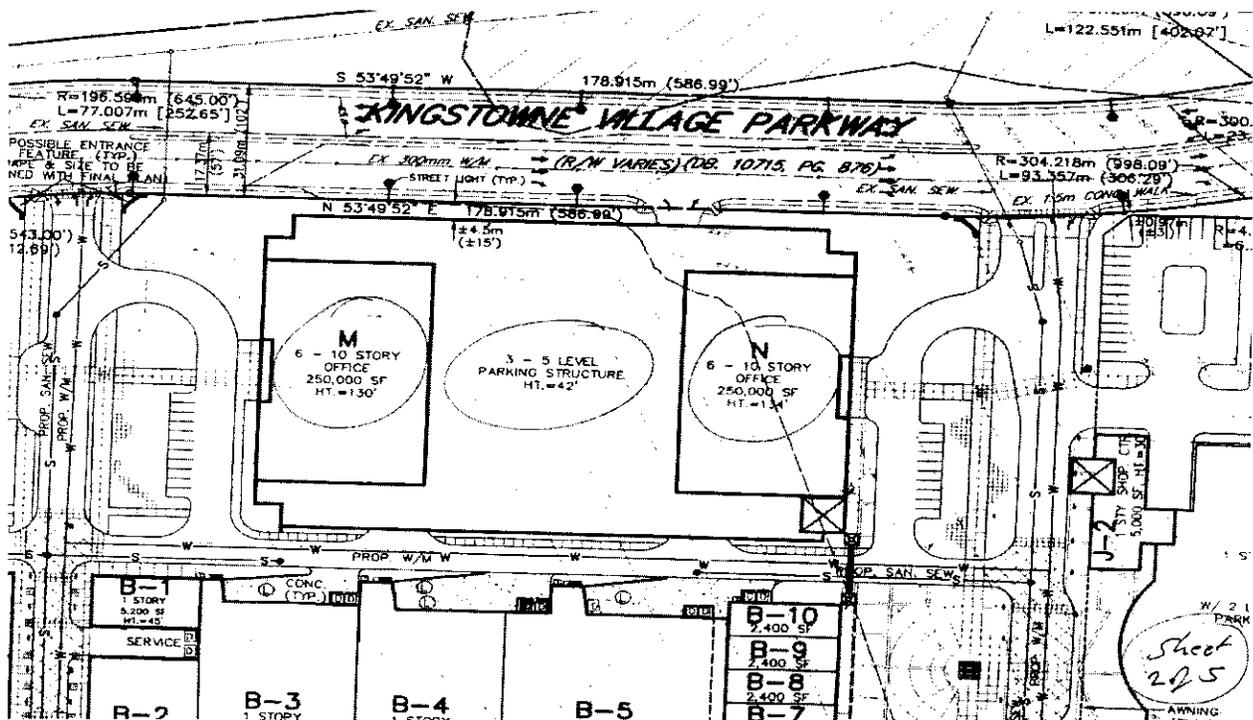
- Extend the northbound Kingstowne Village Parkway left turn approach to Manchester Boulevard and Kingstowne Boulevard by reducing the length of the southbound Kingstowne Village Parkway left turn lane at Kings Center Drive to a length of approximately one hundred (100) feet.
- Remove the grass island on Kingstowne Village Parkway between the entrances east and west of Parcel M and the extension of both the east and westbound left turn bays through this area.
- Eliminate the eastbound Kingstowne Village Parkway left turn lane (just east of the theatre entrance and exit) and lengthen the westbound turn lane as shown on the Plan.
- Widen the westbound through lane on Kingstowne Village Parkway opposite the travel aisle along the eastern side of Parcel M to accommodate u-turns from eastbound Kingstowne Village Parkway.
- Extend length of the westbound Kingstowne Boulevard left turn bay (at the approach on Kingstowne Boulevard leading to the intersection with Kingstowne Village Parkway) by at least two hundred (200) feet.
- Extend the length of the eastbound Kingstowne Boulevard left turn bay (at the approach on Kingstowne Boulevard leading to the intersection with Kingstowne Village Parkway) by at least one hundred and fifty (150) feet.

- Extend the eastbound Kingstowne Village Parkway left turn lane at South Van Dorn Street by a distance of at least two hundred and fifty (250) feet.
- Extend the southbound right turn lane on South Van Dorn Street by a distance of at least three hundred and fifty (350) feet, to include two hundred and fifty (250) feet for the turn lane extension and one hundred (100) feet for the taper.

The Planning Commission public hearing for the subject application was held on October 4, 2007. At that meeting, the Planning Commission recommended that the Board of Supervisors approve PCA 84-L-020-23 and the associated Conceptual Development Plan Amendment and the requested waivers and modifications. The Planning Commission also voted to approve FDPA 84-L-020-02-13, subject to the Board of Supervisors approval of PCA 84-L-020-23.

**DISCUSSION**

Recently questions have been raised with regard to the height of the two previously approved but as yet un-built two office buildings approved within Parcel M (also known as Tax Map Parcel 36B) as reflected on the proffered CDPA/FDPA for this section of the Towne Center. Members of the community have stated that they understand the maximum height of those buildings to be 130 feet and 134 feet above average grade plane. The applicant has stated that the approved height is 176 feet above the average grade plane around the parking garage. A reduced copy of the currently proffered CDPA/FDPA is included as Attachment 3. The following illustration an excerpt from that plan.



(Parcel M is where the applicant is proposing to add two office buildings and increase the building height to two hundred (200) feet above the average grade plane of the common parking garage where the four office buildings that are the subject of this application. It should be noted that this application package is the appropriate mechanism to seek a change to the building height, notwithstanding the current dispute as to the height of the previously approved buildings).

Previously Proffered CDPA/FDPA for PCA 84-L-020-16 and PCA 84-L-020-19

The sheets of the CDPA/FDPAs, associated with each of these approvals, showing approved Buildings M and N in plan view state that the height of the common parking structure would be 42 feet and that the heights of Buildings M and N would be 130 feet and 134 feet respectively; these figures are also reflected on the tabulations. Note 24 on the same sheet as the tabulations further states:

24. The office building/theater heights shown are measured from the top level of the parking garage situated beneath the office buildings/theater.

Therefore, In accordance with this note, staff has concluded that, as currently approved, the height of Buildings M and N could extend to 172 feet and 176 feet respectively above the average grade plane around the common parking platform for those two buildings.

In summary, the pending application package requests that approval be granted for four buildings totaling 1.1 million square feet at a building height of 200 feet above the average grade plan of the common parking structure for all four buildings. This request is what is been evaluated by the staff, and is the appropriate application package for such an approval whether the height of the two office buildings would have been measured from the average grade plane or from the top of the garage as reflected in Note 24.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

The changes proposed with the current application include:

- Increasing the amount of commercial office space allowed in the Towne Center from 1,000,000 square feet to 1,505,000 square feet
- Increasing the number of office buildings on parcel M from two to four
- Increasing the maximum height of those proposed buildings from 176 ft. to 200ft

- Increasing the floor area ratio (FAR) for the application property from 0.76 to 1.03.

The subject site is located in the Rose Hill Planning District, in the Lehigh Community Planning Sector (RH4). The site-specific Comprehensive Plan recommendation encourages uses that include a balanced mix of residential, retail, office, research and development and recreation/leisure activities, and attractive public open spaces and amenities. The Plan does not include a limit on the gross floor area (GFA) for the subject site. The applicant has worked with the Department of Transportation staff to mitigate the impacts of the additional trips associated with the request for additional GFA. A Transportation Demand Management (TDM) program and numerous intersection/roadway improvements are proffered to offset the impacts. The application also proposes 6.51 acres of open space or approximately fifteen (15) percent.

Notwithstanding any controversy regarding the height of the approved buildings, this application package has been filed to request approval of 1.5 million square feet of office space within the Kingstowne Towne Center core area. The application package proposes to allow four of the office buildings to be up to 200 feet in height above the average grade plane, which are planned to be linked by a common parking structure.

As proposed, staff has concluded that the proposed increased size of the office component of the mixed use town center and the proposed increase in building height to 200 feet satisfy all P District General Standards as outlined in the original staff report. Further, staff has concluded that the subject application is in conformance with the recommendations of the Comprehensive Plan for the Kingstowne Towne Center.

### **Recommendation**

Staff recommends approval of PCA 84-L-020-23 and the associated Conceptual Development Plan Amendment subject to the execution of the proffers consistent with those contained in Attachment 1.

Staff recommends approval of a modification of the Transitional Screening requirements to the north and west of the subject property.

Staff recommends approval of a waiver of the Barrier requirement at all edges of the PDC District subject to this application.

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

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

## **ATTACHMENTS**

1. Draft Proffer Statement for PCA 84-L-020-23
2. Zoning Ordinance Provisions with regard to Building Height
3. Reduced copy of the Proffered CDPA/FDPA for PCA 84-L-020-19

## PROFFER STATEMENT

KINGSTOWNE L L.P.  
 KINGSTOWNE PARCEL O L.P.  
 KINGSTOWNE M&N LP  
 BP KINGSTOWNE OFFICE BUILDING T LLC  
 KINGSTOWNE TOWNE CENTER L.P.  
 BP KINGSTOWNE OFFICE BUILDING K LLC  
 BP KINGSTOWNE THEATRE LLC  
 PCA 84-L-020-23

**October 9, 2007**

Pursuant to Section 15.2-2303(A), Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owner and applicant for itself and its successors or assigns (hereinafter collectively referred to as the "Applicant") in this Proffer Condition Amendment ("PCA") and Final Development Plan Amendment ("FDPA") proffers that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map references 91-2-((1)) 26K, 91-2 ((1)) 32F, 91-2 ((1)) 36B, 91-2 ((1)) 36C, 91-2 ((1)) 36G, 91-2 ((1)) 36H, 91-2 ((1)) 36I (the "Property"). The Property will be in accordance with the following conditions if, and only if, Proffer Condition Amendment application PCA 84-L-020-23 and FDPA 84-L-020-2-13 are granted. In the event that this PCA and FDPA are not granted, these proffers will immediately be null and void and of no further force and effect.

### GENERAL

1. Previous Proffers. This property is subject to the proffers dated October 20, 1999, associated with the previous proffer condition amendment application, PCA 84-L-020-16, which incorporates proffers associated with previous approvals within the Kingstowne Towne Center. The following proffers, number 2 through 20 shall be in addition to the proffers included in the October 20, 1999 proffers as applied to the Property.
2. Proffered Condition Amendment/Final Development Plan Amendment. The Property shall be developed in substantial conformance with the "PCA/CDPA/FDPA" entitled "Kingstowne Towne Center" of the Proffered Condition Amendment/CDPA/FDPA dated August 15, 2006, and revised through September 19, 2006, January 29, 2007, April 30, 2007, and June 20, 2007, respectively, prepared by Tri-Tek Engineering consisting of ten (10) sheets (the "Plan").
3. Minor Modifications. Minor modifications to the Plan may be permitted when necessitated by sound engineering or that may become necessary as part of final site plan or engineering, pursuant to Section 16-403(4) of the Zoning Ordinance. Building footprints may be decreased so long as the development otherwise is in substantial conformance with these Proffers and the Plan.

## TRANSPORTATION

4. Street Lights on Manchester Boulevard. Prior to site plan approval for the first office building associated with this PCA, the Applicant shall pay the street light installation fees to Dominion Virginia Power to install three (3) street lights along the north side of Manchester Boulevard between Manchester Lakes Drive and Kingstowne Village Parkway.

5. Parking. Parking shall be provided in accordance with the parking requirements of Article 11 of the Fairfax County Zoning Ordinance. However, the Applicant reserves the right to provide more parking than shown on the Plan based on market conditions, or to seek County approval for a reduction from that shown, only if in substantial conformance with the PCA/CDPA/FDPA.

6. Traffic Signal Warrant Studies - Kingstowne Village Parkway. Within one hundred and twenty (120) days, of the issuance of the building permit for the first of the four buildings subject to this PCA, the Applicant shall submit Traffic Signal Warrant Studies for the following intersections referenced below. If VDOT determines that either or both signals are warranted, the Applicant shall install such signal(s), including pedestrian phasing and marking of crosswalks, at its cost and expense, at such time as VDOT recommends signal(s) be installed.

A. Kingstowne Village Parkway and King Centre Drive.

B. Kingstowne Village Parkway at the travel aisle entrance located at the northeast corner of building N-1 on the Plan. In addition, if permitted by VDOT, the Applicant shall also install a crosswalk and a pedestrian-operated crossing signal at the intersection.

## TRANSPORTATION DEMAND MANAGEMENT

7. Transportation Demand Management Program. This Proffer sets forth a program for a transportation demand management plan (the "TDM Plan") that shall be implemented by the Applicant, and, subsequently, by the respective tenants in proposed buildings M-1, M-2, N-1 and N-2 in order to encourage the use of transit (Metrorail and bus), other high-occupancy vehicle commuting modes, walking and biking all in order to reduce automobile trips generated by the proposed development.

A. Program Manager. Prior to the issuance of the first Non-RUP for the first proposed office building as part of this development, the Applicant shall designate an individual to act as the Program Manager ("PM") for the Property, whose responsibility will be to implement the TDM strategies. The duties of the PM may be a part of other duties assigned to the individual(s). The Applicant shall provide written notice to Fairfax County Department of Transportation ("FCDOT") of the appointment of the PM within ten (10) days of such appointment, and thereafter, within ten (10) days of any change in such appointment.

B. TDM Plan. Ninety (90) days after the appointment of the PM, the PM shall submit to FDCOT for review and approval the TDM Plan to be implemented for the Property.

The TDM Plan and any amendments thereto shall include provisions for the following with respect to the proposed development:

- i. Information Dissemination. The PM shall make Metro maps, schedules and forms, ridesharing and other relevant transit option information available to owners/tenants and employees in a common area; such as a central lobby, community room, or building management office.
- ii. Ride Matching. The PM shall coordinate and assist with vanpool and carpool formation programs, ride matching services including adjacent office buildings and homeowners associations, and established guaranteed ride home programs.
- iii. Teleworking Center. Encourage Tenants to provide a teleworking center where appropriate, wired with high capacity data/network connections available for use by all of their employees to promote teleworking to those whose work can be productively undertaken using such practices.
- iv. Car Sharing Information. The PM shall make information available regarding the use of car sharing program(s) to tenants and employees (such as ZipCar/FlexCar).
- v. Website. The PM shall develop and maintain a TDM project website that includes targeted information including multi-modal transportation information, real-time travel and transit data, the possibility of online transit pass sales or value loading and connections to supporting links.
- vi. Preferential Parking. Owner/Developer shall provide preferential office parking for car/van pools in all parking structures within the proposed development.

C. FCDOT Response. If FCDOT has not responded with any comments to the PM within thirty (30) days of receipt of the TDM Plan, the TDM Plan shall be deemed to be approved.

D. Vehicle Trip Objectives. The goal of the TDM Plan shall be to reduce the number of vehicle trips generated by the four (4) office buildings associated with this PCA by fifteen percent (15%) from what would be projected by using methods based on ITE, 7<sup>th</sup> edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use Code 710 (General Office) through the use of mass transit, ride-sharing and other strategies.

E. Annual Surveys & Coordination with FCDOT. Following approval of the first Non-RUP for the first proposed office building, an annual survey (the "Annual Survey") shall be completed in September of each year and provided to FCDOT. The Annual Survey shall be conducted during a week without any holidays and when Fairfax County Public Schools are in session. The Annual Survey shall gather information on the effectiveness of the TDM Plan and

shall be used by the PM to determine whether changes to the TDM Plan are needed to insure that the vehicle trips are within the Vehicle Trip Objectives targeted goal. If the Annual Survey reveals that changes to the TDM Plan are needed, the Applicant, through the PM shall coordinate such changes with FCDOT and implement and adjust the TDM Plan accordingly. The PM shall coordinate the preparation of Annual Survey materials and the methodology for validating survey results with FCDOT at least thirty (30) days prior to completing each year's Annual Survey, and shall collect and analyze the results. Such analysis shall include at a minimum:

- i. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
- ii. The number of people surveyed and the number of people who responded in each of the four (4) buildings;
- iii. The results of any surveys taken during the survey period;
- iv. The number of employees participating in the TDM programs displayed by category of participants and by mode of use;
- v. An evaluation of the effectiveness of the TDM Plan and its program elements and, if necessary, proposed modifications to the plan and program elements; and
- vi. A description of the uses of the buildings on the Property at the time the survey was conducted and levels of occupancy.
- vii. Annual surveys shall be conducted unless and until the Applicant has demonstrated to FCDOT that it is meeting or exceeding the 15% trip reduction goal. After the goal has been met for three (3) consecutive years, the Applicant will reduce the surveys to bi-annually. If the Applicant demonstrates that the goal has been met for two consecutive bi-annual surveys, the Applicant may terminate the surveys, although it will continue this proffered TDM Program.

F. Existing Bus for Shuttle Service. The Applicant has established and shall continue to maintain a Metro-related, van/shuttle service consisting of a single bus (the "Original Bus") with a capacity for 14 passengers including a wheelchair lift. The Original Bus currently runs round trip from the Kingstowne Towne Center (the "Town Center") to the Franconia Springfield Metro Station.

G. Additional Bus for Shuttle Service. A larger bus/shuttle, with a minimum seating capacity for 20 passengers, shall be operational by the time of issuance of the first Non-RUP for the third office building developed as part of this application. This bus shall serve the Town Center and will be provided by the Applicant and/or the Town Center Owners Association and/or other Town Center Owners. The bus shall run round trips from the Town Center to the Franconia Springfield Metro Station.

H. Applicant's Contribution. The Applicant shall contribute (through the PM) Ten Thousand and No/100 Dollars (\$10,000.00) per building (with said \$10,000 contribution to be made upon the issuance of the first Non-RUP for each building) in SmarTrip cards. Each card shall be for a minimum of \$5.00 for use and distribution to the employees of that specific building to encourage and incent the use of Metrorail and bus.

I. Penalty for Non-Attainment. Each year that the Applicant conducts its Annual Survey (as required by these proffers) and does not meet its 15% reduction objective (as reflected in Proffer 7(D)), the Applicant shall contribute a maximum of Ten Thousand and No/100 Dollars (\$10,000.00) either to its SmarTrip Card Program or an alternative program deemed appropriate in consultation with FCDOT. Each such card shall be for a minimum of \$5.00 for use and distribution to the employees of the office buildings subject to this PCA and used to encourage and incent the use of Metrorail and bus.

J. Bus Shelters. Subject to the granting of any offsite easements at no cost to the Applicant and the establishment of bus routes (by the County or the Washington Metropolitan Airport and Transit Authority), the Applicant shall install two (2) bus shelters at the Kingstowne Towne Center. The design and materials of the bus shelters shall be complementary to the buildings in the Towne Center. The bus shelters shall be provided prior to the issuance of the first Non-RUP for the second proposed office building associated with this PCA.

K. Bicycle Racks. The Applicant shall install at least two (2) bicycle racks for each of the four (4) buildings for a total of eight (8) bicycle racks throughout the parking garage (collectively, the "Bike Racks"). Each Bike Rack shall be installed prior to the issuance of the first Non-RUP for each office building. The Additional Bike Racks shall be located on the exterior of and in proximity to Building B-5 and N-2. In addition, the Applicant shall install two (2) more Bike Racks on the exterior of and in proximity to B-5 and N-2. Said Bike Racks shall be installed prior to the issuance of the first Non-RUP for Building N-2.

### TRANSPORTATION IMPROVEMENTS

8. Transportation Improvements. Subject to VDOT approval, the Applicant shall construct the following transportation improvements (the "Improvements"):

A. Garages. The Applicant shall not install card readers, ticket spitters, gates, or any such equipment that would cause delays at the garage entrances for each building from the Kingstowne Village Parkway.

B. Manchester Boulevard. The Applicant shall extend the left turn storage bay for eastbound Manchester Boulevard at Kingstowne Village Parkway by shortening the westbound left turn bay on Manchester Boulevard at Manchester Lakes Drive to a length of approximately one hundred (100) feet.

C. Kingstowne Village Parkway/Manchester Boulevard Intersection. The Applicant shall extend the northbound Kingstowne Village Parkway left turn approach to Manchester

Boulevard and Kingstowne Boulevard by reducing the length of the southbound Kingstowne Village Parkway left turn lane at Kings Center Drive to a length of approximately one hundred (100) feet.

D. Kingstowne Village Parkway/Removal of Grass Island. The Applicant shall remove the grass island on Kingstowne Village Parkway between the entrances east and west of Parcel M and extend both the east and westbound left turn bays through this area as shown on the Plan.

E. Kingstowne Village Parkway/Left Turn Lane. The Applicant shall eliminate the eastbound Kingstowne Village Parkway left turn lane (just east of the theatre entrance and exit) and lengthen the westbound turn lane as shown on the Plan.

F. Kingstowne Village Parkway/Curb Line. The Applicant shall widen the westbound through lane located at Kingstowne Village Parkway opposite the travel aisle along the eastern side of Parcel M located on the Plan so as to better accommodate u-turn movements from eastbound Kingstowne Village Parkway.

G. Kingstowne Boulevard/Westbound Left Turn Bay. The Applicant shall extend the length of the westbound Kingstowne Boulevard left turn bay (that is at the approach on Kingstowne Boulevard leading to the intersection with Kingstowne Village Parkway) by a length of at least two hundred (200) feet as shown on the Plan.

H. Kingstowne Boulevard/Eastbound Left Turn Bay. The Applicant shall extend the length of the eastbound Kingstowne Boulevard left turn bay (that is at the approach on Kingstowne Boulevard leading to the intersection with Kingstowne Village Parkway) by a length of at least one hundred and fifty (150) feet as shown on the Plan.

I. Kingstowne Village Parkway/Left Turn Lane at South Van Dorn Street. The Applicant shall extend the eastbound Kingstowne Village Parkway left turn lane at South Van Dorn Street by a distance of at least two hundred and fifty (250) feet.

J. Right Turn Lane at South Van Dorn Street at Kingstowne Village Parkway. The Applicant shall extend the southbound right turn lane on South Van Dorn Street by a distance of at least three hundred and fifty (350) feet, to include two hundred and fifty (250) feet for the turn lane extension and one hundred (100) feet for the taper.

9. Synchronization Traffic Analyses. The Applicant shall reflect all of these proposed Improvements on its site plan for the first office building. As part of its analysis and justification for these improvements, the Applicant shall have a traffic engineer of its choice perform Synchronization Traffic Analyses (the "Analyses") in order to evaluate these Improvements. The Applicant shall provide the Analyses concurrent with the first site plan. All Improvements are subject to approval by VDOT. All of the Improvements shall be completed and "open to traffic" (this does not mean accepted into the VDOT System) prior to the issuance of the first Non-RUP for the first office building.

## ENVIRONMENT

10. Landscaping. As part of its site plan submission for the proposed buildings, the Property shall be landscaped using a mix of shade and/or ornamental trees and evergreen trees of a quantity and species consistent with the existing landscaping at the Property and within the Town Center. A landscaping plan shall be submitted to the Urban Forest Management Division of the Department of Public Works and Environmental Services at the time of site plan for each of the proposed office buildings.

## LIGHTING

11. Lighting. Parking lot or exterior building lighting located on the Property shall be directed inward and/or downward and designed with shielded fixtures in order to minimize glare onto adjacent properties and in accordance with applicable provisions of the Zoning Ordinance.

## PENTHOUSE/ROOFTOP SCREENING

12. Penthouse/Rooftop Screening. If the Applicant utilizes a glass façade for the mechanical/rooftop equipment, the Applicant shall either insure that the glass is opaque and cannot be seen through and/or have a backing to the glass to screen its rooftop/mechanical equipment.

## BREIGHTON – SUPPLEMENTAL LANDSCAPING

13. Supplemental Landscaping Along Kingstowne Village Parkway. The Applicant shall plant forty (40) cryptomeria (or other, similar, fast-growing evergreen trees) every twenty (20) feet along the north side of Kingstowne Village Parkway, across from the Towne Center, said plantings shall be located between existing Buildings K and T (that is, along the area contiguous to Brighton) of the Towne Center. These trees shall be a minimum of eight (8) feet at the time of planting and shall be planted during the spring of 2008.

14. Brighton Neighborhood Landscaping. Representatives from the Applicant shall meet with representatives from the Brighton neighborhood, Kingstowne Residential Owner's Corporation ("KROC") and a representative from the Fairfax County Urban Forest Management Division of the Department of Public Works and Environmental Services to tour the Brighton neighborhood. The Applicant shall implement up to a maximum of Twenty Thousand and No/100 Dollars (\$20,000) of additional, supplemental landscaping along appropriate areas of the Brighton neighborhood border to help create additional screening and buffering. Said plantings shall be installed during the spring of 2008 in locations as finally determined by the KROC Board of Trustees with the advisement of the Brighton neighborhood representatives and coordinated with and approved by KROC.

## BUILDING HEIGHT ANALYSIS

15. Market Analysis of Building Height. Recognizing the Brighton neighborhood's desire to minimize the visual and shadow impact of the four (4), proposed buildings on its neighborhood, the Applicant shall re-evaluate its target-market and likely corporate-tenancies for these buildings. The Applicant shall not construct any (or all) of these four (4) buildings to its maximum height if the Applicant's research does not support the need for or desirability of achieving the maximum height in order to secure the Applicant's target corporate and office tenants. The Applicant shall submit a copy of its research findings to the Lee District Supervisor and Planning Commissioner upon completion.

16. Architectural & Design Review. The Applicant is required by its existing Kingstowne covenants to present final building elevation, architectural treatment, landscaping, screening and other exterior building details to the Kingstowne Commercial Owners Corporation Architectural Review Committee ("KCOC-ARC"). In its final design, architecture, treatment and proposed landscaping for each of these four (4), proposed buildings, the Applicant shall take into account the visual and potential shadow impact of each of these buildings on the Brighton neighborhood to the north and pursue the recommendations of the KCOC-ARC (as required by covenant) to foster an attractive, visually interesting project.

## MISCELLANEOUS

17. Severability. Pursuant to Section 18-204 of the Zoning Ordinance, any portion of the Property may be the subject of a proffered condition amendment ("PCA") or Final Development Plan Amendment ("FDPA") without joinder and/or consent of the owners of the other portions of the Property, provided that such PCA and FDPA does not adversely affect the other phases. Previously approved zoning applications applicable to the balance of the Property that is not the subject of such PCA and FDPA shall otherwise remain in full force and effect.

18. Successors and Assigns. These Proffers will bind and inure to the benefit of the Applicant and his successors or assigns. Each reference to "Applicant" in this proffer statement shall include within its meaning and shall be binding upon Applicant's successor(s) in interest and/or developer(s) of the site or any portion of the site.

19. Counterparts. These Proffers may be executed in one or more counterparts, each of which when so executed and delivered shall be deemed an original, and all of which taken together shall constitute but one and the same instrument.

[SIGNATURE PAGE FOLLOWS]

Kingstowne L L.P., a Virginia limited partnership,  
as to Tax Map Parcel Number: 91-2-((1)) 26K

By: Halle and Halle, Inc., a Maryland  
corporation, its General Partner

By: \_\_\_\_\_  
Name: Warren E. Halle  
Title: President

By: \_\_\_\_\_  
Name: Jonathan B. Halle  
Title: Secretary

Kingstowne Parcel O L.P., a Virginia limited partnership, as to Tax Map Parcel Number: 91-2-((1)) 32F

By: Halle and Halle, Inc., a Maryland corporation, its General Partner

By: \_\_\_\_\_

Name: Warren E. Halle

Title: President

By: \_\_\_\_\_

Name: Jonathan B. Halle

Title: Secretary

Kingstowne M&N LP, a Virginia limited  
partnership, as to Tax Map Parcel Number: 91-2-  
(1) 36B

By: Halle and Halle, Inc., a Maryland  
corporation, its General Partner

By: \_\_\_\_\_  
Name: Warren E. Halle  
Title: President

By: \_\_\_\_\_  
Name: Jonathan B. Halle  
Title: Secretary

BP Kingstowne Office Building T LLC, a Delaware  
limited liability company, as to Tax Map Parcel  
Number: 91-2-((1)) 36C

By: Boston Properties Limited Partnership, a  
Delaware limited partnership, its  
Member/Manager

By: Boston Properties, Inc., a Delaware  
corporation, its General Partner

By: \_\_\_\_\_  
Name: Peter D. Johnston  
Title: Senior Vice President-Regional Manager

## Zoning Ordinance Provisions regarding Building Height

Par. 3 of Sect. 2-307 states the following:

3. Maximum building height, where specified, shall apply to all structures located in the zoning district except those structures/appurtenances presented in Sect. 506 below, unless a lower maximum height is established for a given use elsewhere in this Ordinance. Maximum building height shall be determined in accordance with the definition. Height, Building set forth in Article 20.

The following is the Zoning Ordinance definition of Height, Building referenced above:

**HEIGHT, BUILDING:** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs measured from the curb level if the building is not more than ten (10) feet distant from the front lot line, or from the GRADE in all other cases. (Reference Illustration 2 in Appendix 2)

The following is the Zoning Ordinance definition of Height, Building referenced above:

**GRADE:** A reference plane representing the average of finished ground level adjoining a building at all exterior walls. For the purposes of this Ordinance, the determination of grade associated with the height of an accessory structure shall be deemed the lowest point of finished ground level adjacent to the structure.



# FAIRFAX COUNTY

ATTACHMENT 3

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151

FAX: 703-324-3926

TTY: 703-324-3903

May 17, 2001

Erika L. Byrd, Esquire  
McGuire, Woods, Battle & Boothe LLP  
1750 Tysons Boulevard - Suite 1800  
McLean, Virginia 22102-3915

RE: Proffered Condition Amendment  
Number PCA 84-L-020-19

Dear Ms. Byrd:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on April 30, 2001, approving Proffered Condition Amendment PCA 84-L-020-19 in the name of Kingstowne Commercial, L.P., amending the previous proffers for mixed use development approved pursuant to RZ 84-L-020 et. seq. to permit site and use modifications with an overall Floor Area Ratio of 0.15 within the applicable property, located generally southwest of South Nan Don Street, Tax Map 84-L (11) par. 020, 20b and 52F, consisting of approximately 41.27 located in Lee District.

The Conceptual Development Plan was approved; the Planning Commission having previously approved FDPA 84-L-020-2-10 on April 21, 2001, subject to the Board's approval of PCA 84-L-020-19.

The Board also reaffirmed the previously granted modifications to the transitional screening yard and barrier requirements.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

PCA 84-L-020-19

May 17, 2001

- 2 -

cc: Chairman Katherine K. Hanley  
Supervisor Lee District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay  
Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES  
Barbara J. Lippa, Executive Director, Planning

**RECEIVED**  
DEPARTMENT OF PLANNING AND ZONING  
MAY 18 2001  
ZONING EVALUATION DIVISION

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 30<sup>th</sup> day of April 2001, the following ordinance was adopted.

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 84-L-020-19

WHEREAS, Kingstowne Commercial, L.P., filed in the proper form an application requesting amendment to the plan of a certain parcel of land to amend the previous proffers for mixed use development approved pursuant to RZ 84-L-020, and accepted pursuant to Virginia Code Ann. § 15.2-2303(a), and

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

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

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the 1<sup>st</sup> District and hereinafter described (to wit: [insert legal description]):

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment.

GIVEN under my hand this 30<sup>th</sup> day of April, 2001.



Nancy Vehrs

Clerk to the Board of Supervisors

**PROFFER STATEMENT  
KINGSTOWNE TOWNE CENTER  
PROFFER CONDITION AMENDMENT PCA 84-L-020-19  
FINAL DEVELOPMENT PLAN AMENDMENT 84-L-020-10  
April 26, 2001**

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-205 of the Zoning Ordinance of Fairfax County (1978, as amended), the property owner and the applicant for itself and its successors and assigns (hereinafter, collectively referred to as the "Applicant") in these Proffer Condition Amendment and Conceptual/Final Development Plan Amendment applications, proffer that the development of the parcels under consideration and shown on Fairfax County Tax Map as Tax Map References 91-2((1)), a portion of Parcels 26A and Parcel 32F (hereinafter referred to as the "Property"), will be in accordance with the following conditions if, and only if, Proffer Condition Amendment ("PCA") PCA 84-L-020-19 and Final Development Plan Amendment ("FDPA") FDPA 84-L-020-10 are granted. In the event said requests are denied, these proffers will immediately be null and void and of no further force or effect. Previously approved proffers pursuant to PCA 84-L-020-13 shall remain in full force and effect as they pertain to Parcel 32F except as modified below. Previously approved proffers pursuant to PCA 84-L-020-16 shall remain in full force and effect as they pertain to Tax Map Reference 91-2((1)) Parcel 26A except as modified below for the portion of Parcels 26A and 26B affected by the application. The proffered conditions for the Property are:

**GENERAL**

1. Proffer 1 accepted pursuant to PCA 84-L-020-16 is hereby deleted in its entirety and replaced with the following as it applies to the application property:

"The Property which is the subject of this application shall be developed in substantial conformance with the Proffer Condition Amendment/Final Development Plan Amendment Plan (the "Plan") dated August 30, 2000 and revised through November 28, 2000 (5 sheets), prepared by Tri-Tek Engineering provided, however, that minor modifications may be permitted when necessitated by sound engineering or which may become necessary as part of the final site engineering, as determined by the Department of Public Works & Environmental services ("DPWES") pursuant to provisions of Section 16-403 of the Fairfax County Zoning Ordinance."

2. Proffer 1 accepted pursuant to PCA 84-L-020-13 is hereby deleted in its entirety and replaced with the following as it applies to Parcel 32F included in this application property:

"The Property which is the subject of these applications shall be developed in substantial conformance with the Conceptual/Final Development Plan Amendment Plan (the "BC Plan") dated November, 1996 and revised

through July 18, 1997 (8 sheets), except that, to the extent the proposed configuration plan for Tax Map #91-2((1)) Parcel 32F shows a revised entrance configuration pursuant to the Proffer Condition Amendment/Final Development Plan Amendment Plan dated August 30, 2000 and revised through November 28, 2000 (5 sheets), prepared by Tri-Tek Engineering (the "Tri-Tek Plan"), the revised entrance configuration for Parcel 32F as shown on the Tri-Tek Plan shall govern."

3. If the Applicant does not secure a movie theater tenant for Building Q (as shown on the Plan) then the Applicant shall secure the tenant currently known as "Expo Design Center" in Building Q as the initial tenant in Building Q.

4. At the time of the issuance of the Non-Residential Use Permit for the tenant currently known as Expo Design Center, or for a tenant other than a movie theater in Building Q, a contribution of \$50,000 shall be made to the Board of Supervisors for the design and construction of the Island Creek School. At the discretion of the Board of Supervisors, these funds may also be used for athletic fields at the location to include, but not limited to, the possible redesign and reengineering of the previously planned Park Authority athletic facilities at this school site in coordination with the construction of the school.

5. Any and all modifications to the external architecture, façade treatment or signage of Building Q must be reviewed and approved by the Kingstowne Residential Owners Corporation Board of Trustees and such approval given in writing to the Fairfax County Department of Planning and Zoning prior to the issuance of any building or sign permit.

6. There shall be no outdoor vending machines, including but not limited to, soft drink machines, snack machines or newspaper machines, in or around the exterior of Building Q.

7. Outdoor display, storage and sales of any type of goods shall be strictly prohibited in or around the exterior of Building Q; however these restrictions shall not preclude (i) having outdoor seating at eating establishments or at fast food restaurants, approved through a special exception, or (ii) community-oriented events, such as farmer's markets, antique markets, car shows, arts and crafts displays, "Taste of Kingstowne" and similar special and seasonal events. These special seasonal and community events shall be planned and coordinated upon agreement of dates, times, etc. between the Kingstowne Residential Owners Corporation ("KROC") and the Kingstowne Commercial Owners Corporation ("KCOC") and from time to time may necessitate blocking vehicular traffic from the plaza area (between Buildings B and Q) for pedestrian traffic only. Notwithstanding the foregoing, and notwithstanding proffer number 6 accepted pursuant to PCA 89-L-020-16, The KROC and KCOC may permit, upon mutual consent, sidewalk sales (i.e. sales occurring outside of the interior of tenant spaces in sidewalk and pedestrian areas that are limited in duration and scope). The dates, times, locations and other terms and conditions of the sidewalk sales shall be agreed upon in writing by the KCOC and KROC.

8. There shall be no storage of shopping carts, or other such carts, in the parking lots. All such carts shall be stored inside the buildings. All carts used by customers to transport purchases to their cars shall be returned to inside the store.

9. Proffer 14 accepted pursuant to PCA 89-L-020-16 is hereby deleted in its entirety and replaced with the following:

"14. Tenant Spaces.

a. The building configuration shall be in substantial conformance with the Plan; however, the square footages of individual tenants as reflected on the Plan are illustrative and subject to change as dictated by market needs and as limited by these proffers.

b. Individual tenant spaces may be modified (subdivided or consolidated) as needed by the Developer to accommodate tenant's needs and market demands, limited by the following:

(i) for the purposes of this paragraph "Retail Frontage" shall include entrances and entrance features/~~retail~~/retail with windows;

(ii) there shall be a minimum of three (3) tenant spaces within Building A with Retail Frontage and entrances facing Kingstowne Boulevard and each space shall contain a minimum of 1200 square feet;

(iii) the retail frontage located on the sides of Buildings A and B that face the secondary plaza road shall be treated with similar architectural detail/features as the rear façade of Buildings A and B and each façade shall have a minimum of 40 feet of retail frontage (frontage to include entrances and entrance features, actual retail frontage windows with awnings, and/or false retail frontage windows with awnings);

(iv) if the tenant space identified on the Plan as A-4 is a separate tenant space, it shall have an entrance on the access road;

(v) there shall be a minimum of three (3) tenant spaces within Building B with Retail Frontage facing Kingstowne Boulevard;

(vi) there shall be a minimum of three (3) tenants with Retail Frontage on the main plaza (in front of Building Q) in Building B. The three tenants shall all have entrances on the Building B frontage facing the main plaza; and

(vii) the tenant space identified as B-5 on the Plan may extend to the Plaza, however, there shall be a minimum of three (3) other tenant spaces in addition to any extension of B-5.

c. Tenant square footages may be modified, so long as the overall retail, office and FAR caps are not exceeded and the other provisions of these proffers are met.

KINGSTOWNE COMMERCIAL, L.P.

By: Halle Enterprises, Inc., its General Partner

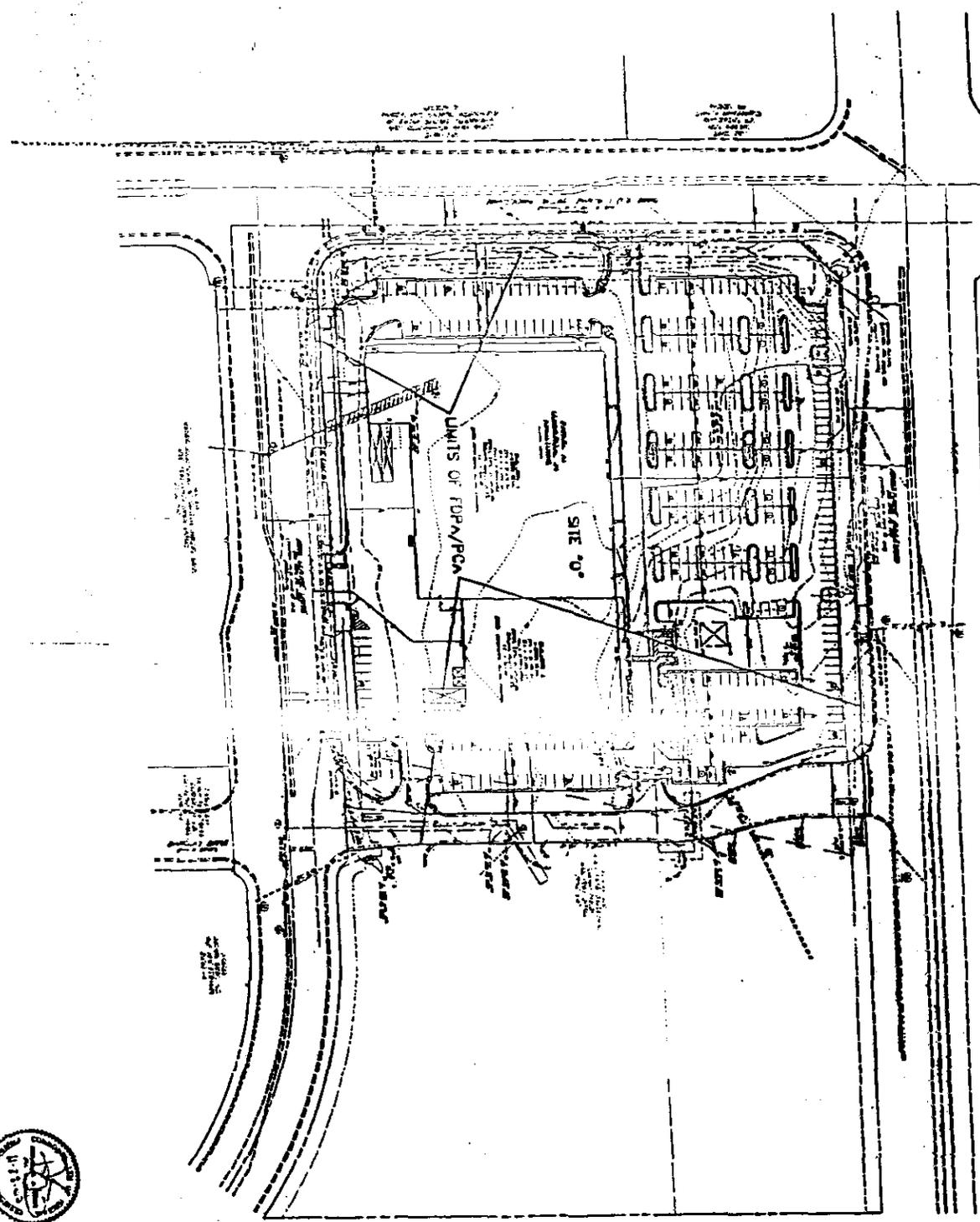
By: Warren E. Halle  
Warren E. Halle, President

WREA48541.6

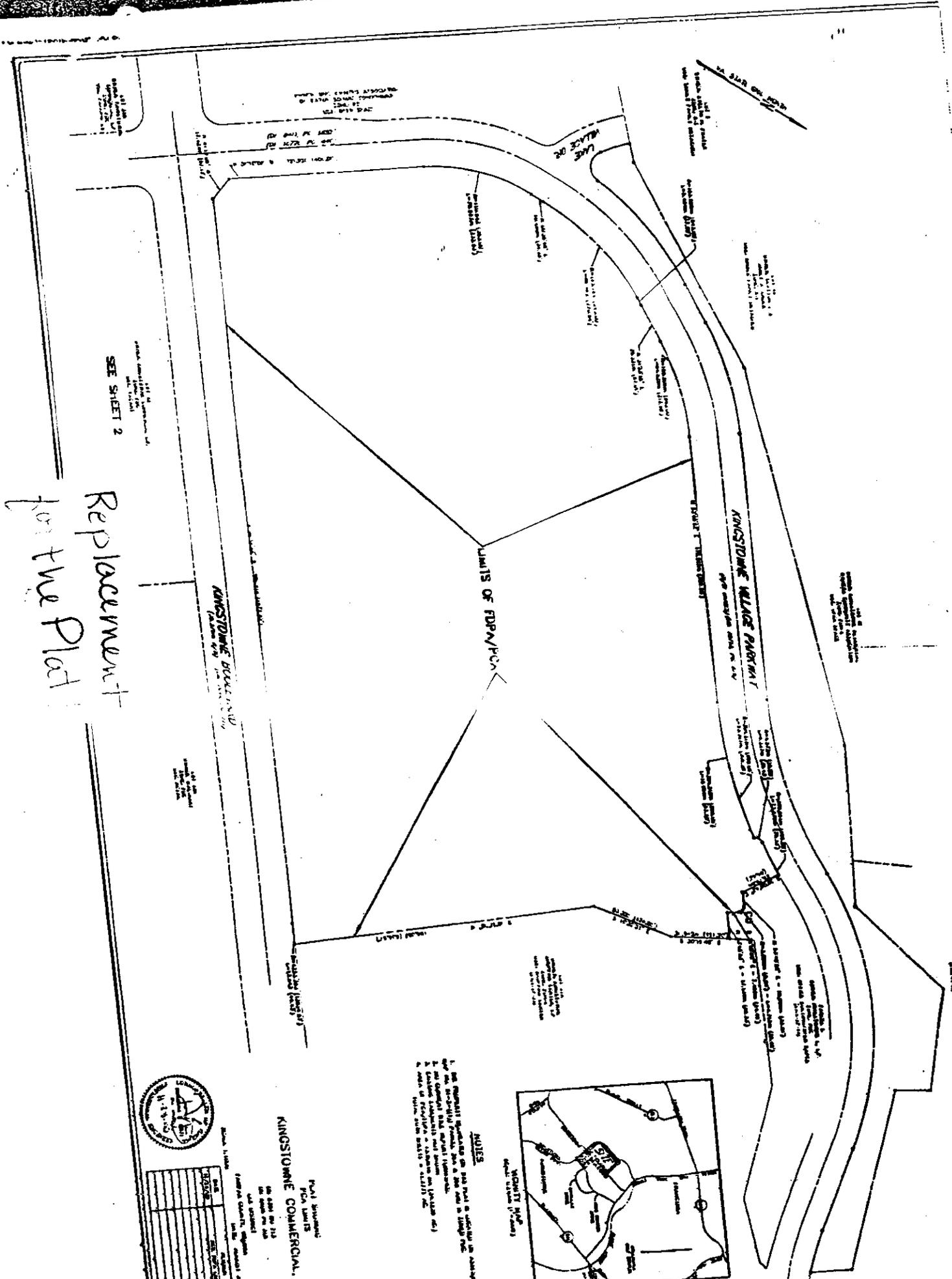


DATE: 11/11/2011  
DRAWN BY: [illegible]  
CHECKED BY: [illegible]

KINGSTOWN TOWN CENTRE  
(SEE SHEET 2)



NO.	REVISION	DATE



SEE SHEET 2

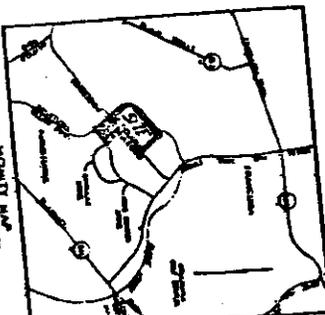
Replacement  
for the Plot

LIMITS OF RDPN/PCA

KINGSTOME BRICK LANE

KINGSTOME VILLAGE PARKWAY

- NOTES**
1. All dimensions are in feet and inches unless otherwise noted.
  2. All areas are in square feet unless otherwise noted.
  3. All areas are in square feet unless otherwise noted.
  4. All areas are in square feet unless otherwise noted.



NO.	DESCRIPTION	DATE

**KINGSTOME COMMERCIAL, I**

PAUL J. BURTON  
PAUL J. BURTON  
PAUL J. BURTON





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**FDPA NOTES:**

1. THE PROPERTY SHOWN ON THIS FINAL DEVELOPMENT PLAN IS IN THE LEE SERVICE DISTRICT, THE DOGUE CREEK SANITARY SEWER DISTRICT AND THE DOGUE CREEK WATERSHED.
2. THE FAIRFAX COUNTY WATER AUTHORITY (FCWA) IS THE PUBLIC WATER SUPPLY AGENCY FOR THIS DEVELOPMENT.
3. BOUNDARY INFORMATION IS TAKEN FROM EXISTING INFORMATION.
4. LOCATION OF EASEMENTS SHOWN HEREON ARE BASED ON INFORMATION AVAILABLE FROM TAX MAPS AND/OR DEED OF RECORD, NOT FROM ACTUAL FIELD LOCATIONS OR TITLE SEARCH, AND THUS SHOULD NOT BE REGARDED AS A CORRECT OR FINAL LOCATION.
5. STATEMENT OF CONDITIONS OR COMMITMENTS AND/OR STATEMENTS REQUIRED PURSUANT TO SECTION 16-502 ARE INCLUDED WITH THESE PLANS.
6. THIS PLAN DOES NOT PURPORT TO SHOW ALL EXISTING UNDERGROUND UTILITIES AND THOSE SHOWN ARE APPROXIMATE.
7. DATUM: U.S.G.S. 0.5 METER CONTOUR INTERVAL.
8. ALL STREETS SHALL CONFORM TO FAIRFAX COUNTY AND/OR VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
9. NO BUILDING HEIGHT SHALL EXCEED 45.72 METERS (150 FEET).
10. TRAIL SYSTEM PROVIDES PEDESTRIAN/NON-MOTORIZED ACCESS THROUGHOUT THE PROPOSED TOWNE CENTRE DEVELOPMENT.
11. THE PROPERTY DELINEATED BY THIS PLAN IS SHOWN ON PART OF ASSESSMENT MAP 91-2-001, PARCELS 26A & 26B AND IS ZONED P.D.C.
12. ALL PROPOSED BUILDING FOOTPRINTS AND PARKING LOT LAYOUT ARE APPROXIMATE AND SUBJECT TO CHANGE AS A RESULT OF FINAL ENGINEERING AND ARCHITECTURAL DESIGN, HOWEVER THE GROSS SQUARE FOOTAGES INDICATED ON THE PLAN AND THE SETBACKS TO THE PERIPHERY WILL BE MAINTAINED. THE LOCATIONS OF THE BUILDINGS SHALL REMAIN SUBSTANTIALLY AS SHOWN.
13. ALL DUMPSTERS SHALL BE SCREENED WITH FENCING OR MASONRY.
14. APPLICANT WILL PROVIDE THE MINIMUM NUMBER OF PARKING SPACES, AS REQUIRED BY THE ZONING ORDINANCE, HOWEVER, (I) APPLICANT MAY REQUEST A PARKING REDUCTION FOR SHARED PARKING BETWEEN THE MOVIE THEATER AND OFFICE USES AND (II) APPLICANT RESERVES THE RIGHT TO SEEK FUTURE PARKING REDUCTIONS AND SHARED PARKING APPROVALS FROM THE COUNTY.
15. A COMPREHENSIVE SIGN PLAN MAY BE SUBMITTED AT A LATER DATE.
16. PARKING PROVIDED WILL CONFORM TO ARTICLE 11 (PARKING, LOADING, PRIVATE STREETS) OF THE FAIRFAX COUNTY ZONING ORDINANCES.
17. ALL LOADING SPACES HAVE NOT BEEN SHOWN ON THE PLAN. EXACT LOCATIONS OF ALL LOADING SPACES WILL BE DETERMINED AT SITE PLAN PHASE.
18. ALL DUMPSTER LOCATIONS ARE NOT SHOWN ON THE PLAN. EXACT DUMPSTER LOCATIONS WILL BE DETERMINED AT SITE PLAN PHASE.
19. ALL SIGNAGE SHALL CONFORM TO ARTICLE 12 REGULATIONS.
20. NO EXISTING VEGETATION ON SITE IS TO BE RETAINED.
21. THE PHASING OF THE TOWNE CENTRE WILL ALLOW TEMPORARY SURFACE PARKING

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6. THIS PLAN DOES NOT PURPORT TO SHOW ALL EXISTING UNDERGROUND UTILITIES AND THOSE SHOWN ARE APPROXIMATE.
7. DATUM: U.S.G.S. 0.5 METER CONTOUR INTERVAL.
8. ALL STREETS SHALL CONFORM TO FAIRFAX COUNTY AND/OR VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
9. NO BUILDING HEIGHT SHALL EXCEED 45.72 METERS (150 FEET).
10. TRAIL SYSTEM PROVIDES PEDESTRIAN/NON-MOTORIZED ACCESS THROUGHOUT THE PROPOSED TOWNE CENTRE DEVELOPMENT.
11. THE PROPERTY DELINEATED BY THIS PLAN IS SHOWN ON PART OF ASSESSMENT MAP 91-2-001, PARCELS 26A & 26B AND IS ZONED P.D.C.
12. ALL PROPOSED BUILDING FOOTPRINTS AND PARKING LOT LAYOUT ARE APPROXIMATE AND SUBJECT TO CHANGE AS A RESULT OF FINAL ENGINEERING AND ARCHITECTURAL DESIGN, HOWEVER THE GROSS SQUARE FOOTAGES INDICATED ON THE PLAN AND THE SETBACKS TO THE PERIPHERY WILL BE MAINTAINED. THE LOCATIONS OF THE BUILDINGS SHALL REMAIN SUBSTANTIALLY AS SHOWN.
13. ALL DUMPSTERS SHALL BE SCREENED WITH FENCING OR MASONRY.
14. APPLICANT WILL PROVIDE THE MINIMUM NUMBER OF PARKING SPACES, AS REQUIRED BY THE ZONING ORDINANCE, HOWEVER; (I) APPLICANT MAY REQUEST A PARKING REDUCTION FOR SHARED PARKING BETWEEN THE MOVIE THEATER AND OFFICE USES AND (II) APPLICANT RESERVES THE RIGHT TO SEEK FUTURE PARKING REDUCTIONS AND SHARED PARKING APPROVALS FROM THE COUNTY.
15. A COMPREHENSIVE SIGN PLAN MAY BE SUBMITTED AT A LATER DATE.
16. PARKING PROVIDED WILL CONFORM TO ARTICLE 11 (PARKING, LOADING, PRIVATE STREETS) OF THE FAIRFAX COUNTY ZONING ORDINANCES.
17. ALL LOADING SPACES HAVE NOT BEEN SHOWN ON THE PLAN. EXACT LOCATIONS OF ALL LOADING SPACES WILL BE DETERMINED AT SITE PLAN PHASE.
18. ALL DUMPSTER LOCATIONS ARE NOT SHOWN ON THE PLAN. EXACT DUMPSTER LOCATIONS WILL BE DETERMINED AT SITE PLAN PHASE.
19. ALL SIGNAGE SHALL CONFORM TO ARTICLE 12 REGULATIONS.
20. NO EXISTING VEGETATION ON SITE IS TO BE RETAINED.
21. THE PHASING OF THE TOWNE CENTRE WILL ALLOW TEMPORARY SURFACE PARKING AREAS TO BE LOCATED IN USES NOT YET BUILT. THE PARKING STRUCTURES LEVELS MAY BE CONSTRUCTED IN PHASES TO RESPOND TO THE PHASE DEVELOPMENT OF THE TOWNE CENTRE.
22. THE APPLICANT RESERVES THE RIGHT TO INCREASE 1 STORY RETAIL TO 1 STORY PLUS MEZZANINE OR 2 STORIES PROVIDED THAT THE HEIGHT AS LISTED FOR EACH INDIVIDUAL BUILDING IS NOT EXCEEDED AND THE GROSS SQUARE FOOTAGE IS NOT INCREASED.
23. PAVEMENT AND SIDEWALK PATTERNS SHOWN REPRESENT PEDESTRIAN ACCESS WAYS AND ARE CONCEPTUAL IN DESIGN. FINAL PAVEMENT/SIDEWALK TREATMENT AND CORRESPONDING PATTERN DESIGN SHALL BE SUBJECT TO CHANGE AND WILL BE DETAILED AND SET FORTH BY FINAL BUILDING PLANS.
24. THE OFFICE BUILDING/THEATER HEIGHTS SHOWN ARE MEASURED FROM THE TOP LEVEL OF THE PARKING GARAGE SITUATED BENEATH THE OFFICE BUILDINGS/THEATER.

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