



APPLICATION ACCEPTED: September 19, 2008  
PLANNING COMMISSION: May 28, 2008  
BOARD OF SUPERVISORS: Not yet scheduled

# County of Fairfax, Virginia

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May 15, 2008

## STAFF REPORT

### SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 94-P-040

#### PROVIDENCE DISTRICT

**APPLICANT:** RP MRP Tysons, LLC

**ZONING:** C-3

**PARCEL(S):** 29-2 ((15)) C2

**ACREAGE:** 7.67

**FAR:** 1.6 for 7.67 acres and 1.0 for 30.01 acres of Land Bay E

**OPEN SPACE:** 35%

**PLAN MAP:** Office

**PROPOSAL:** To permit the addition of an eating establishment and child care center/nursery school within commercial office building.

#### REQUESTED WAIVERS AND MODIFICATIONS:

The applicant is requesting a modification of the minimum yard requirements and other required distances from lot lines along the Jones Branch Connector frontage, per Paragraph 418 of Article 2 of the Zoning Ordinance.

#### STAFF RECOMMENDATIONS:

Staff recommends denial of SEA 94-P-040; however, if it is the intent of the Board of Supervisors to approve SEA 94-P-040, staff recommends that the approval be subject to the proposed development conditions contained in Appendix 1 of the staff report.

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Suzanne Lin

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/)



.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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this special exception 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.

O:\slin00\SEA\SEA 94-P-040, RP MRP Tysons, LLC\Staff Reports, Covers and Conditions\Cover SEA 94-P-040.doc



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).

# Special Exception Amendment

SEA 94-P-040

Applicant:

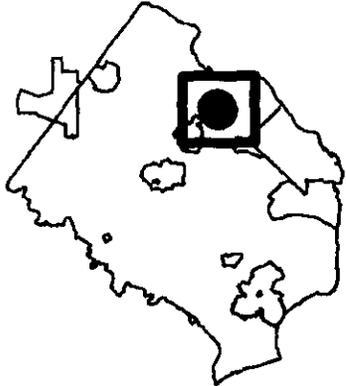
RP MRP TYSONS, LLC

Accepted:

09/19/2007

Proposed:

AMEND SE 94-P-040 PREVIOUSLY APPROVED FOR INCREASE IN BUILDING HEIGHT, RADIO AND TELEVISION BROADCASTING FACILITIES, MICROWAVE FACILITIES, SATELLITE EARTH STATIONS AND HELISTOP AND WAIVER OF CERTAIN SIGN REGULATIONS TO PERMIT MULTIPLE USES, REVIEW OF SITE DESIGN AND ASSOCIATED MODIFICATIONS TO DEVELOPMENT CONDITIONS



Area:

7.67 AC OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 04-0304 09-0607 09-0620

Art 9 Group and Use: 5-09 6-03 4-04 1-03 6-17

Located:

7940 JONES BRANCH DRIVE

Zoning:

C-3

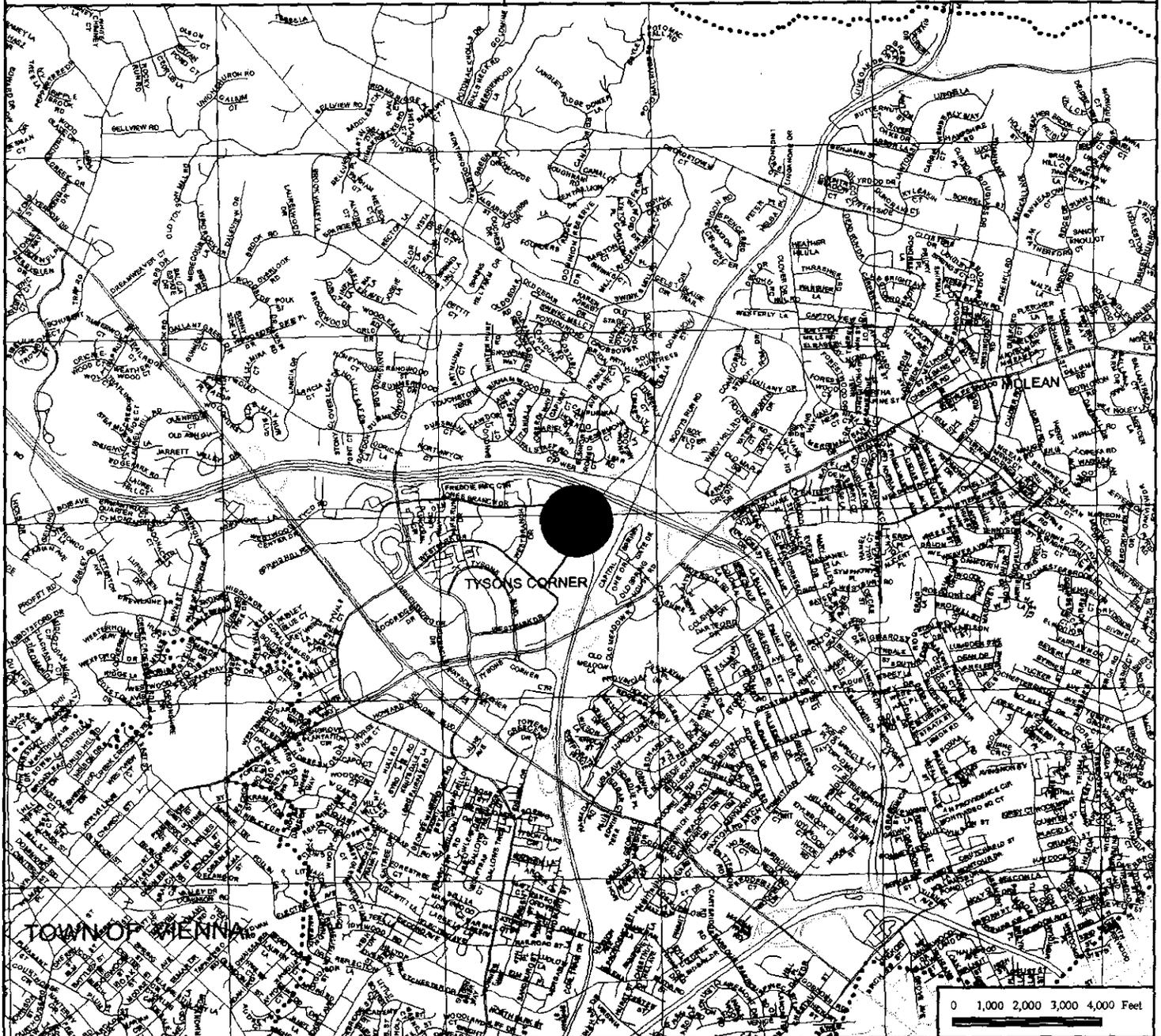
Plan Area:

2,

Overlay Dist:

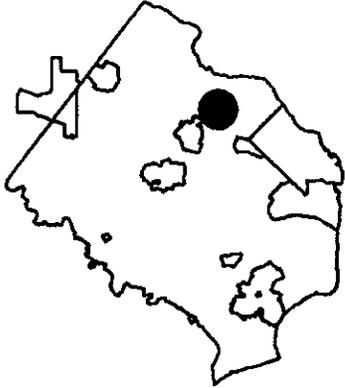
Map Ref Num:

029-2- /15/ / C2



# Special Exception Amendment

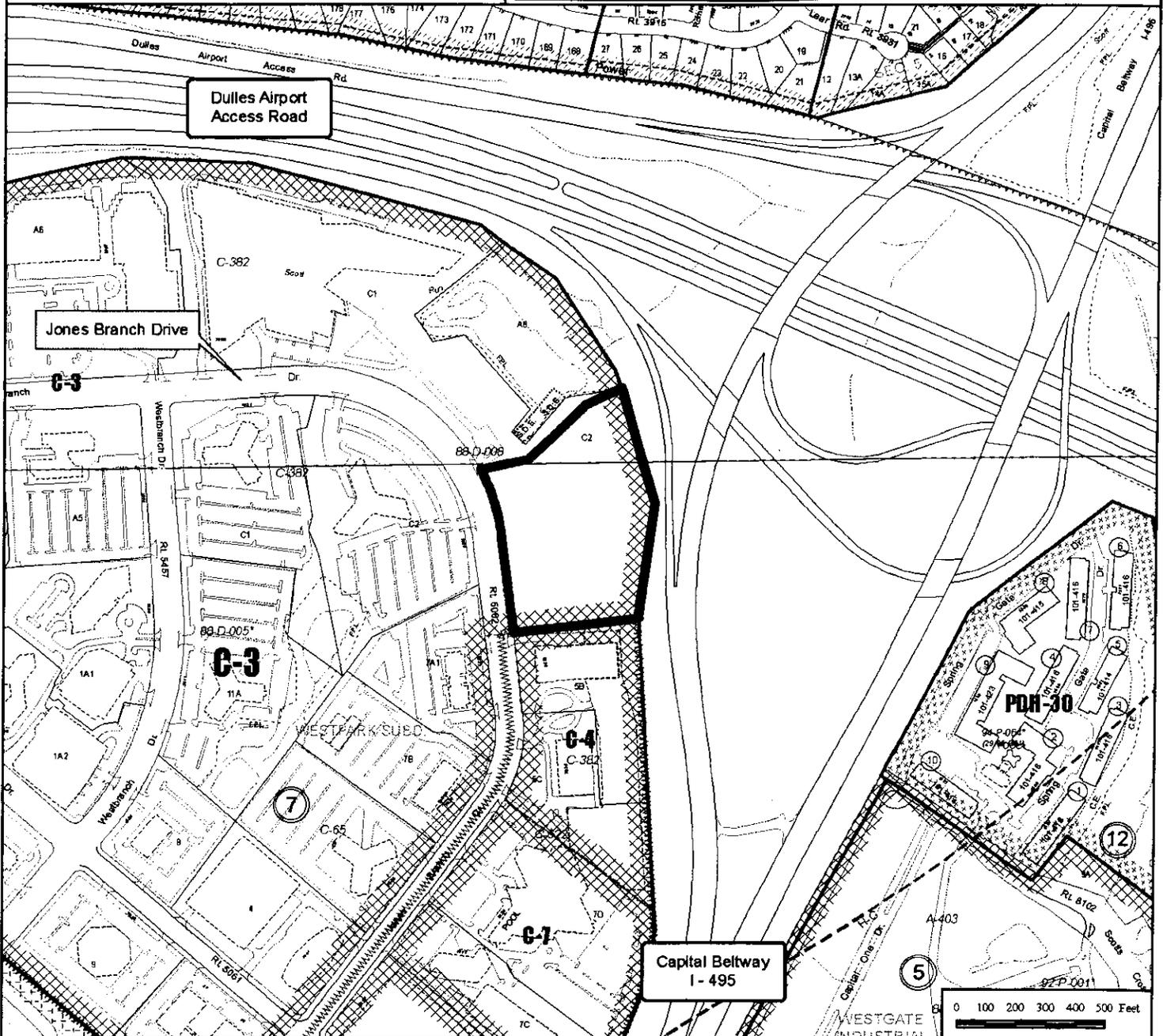
## SEA 94-P-040



Applicant:  
Accepted:  
Proposed:

RP MRP TYSONS, LLC  
09/19/2007  
AMEND SE 94-P-040 PREVIOUSLY APPROVED FOR INCREASE IN BUILDING HEIGHT, RADIO AND TELEVISION BROADCASTING FACILITIES, MICROWAVE FACILITIES, SATELLITE EARTH STATIONS AND HELISTOP AND WAIVER OF CERTAIN SIGN REGULATIONS TO PERMIT EATING ESTABLISHMENT, MODIFICATION OF SITE DESIGN AND ASSOCIATED MODIFICATIONS TO DEVELOPMENT CONDITIONS

Area: 7.67 AC OF LAND; DISTRICT - PROVIDENCE  
Zoning Dist Sect: 4-304 9-607 9-620  
Art 9 Group and Use: 5-09 6-03 4-04  
1-03 6-17  
Located: 7940 JONES BRANCH DRIVE  
Zoning: C-3  
Plan Area: 2,  
Overlay Dist:  
Map Ref Num: 029-2- /15/ / C2



SPECIAL EXCEPTION AMENDMENT  
FOR

7940 JONES BRANCH DRIVE  
PROVIDENCE DULLES RAIL, EAST DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
August 10, 2007

REVISED SEPTEMBER 5, 2007  
REVISED NOVEMBER 19, 2007  
REVISED FEBRUARY 05, 2008  
REVISED FEBRUARY 29, 2008  
REVISED MARCH 14, 2008  
REVISED APRIL 07, 2008  
REVISED APRIL 21, 2008

APPLICANT

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ATTN: CHARLES F. MCGOFFA  
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ARCHITECT

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CIVIL ENGINEER

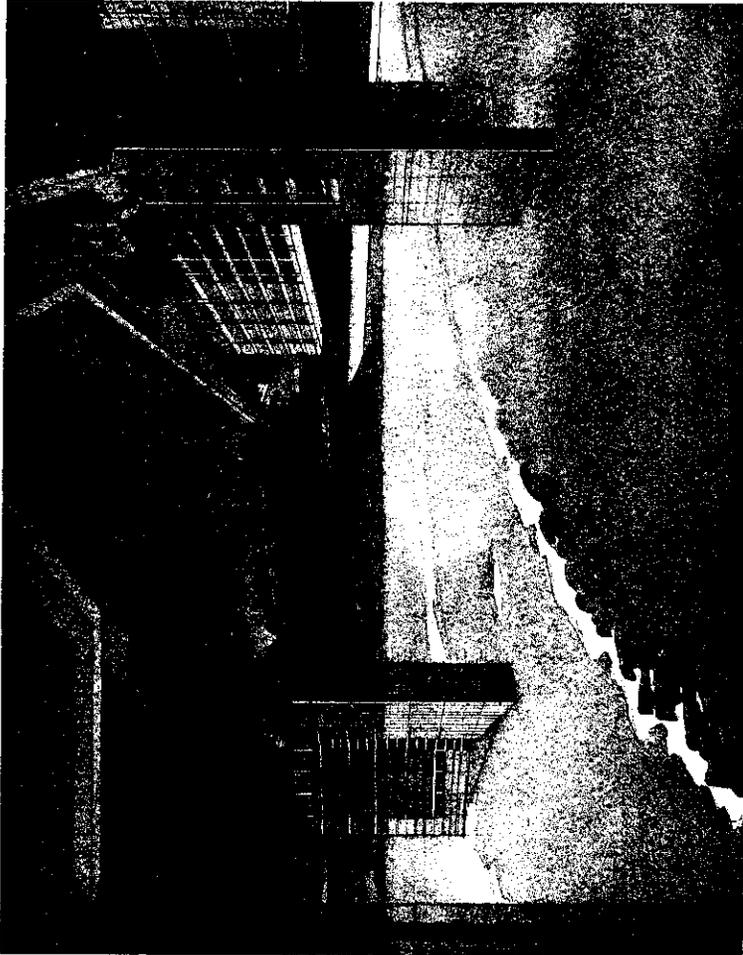
URBAN, LTD.  
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Charlottesville, VA 22915  
PH: 703-642-2306

LANDSCAPE ARCHITECT

LEWIS SCULLY GONNET  
ATTN: MARK LEWIS  
1919 GALLOWAY ROAD  
SUITE 110  
VIENNA, VA 22182  
703-821-2045

TRAFFIC ENGINEER

MARTY WELLS ASSOC.  
ATTN: MARTY WELLS  
1420 Spring Hill Road  
Suite 600  
McLean, VA 22102  
PH: 703-917-6520



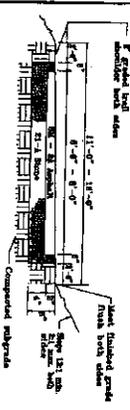
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<p>7940 JONES BRANCH DRIVE PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA</p>				<p>URBAN ENGINEERING &amp; ASSOC., INC. CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS 7712 LITTLE RIVER TURNPIKE ANNANDALE, VIRGINIA 22060 (703) 642-8080</p>	<p>PLANNING DESIGN CONSTRUCTION POST-CONSTRUCTION</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>REVIEW APPROVED</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	REVIEW APPROVED	DATE															
NO.	DATE	DESCRIPTION	REVIEW APPROVED	DATE																						
<p>SCALE: N/A</p>	<p>CI = N/A</p>	<p>DATE: AUGUST, 2007</p>	<p>SHEET 1</p>	<p>TOTAL SHEETS 28</p>	<p>PROJECT NO. MISC-1809</p>	<p>REVISION APPROVED BY DIVISION OF DESIGN REVIEW</p>																				



FAIRFAX COUNTY PUBLIC FACILITIES MANUAL

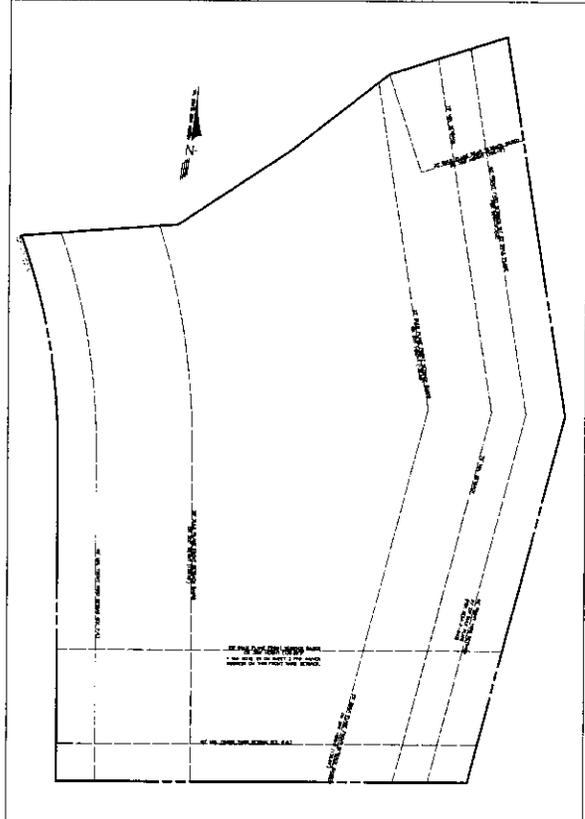


**TYPE I**  
 Suitable for the majority of general applications, such as, for the majority of applications where the trench is to be installed in concrete. Construction of this trench will be per drawing and specifications, but shall be subject to the following: Where indicated, trench shall be installed in concrete. Construction of this trench shall be per drawing and specifications, but shall be subject to the following: Where indicated, trench shall be installed in concrete. Construction of this trench shall be per drawing and specifications, but shall be subject to the following: Where indicated, trench shall be installed in concrete.



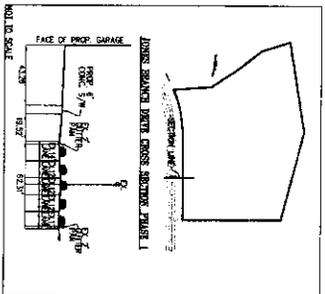
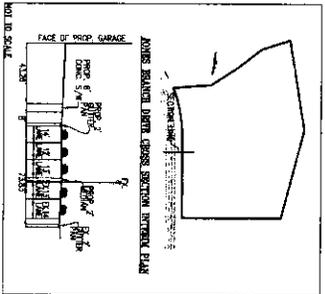
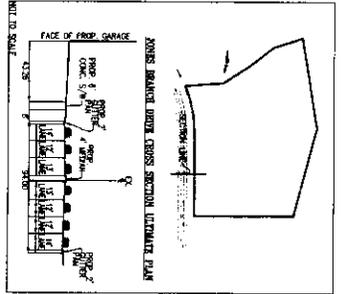
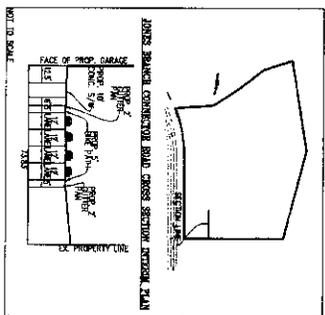
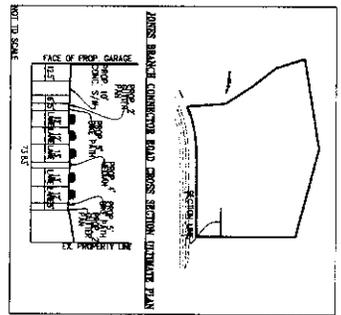
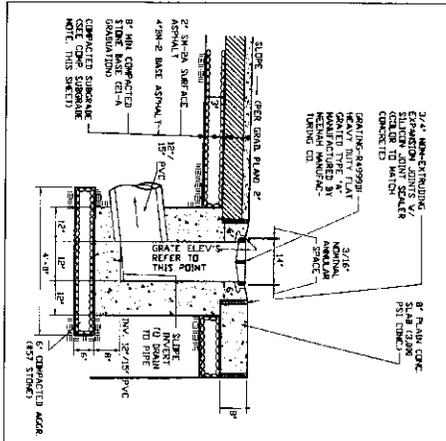
**TYPE II**  
 Suitable for applications, such as, for the majority of applications where the trench is to be installed in concrete. Construction of this trench will be per drawing and specifications, but shall be subject to the following: Where indicated, trench shall be installed in concrete. Construction of this trench shall be per drawing and specifications, but shall be subject to the following: Where indicated, trench shall be installed in concrete.

FIG. NO.	7-1000
SCALE	N/A
CROSS-SECTIONS	4-5



STRACK EXHIBIT  
 SCALE: 1" = 40'

DETAIL  
 TRENCH DRAIN @ GARAGE ENTRANCE



GENERAL NOTES AND DETAILS  
**7940 JONES BRANCH DRIVE**  
 PROVIDENCE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA  
 SCALE: N/A      CL = N/A      DATE: AUGUST, 2007

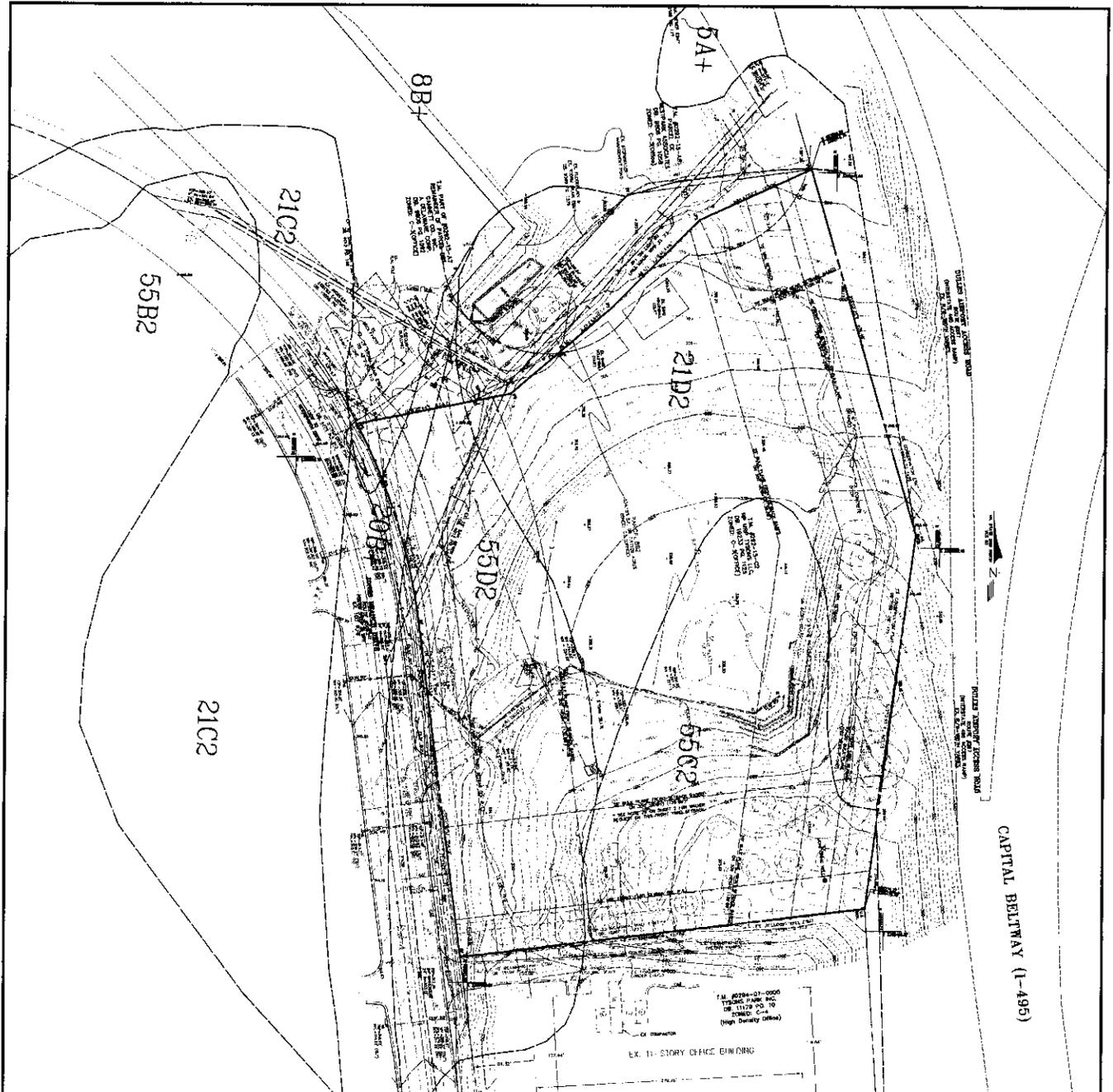


**URBAN ENGINEERING & ASSOC., INC.**  
 CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
 7718 LITTLE RIVER TURNPIKE  
 ANNANDALE, VIRGINIA 22003 (703) 642-8080

PLANDATE				
NO.	DATE	DESCRIPTION	REV BY	APPROVE

REVISION APPROVED BY DIVISION OF DESKIN REVIEW

TELEPHONE  
 703-642-8080  
 FAX  
 703-642-8080  
 SHEET  
 3  
 OF  
 28  
 DATE  
 08/08/07



CAPITAL BELTWAY (I-495)

EX. 11-STORY OFFICE BUILDING

SOILS BY PARCEL

PARCEL NO.	SOIL TYPE	PERCENTAGE	SOIL CLASSIFICATION	USE
55B2	CLAYED	100%	COARSE	C
55C2	WEAVER	100%	COARSE	C
55D2	WEAVER	100%	COARSE	C
55E2	WEAVER	100%	COARSE	C
55F2	WEAVER	100%	COARSE	C
55G2	WEAVER	100%	COARSE	C
55H2	WEAVER	100%	COARSE	C
55I2	WEAVER	100%	COARSE	C
55J2	WEAVER	100%	COARSE	C
55K2	WEAVER	100%	COARSE	C
55L2	WEAVER	100%	COARSE	C
55M2	WEAVER	100%	COARSE	C
55N2	WEAVER	100%	COARSE	C
55O2	WEAVER	100%	COARSE	C
55P2	WEAVER	100%	COARSE	C
55Q2	WEAVER	100%	COARSE	C
55R2	WEAVER	100%	COARSE	C
55S2	WEAVER	100%	COARSE	C
55T2	WEAVER	100%	COARSE	C
55U2	WEAVER	100%	COARSE	C
55V2	WEAVER	100%	COARSE	C
55W2	WEAVER	100%	COARSE	C
55X2	WEAVER	100%	COARSE	C
55Y2	WEAVER	100%	COARSE	C
55Z2	WEAVER	100%	COARSE	C

LEGEND

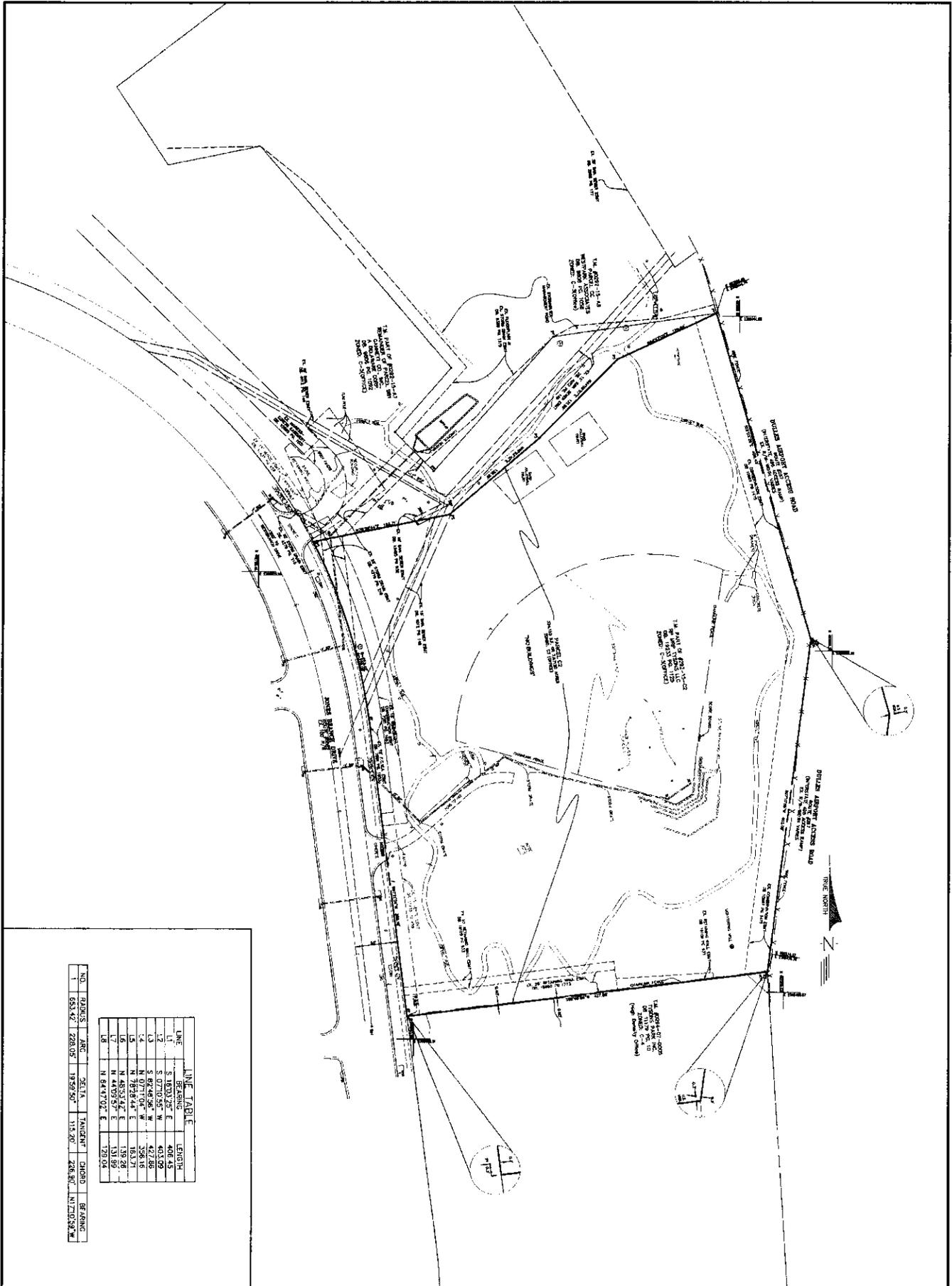
- PROPOSED LIMITS OF CLEARING & GRADING
- EXISTING FIRE LINE
- EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE PIPS
- EXISTING FENCE
- EXISTING LIGHTING
- PROPOSED LIGHTING
- PROPOSED CSF--1
- EXISTING CURB AND GUTTER
- EXISTING CURB AND GUTTER
- EXISTING CONTROL
- EXISTING STORM DRAIN
- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING UNDERGROUND ELECTRIC LINE
- EXISTING OVERHEAD ELECTRIC LINE
- EXISTING OVERHEAD TELEPHONE LINE
- EXISTING UTILITY
- EXISTING UTILITY
- EXISTING POWER POLE

LINE TABLE

LINE	BEARING	LENGTH
1	S 183° 12' 00" E	406.45
2	S 87° 15' 00" E	433.08
3	S 71° 55' 00" E	452.18
4	N 07° 11' 00" W	354.18
5	N 78° 37' 47" E	153.71
6	N 48° 53' 47" E	31.26
7	N 13° 13' 00" E	133.04
8	N 84° 47' 00" E	133.04

NO.	STATUS	DATE	SCALE	INCHES	FOOT	REMARKS
1	ISSUED	2/28/07	1/8" = 1'	22.00	176.00	N

<p>EXISTING CONDITIONS AND SOILS MAP</p> <p><b>7940 JONES BRANCH DRIVE</b></p> <p>PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA</p> <p>SCALE: 1"=50'      CI = N/A      DATE: AUGUST, 2007</p>		<p><b>URBAN ENGINEERING &amp; ASSOC., INC.</b></p> <p>CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS</p> <p>7716 LITTLE RIVER TURNPIKE ANNANDALE, VIRGINIA 22060 (703) 642-6000</p>	<p>PLAN DATE: 8/21/07</p> <p>NO. DATE DESCRIPTION REVISION APPROVED DATE</p> <p>REVISION APPROVED BY DIVISION OF DESIGN REVIEW</p>
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LINE	START	END	BEARING	LENGTH
1	651.47	228.05	135.94° E	114.20
2	228.05	114.20	268.31° W	114.20
3	114.20	268.31	135.94° E	114.20

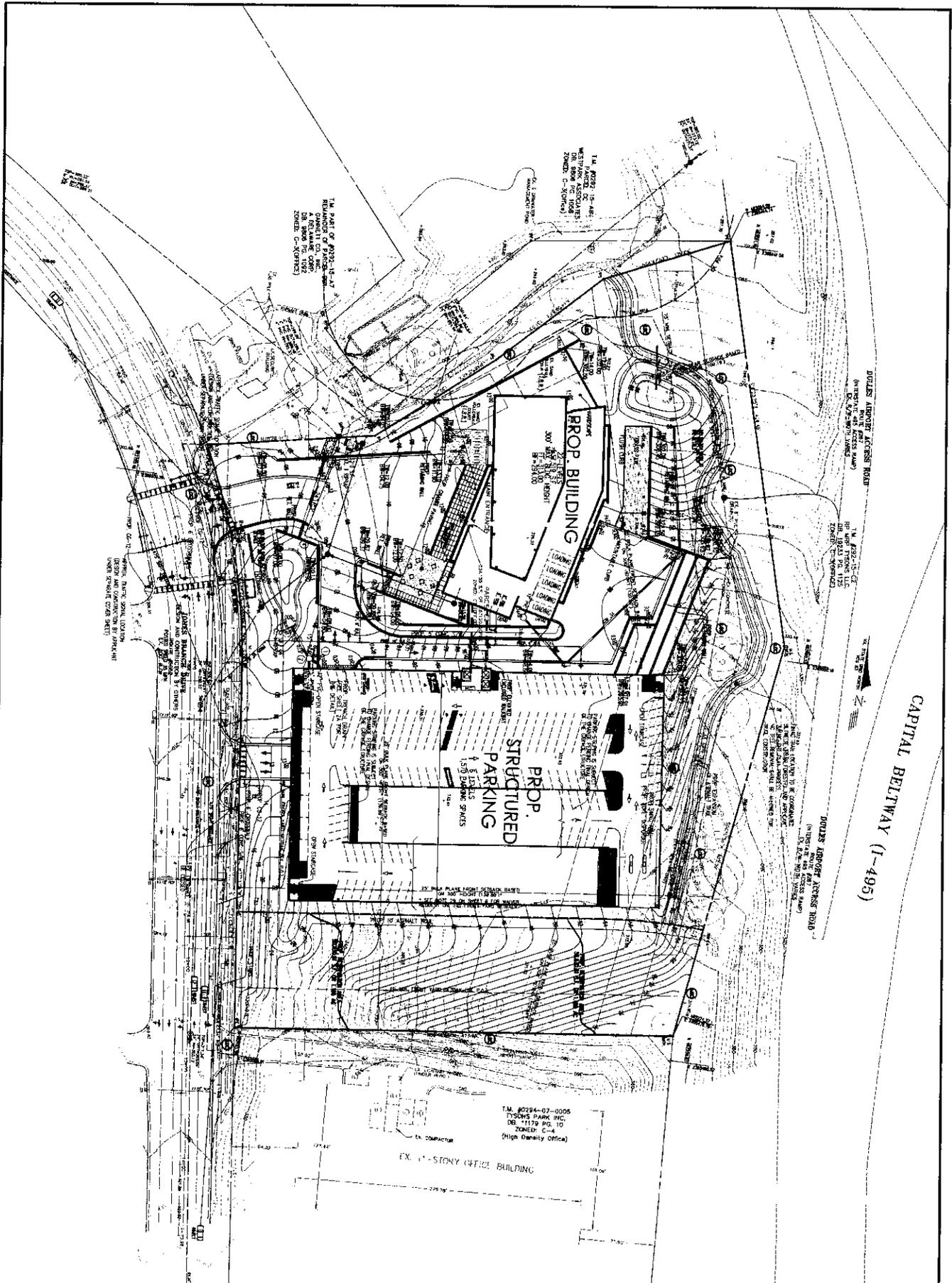
LINE	BEARINGS	LENGTH
L1	S 182° 03' 27" E	408.45
L2	S 07° 10' 58" W	432.89
L3	N 07° 11' 04" W	526.16
L4	N 78° 5' 44" E	183.21
L5	N 48° 53' 44" E	139.26
L6	N 44° 03' 57" E	133.89
L7	N 84° 47' 02" E	129.04

SHEET 3 OF 23 FILE No. MSC-1809	<b>CERTIFIED PLAT</b> <b>7940 JONES BRANCH DRIVE</b> PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA SCALE: 1" = 50'      C.I. = N/A      DATE: AUGUST, 2007		<b>URBAN ENGINEERING &amp; ASSOC., INC.</b> CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS 7712 LITTLE RIVER TURNPIKE ANNANDALE, VIRGINIA 22003 (703) 842-8060	PLAN DATE DESIGNER CHECKER REVISIONS
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No.	DATE	DESCRIPTION	REVIEW	APPROVED	DATE

REVISION APPROVED BY DIVISION OF DESIGN REVIEW





SPECIAL EXCEPTION AMENDMENT PLAT - GRADING <b>7940 JONES BRANCH DRIVE</b> PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA SCALE: 1"=40'      C.I. & N/A      DATE: AUGUST, 2007		<b>URBAN ENGINEERING &amp; ASSOC., INC.</b> CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS 7712 LITTLE RIVER TURNPIKE ANNANDALE, VIRGINIA 22003 (703) 648-8060	PLAN DATE: 08/21/07 DRAWN BY: GERRIT L. JONES CHECKED BY: GERRIT L. JONES APPROVED BY: GERRIT L. JONES
			SHEET: 7 OF 8 TITLE: MISC. 1509



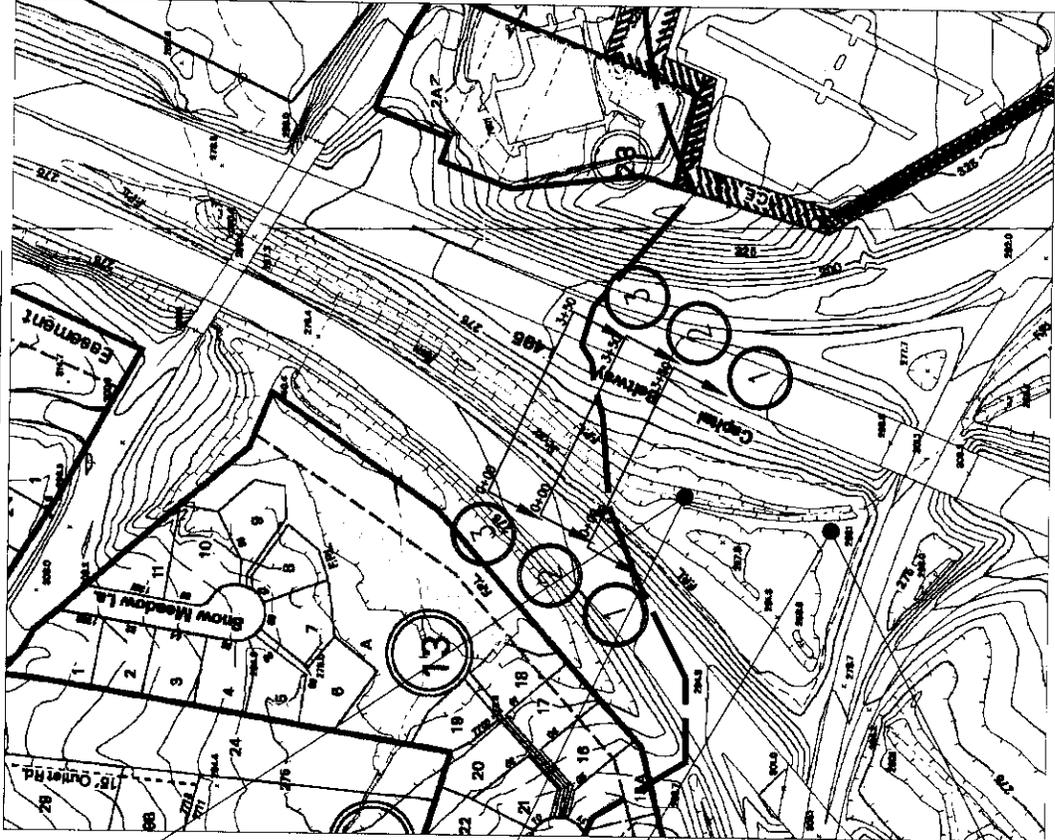


REVISION APPROVED BY DIVISION OF DESIGN REVIEW REVISION NO. _____ DATE _____ CHECKED BY _____ DATE _____ DESIGNED BY _____ DATE _____ DRAWN BY _____ DATE _____		URBAN ENGINEERING & ASSOC., INC. CIVIL ENGINEERS - LANDSCAPE ARCHITECTS - LAND SURVEYORS 7711 LITTLE ROAD THORNTON ANNAPOLIS, VIRGINIA 20623 (703) 642-5000	DATE: AUGUST, 2007 CT - 5 PROVIDENCE PARPAK COUNTY, VIRGINIA <b>7940 JONES BRANCH DRIVE</b>	SCALE: 1"=100' SHEET NO. 23 OF 25 FILE NO. _____ MISC. NO. _____
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THIS MAP IS FOR INFORMATION PURPOSES ONLY !

ENLARGEMENT FOR THE CROSS SECTIONS



NOTE:  
 PLEASE REFER TO SHEET 25 FOR THE OUTFALL  
 ANALYSIS AND THE CROSS SECTIONS

OUTFALL CONDITION PICTURE #1



OUTFALL CONDITION PICTURE #2





URBAN ENGINEERING & ASSOC., INC.  
 7212 LITTLE LANE TOWNE  
 ANNAPOLIS, VIRGINIA 22003 (703) 648-9000

NO.	DATE	DESCRIPTION	REVISION APPROVED	DATE
1				
2				
3				
4				
5				

**BEST DEVELOPMENT CONDITIONS:**  
 CROSS SECTION 1-1  
 DA = 1.820 AC  
 C FACTOR = 0.80 IN/IN  
 IO = 5.83 IN/IN  
 IS = 37.36 MIN/SEC  
 VE = 1.85232 CFS  
 VE = 2.47248 CFS  
 CHANNEL SLOPE = 0.04 FOR RRFP  
 V2 = 7.75 FPS  
 D10 = 6.51 FT.

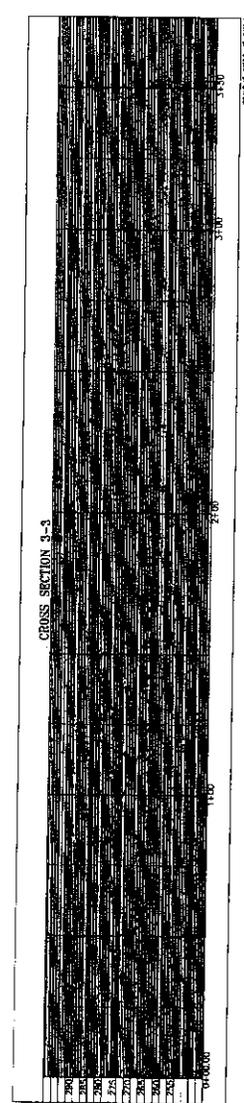
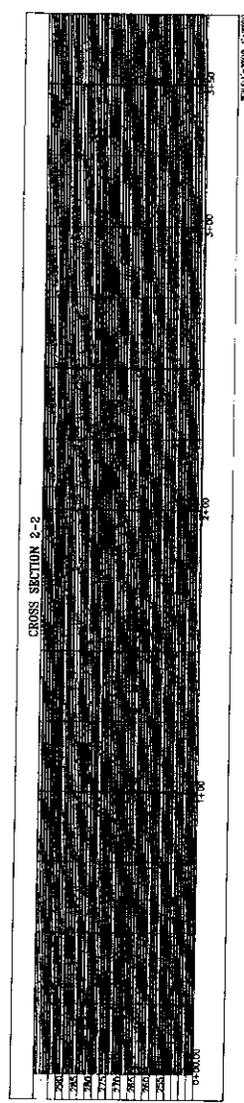
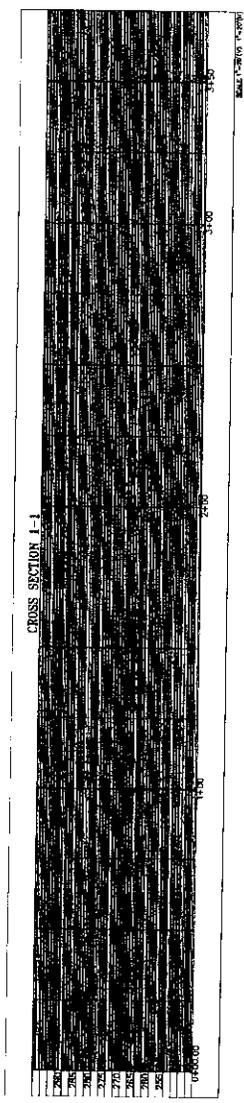
PERMISSIBLE VELOCITY IS 10 FPS PER TABLE 5-22 OF VESCH, THIRD EDITION.

**BEST DEVELOPMENT CONDITIONS:**  
 CROSS SECTION 2-2  
 DA = 1.820 AC  
 C FACTOR = 0.80 IN/IN  
 IO = 5.83 IN/IN  
 IS = 37.36 MIN/SEC  
 VE = 1.85232 CFS  
 VE = 2.47248 CFS  
 CHANNEL SLOPE = 0.04 FOR RRFP  
 V2 = 7.75 FPS  
 D10 = 6.51 FT.

PERMISSIBLE VELOCITY IS 10 FPS PER TABLE 5-22 OF VESCH, THIRD EDITION.

**BEST DEVELOPMENT CONDITIONS:**  
 CROSS SECTION 3-3  
 DA = 1.820 AC  
 C FACTOR = 0.80 IN/IN  
 IO = 5.83 IN/IN  
 IS = 37.36 MIN/SEC  
 VE = 1.85232 CFS  
 VE = 2.47248 CFS  
 CHANNEL SLOPE = 0.04 FOR RRFP  
 V2 = 7.75 FPS  
 D10 = 6.51 FT.

PERMISSIBLE VELOCITY IS 10 FPS PER TABLE 5-22 OF VESCH, THIRD EDITION.



NOTE:  
 PLEASE REFER TO SHEET 16 FOR THE  
 OUTFALL NARRATIVE

**Time of Concentration**

SHEET FLOW	Surface description (Table 3-3)	Segment ID	A-B
1	2) Mainline Right-of-Way Curb, n (Table 3-1)	1	0.011
2	3) Flow Length, L (Table 3-07)	2	1.75
3	4) Two 7' 24-hour Rainfall (P)	3	1.75
4	5) Land Slope, S	4	0.202
5	6) T=0.0007761 P <sup>0.87</sup> P <sup>0.5</sup> + 0.4	5	0.027
6	7) Surface Description (Paved or Unpaved)	6	1.85 min.
<b>SHALLOW CONCENTRATED FLOW</b>			
7	8) Flow Length, L	7	6.0316
8	9) Watercourse slope, s	8	0.02
9	10) Average velocity, V (Figure 3-1)	9	2.9
10	11) L <sup>1.4875</sup> / (860P <sup>0.7</sup> )	10	30.41 min.
<b>CHANNEL FLOW</b>			
11	12) Cross sectional flow area, A	11	174.5
12	13) Wetted perimeter, Pw	12	66.83
13	14) Hydraulic Radius, rHPw	13	2.61940417
14	15) Channel slope, S	14	0.015
15	16) Manning's roughness coefficient, n	15	0.04
16	17) V=(1.4875 Pw <sup>0.2835</sup> S <sup>0.487</sup> ) / n	16	2.92
17	18) Flow length, L	17	3.28
18	19) T=L/(3600V)	18	0.087
19	20) Total Watercourse Time of Concentration	19	0.227 (37.36 min.)





**SHEET NOTES**

**RP MRP Tysons LLC**  
 7940 Jones Branch Drive  
 McLean, VA 22108

3750 15 Street, Northwest  
 Suite 200  
 Washington, DC 20006  
 Telephone 202.721.5200  
 Facsimile 202.872.8387

**Gensler**

Issue	Date & Issue Description	By	Checked
01	August 12, 2007		
	Revised September 4, 2007		
	Revised November 18, 2007		
	Revised December 13, 2007		
	Revised February 20, 2008		
	Revised March 11, 2008		
	Revised April 07, 2008		
	Revised April 21, 2008		

Headquarters

Project Name  
7940 Jones Branch Drive

Project Number  
08-0238-001

Discipline  
Building Exterior Elevations

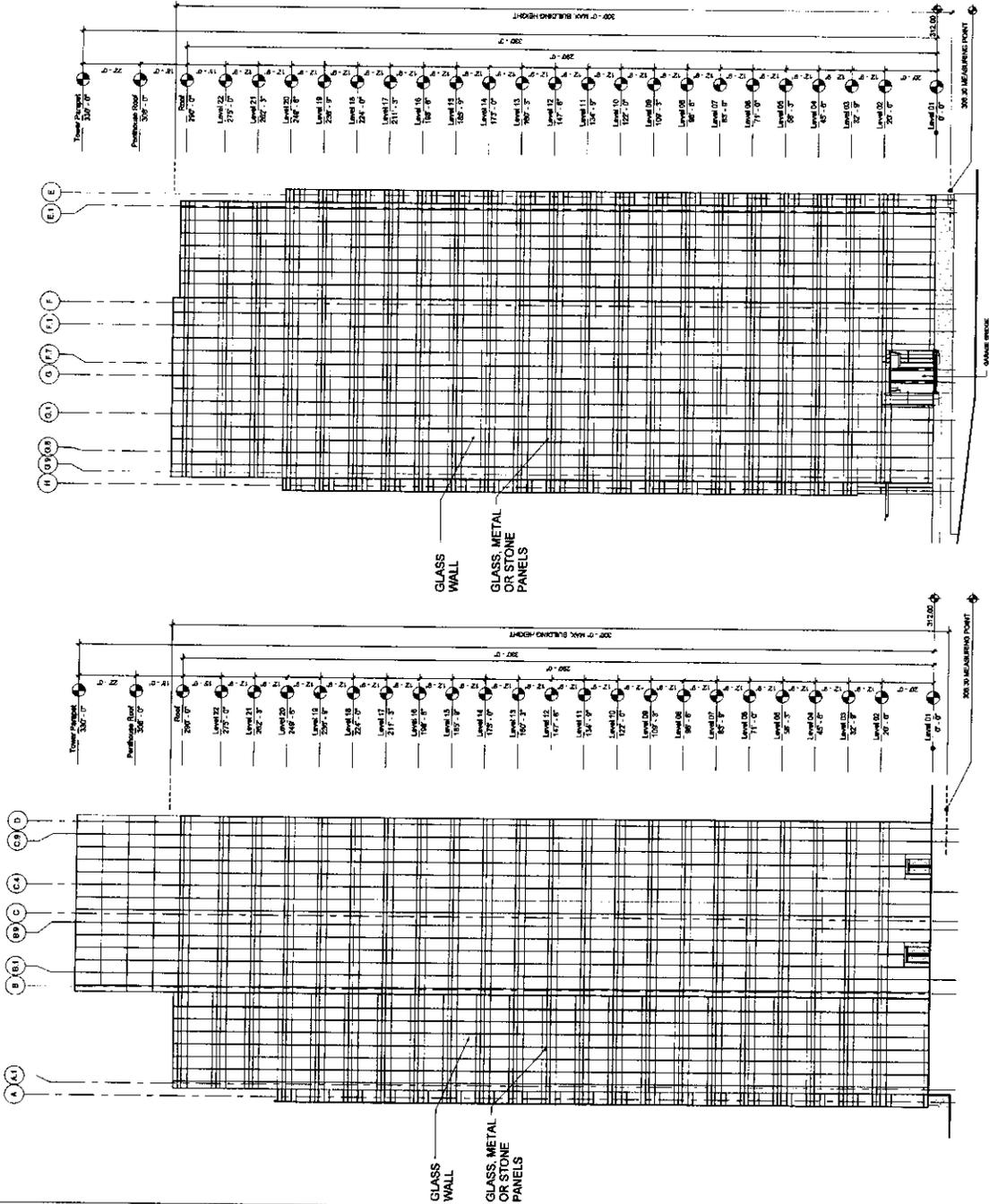
Scale  
1" = 20'-0"

SHEET

**28 of 28**

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**GENERAL NOTES**



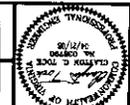
**1 South Elevation**  
 SCALE: 1" = 20'-0"

**2 North Elevation**  
 SCALE: 1" = 20'-0"

NO.	DATE	DESCRIPTION	REVISION APPROVED BY	DESIGN REVIEW

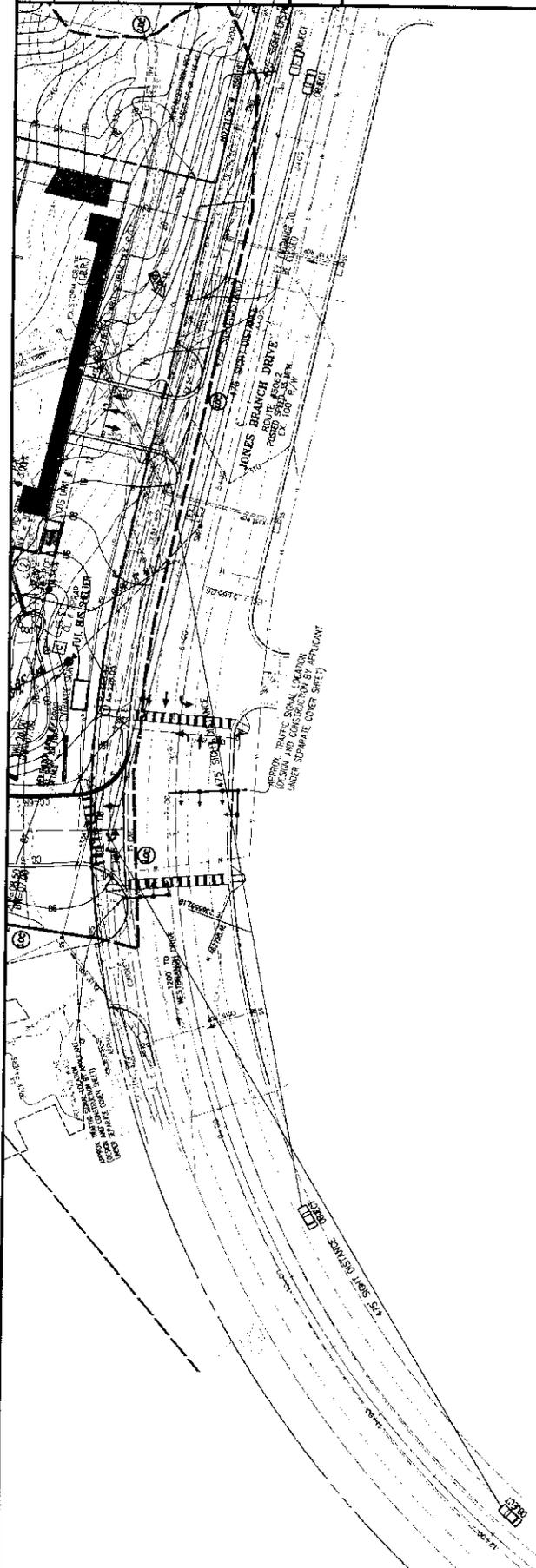
REVISION APPROVED BY DIVISION OF DESIGN REVIEW

URBAN ENGINEERING & ASSOC., INC.  
 CIVIL ENGINEERS - LANDSCAPE ARCHITECTS - LAND SURVEYORS  
 7712 LITTLE RIVER TURNPIKE  
 ANNEAPOLIS, VIRGINIA 22004 (703) 542-8000



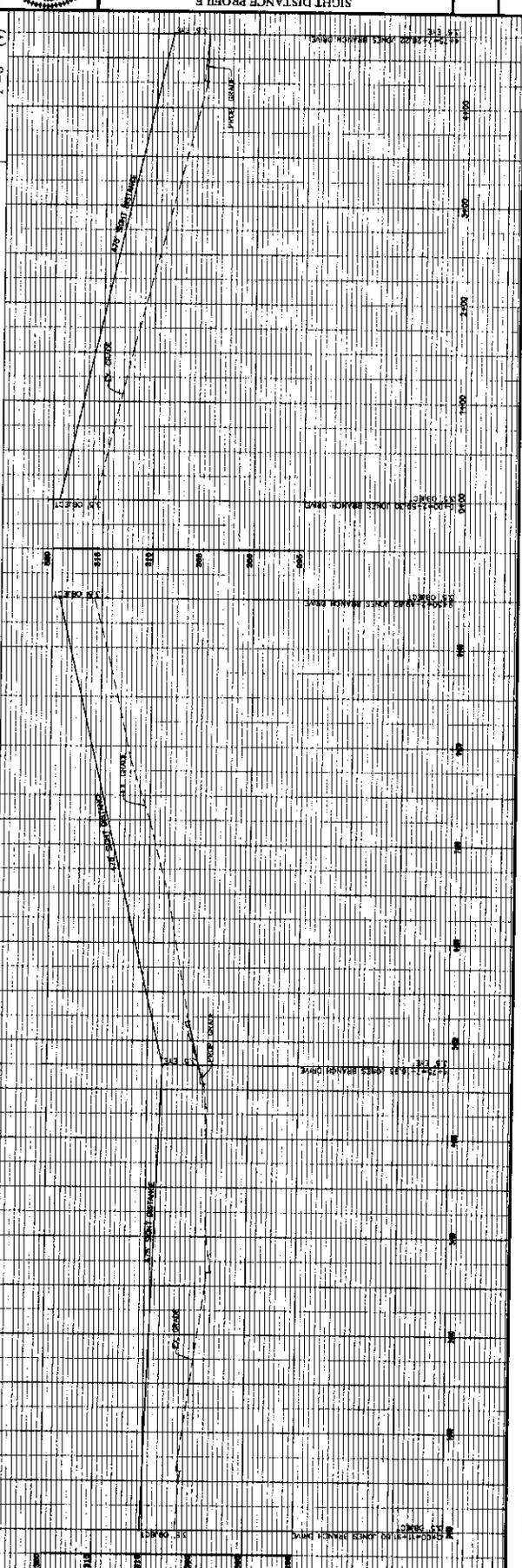
7940 JONES BRANCH DRIVE  
 SIGHT DISTANCE PROFILE  
 FAIRFAX COUNTY, VIRGINIA  
 DATE: MAR. 2008  
 SCALE AS NOTED  
 CT. = N/A

SHEET 28A  
 OF 28  
 MISC. 1809



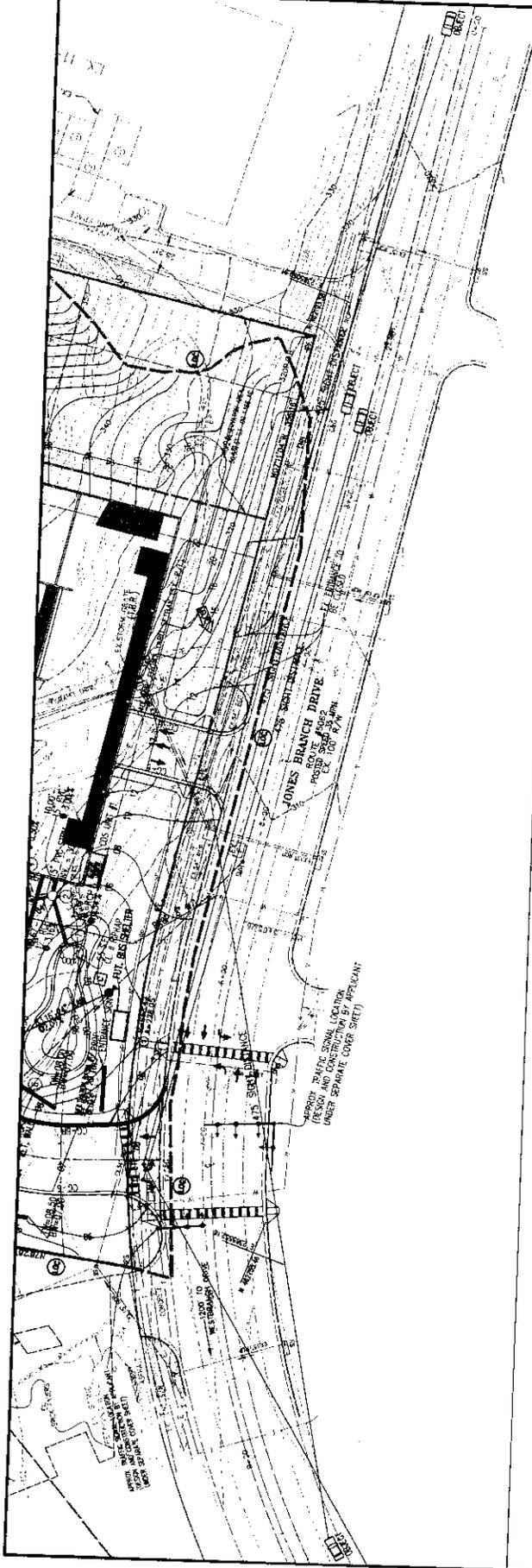
JONES BRANCH DRIVE  
 ROUTE 5062  
 ADDT. 8,600  
 POSTED SPEED=35 MPH  
 EX. 100 R/W

PLAN VIEW  
 SCALE: 1"=30'  
 PROFILE VIEW  
 SCALE: 1"=60' (H)  
 1"=5' (V)



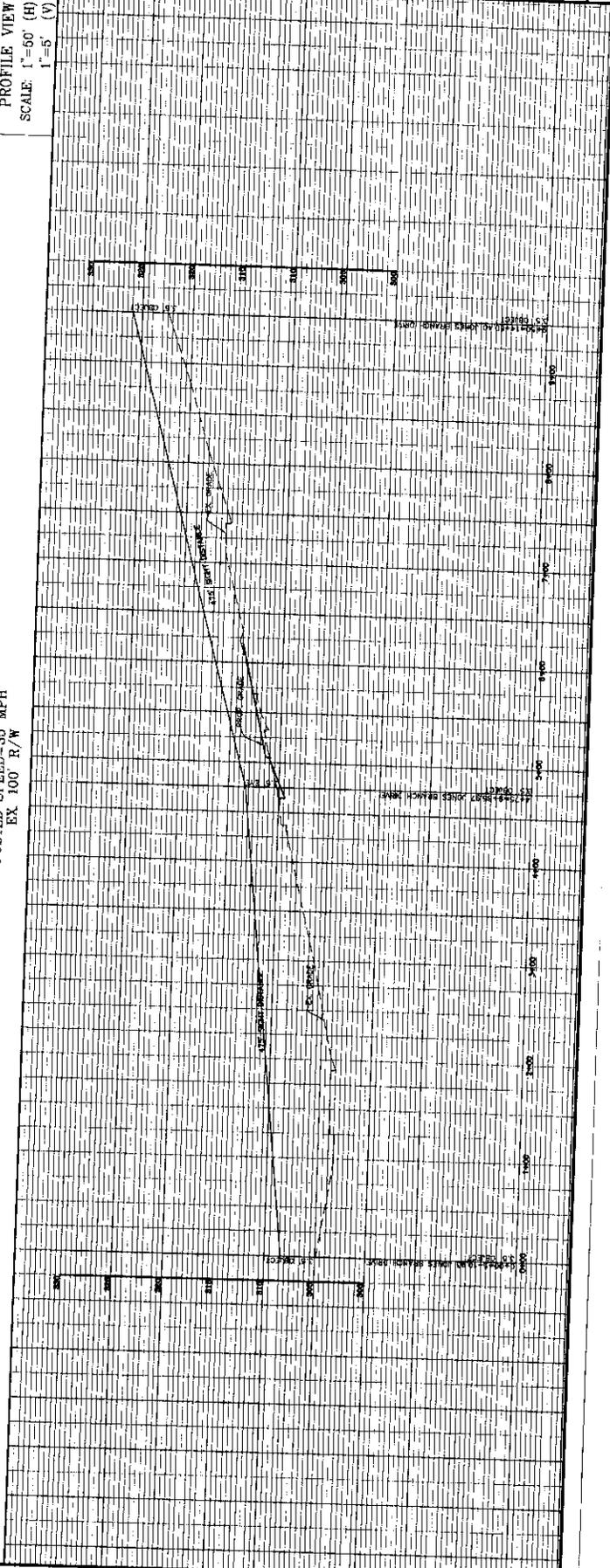
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URBAN ENGINEERING & ASSOC., INC. CIVIL ENGINEERS - LANDSCAPE ARCHITECTS - LAND SURVEYORS 712 LITTLE RIVER TOWER ANNAPOLIS, VIRGINIA 20703 (703) 642-8000		SCALE AS NOTED PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA DATE: MAR. 2008	
URBAN ENGINEERING & ASSOC., INC.		7940 JONES BRANCH DRIVE SIGHT DISTANCE PROFILE	
DATE: _____ DESCRIPTION: _____ REVIEW APPROVED: _____ DATE: _____	REVISION APPROVED BY DIVISION OF DESIGN REVIEW	SHEET NO. 32 OF 38 TOTAL SHEETS	PROJECT NO. 0803 MISC. 1803



JONES BRANCH DRIVE  
 ROUTE 5062  
 AADT 8,600  
 POSTED SPEED=35 MPH  
 EX 100' R/W

PLAN VIEW  
 SCALE: 1"=30'  
 PROFILE VIEW  
 SCALE: 1"=50' (H)  
 1"=5' (V)

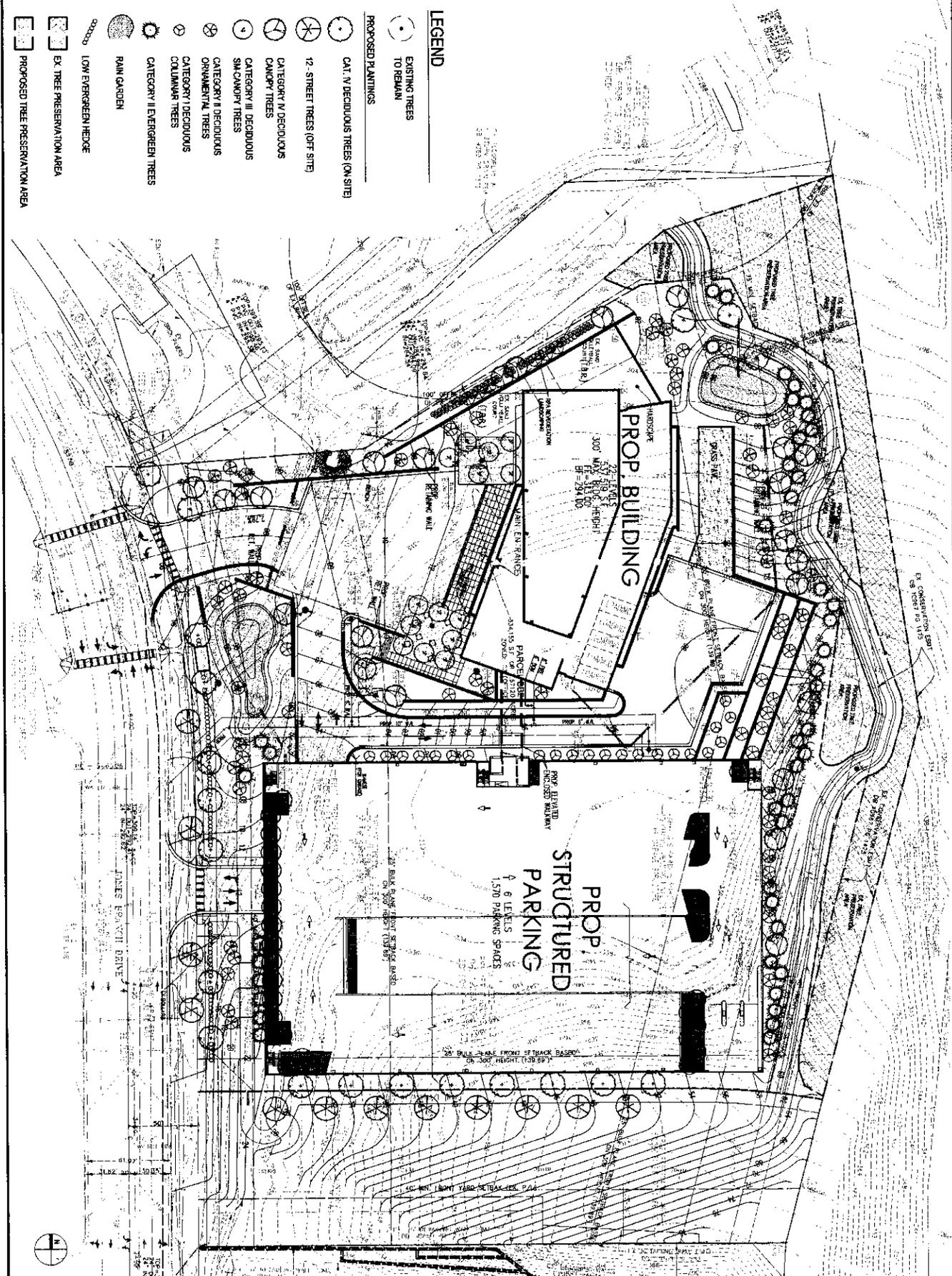






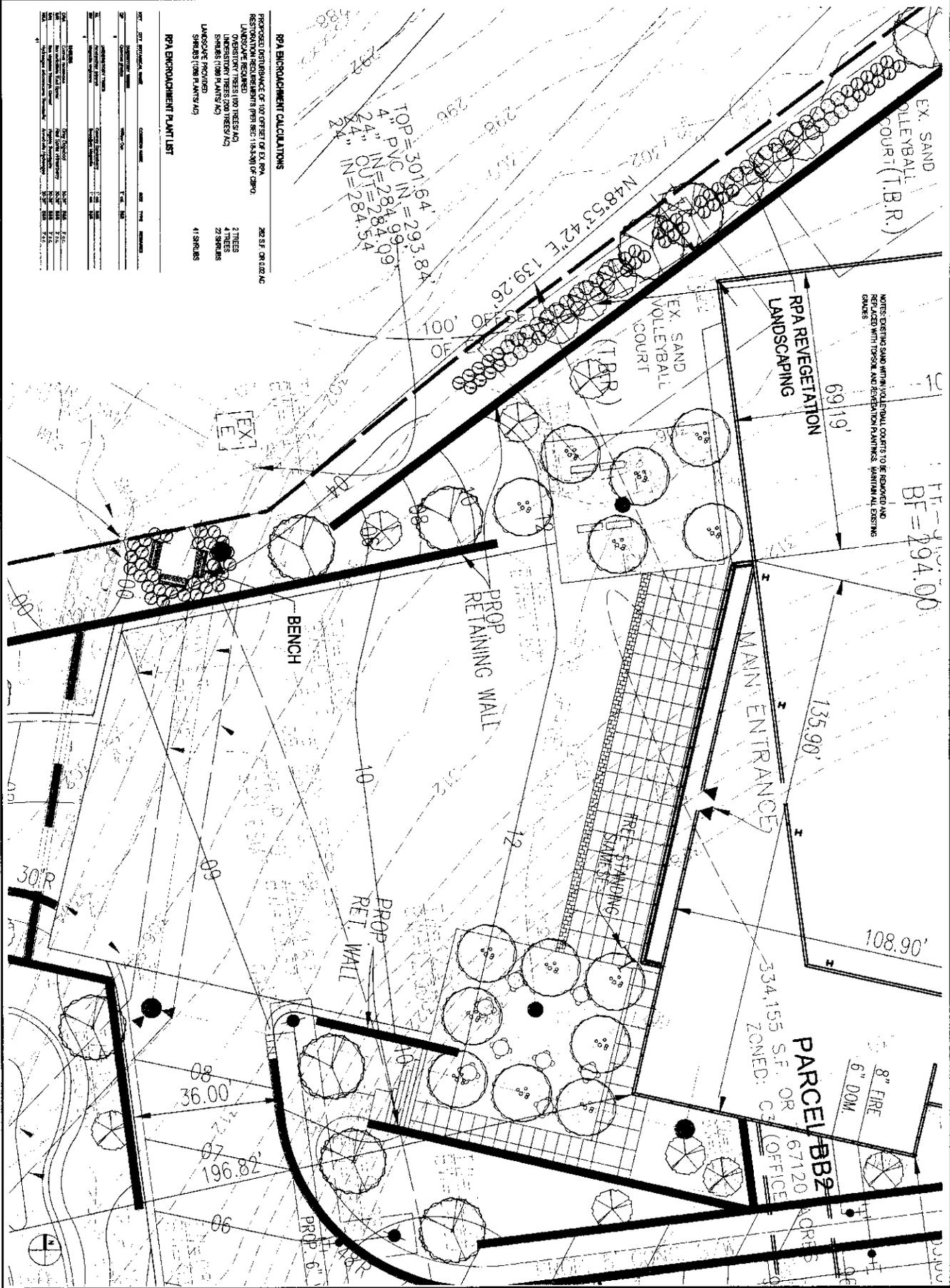






- LEGEND**
- EXISTING TREES TO REMAIN
- PROPOSED PLANTINGS
- CAT. IV DECIDUOUS TREES (ON SITE)
  - 12' STREET TREES (OFF SITE)
  - CATEGORY IV DECIDUOUS CANOPY TREES
  - CATEGORY III DECIDUOUS SH/CANOPY TREES
  - CATEGORY I DECIDUOUS ORNAMENTAL TREES
  - COLUMNAR TREES
  - CATEGORY II EVERGREEN TREES
  - RAIN GARDEN
  - LOW EVERGREEN HEDGE
  - EX. TREE PRESERVATION AREA
  - PROPOSED TREE PRESERVATION AREA

<p>ILLUSTRATIVE LANDSCAPE PLAN</p> <p><b>7940 JONES BRANCH DRIVE</b></p> <p>PROVIDENCE FAIRFAX COUNTY, VIRGINIA</p> <p>SCALE: 1"=30'</p> <p>DATE: APRIL 21, 2008</p>	<p>CLAYTON C. FOCKE No. 006786 04/7/08</p>	<p>urban Proven. Expertise. Landscape Solutions. Local Services.</p>	<p>PLAN DATE</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>No.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>REV. BY</th> <th>APPROVE. BY</th> <th>DATE</th> </tr> <tr> <td colspan="6" style="text-align: center;">REVISION APPROVED BY DIVISION OF DESIGN REVIEW</td> </tr> </table>	No.	DATE	DESCRIPTION	REV. BY	APPROVE. BY	DATE	REVISION APPROVED BY DIVISION OF DESIGN REVIEW						<p>STREET</p> <p>7940 JONES BRANCH DRIVE</p> <p>FILE NO. MNS-C-1870</p>
No.	DATE	DESCRIPTION	REV. BY	APPROVE. BY	DATE											
REVISION APPROVED BY DIVISION OF DESIGN REVIEW																



**RPA ENCROACHMENT CALCULATIONS**

PROPOSED DISTURBANCE OF 10' OFFSET OF EX. RPA RESTORATION REQUIREMENTS PER SEC. 154-200 OF CH. 154:

LANDSCAPE REQUIRED:  
 10' OFFSET (100 TREES/AC)  
 4' OFFSET (20 TREES/AC)  
 2' OFFSET (10 TREES/AC)

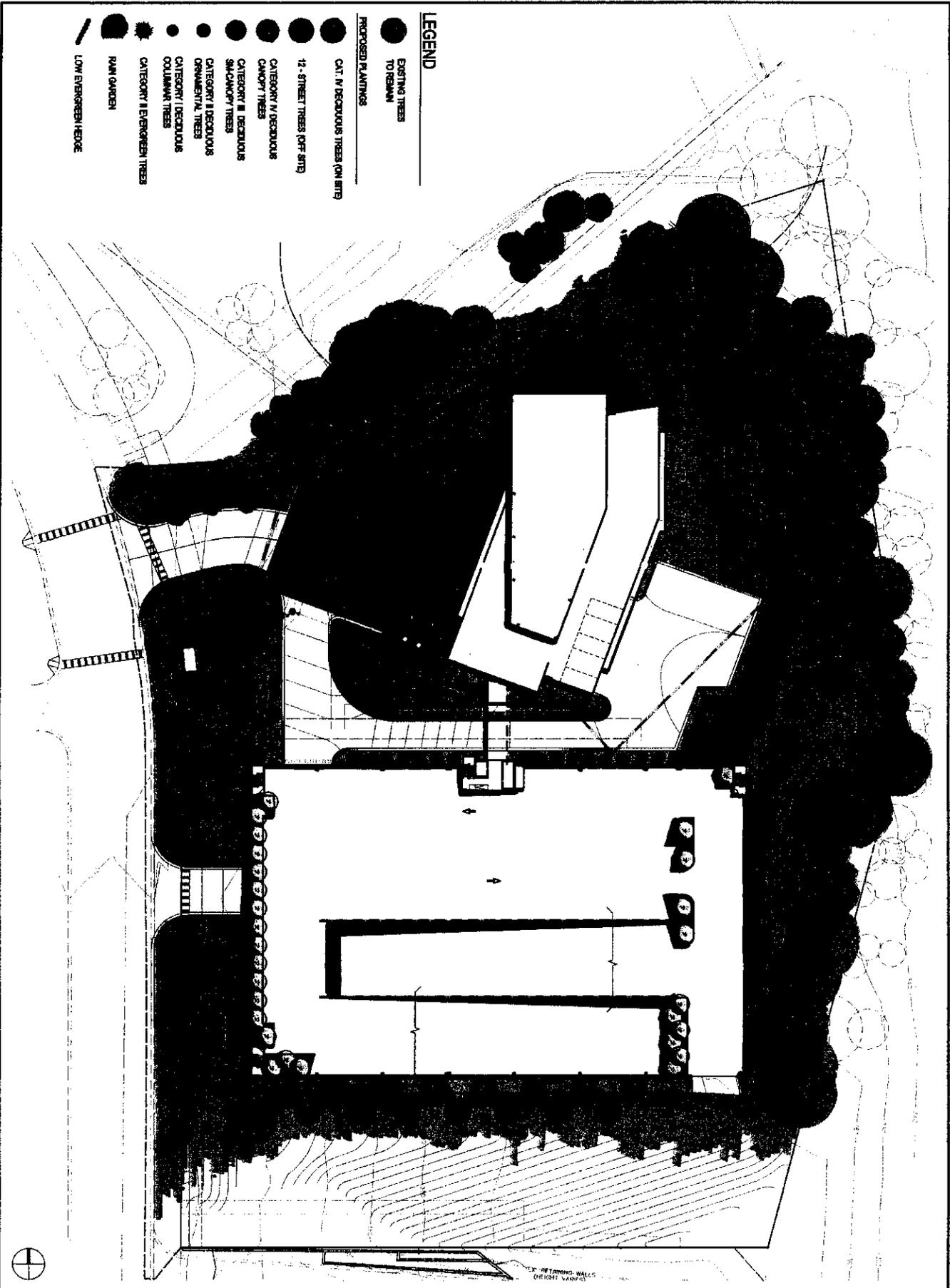
LANDSCAPE PROVIDED:  
 11 TREES/AC

**RPA ENCROACHMENT PLANT LIST**

NO.	SYM.	SYMBOL	COMMON NAME	DBH	HEIGHT
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3					
4					
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41					

SHEET 9 OF 28 FILES MDC-1189	DETAILED PLAZA PLAN <b>7940 JONES BRANCH DRIVE</b> PROVIDENCE FAIRFAX COUNTY, VIRGINIA				Urban, Ltd. 7741 Lees Road, Fairfax Arlington, Virginia 22204 Tel: 703.441.8288 www.urban-ltd.com	PLAN DATE
	SCALE: 1"=10' C.I. = N/A DATE: APRIL 21, 2008	PARCEL BB2 334,155 S.F. OR 67,120 S.F. (OFFICE) ZONED: CS-1 (OFFICE)				8" FIRE 6" DOM.



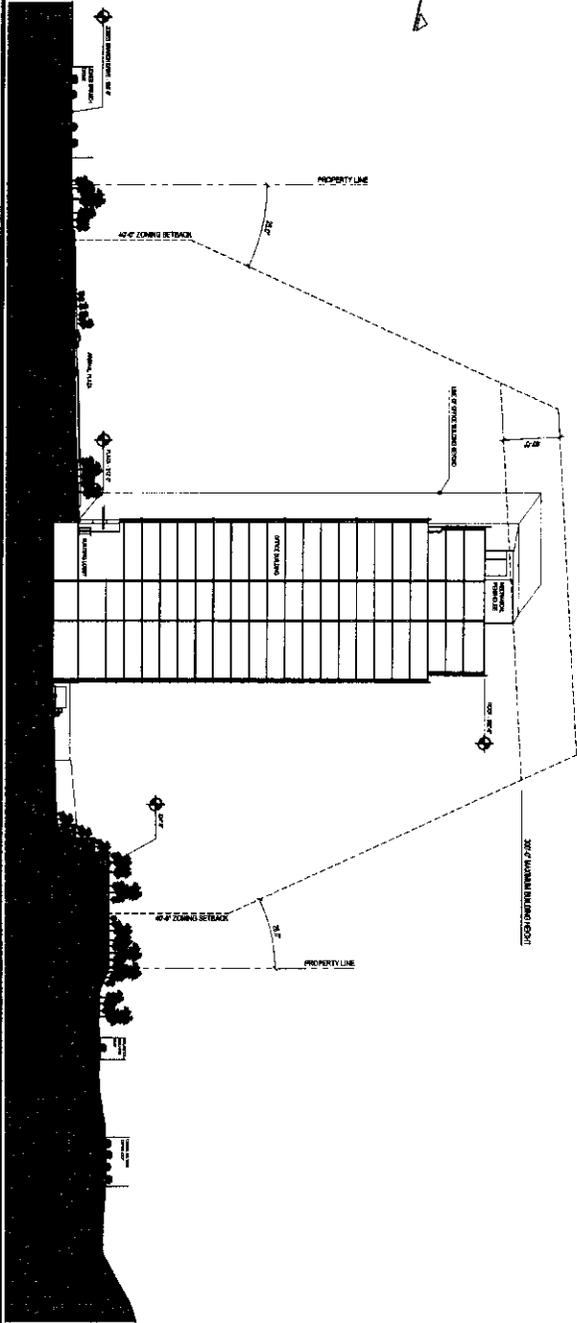
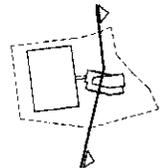


**LEGEND**

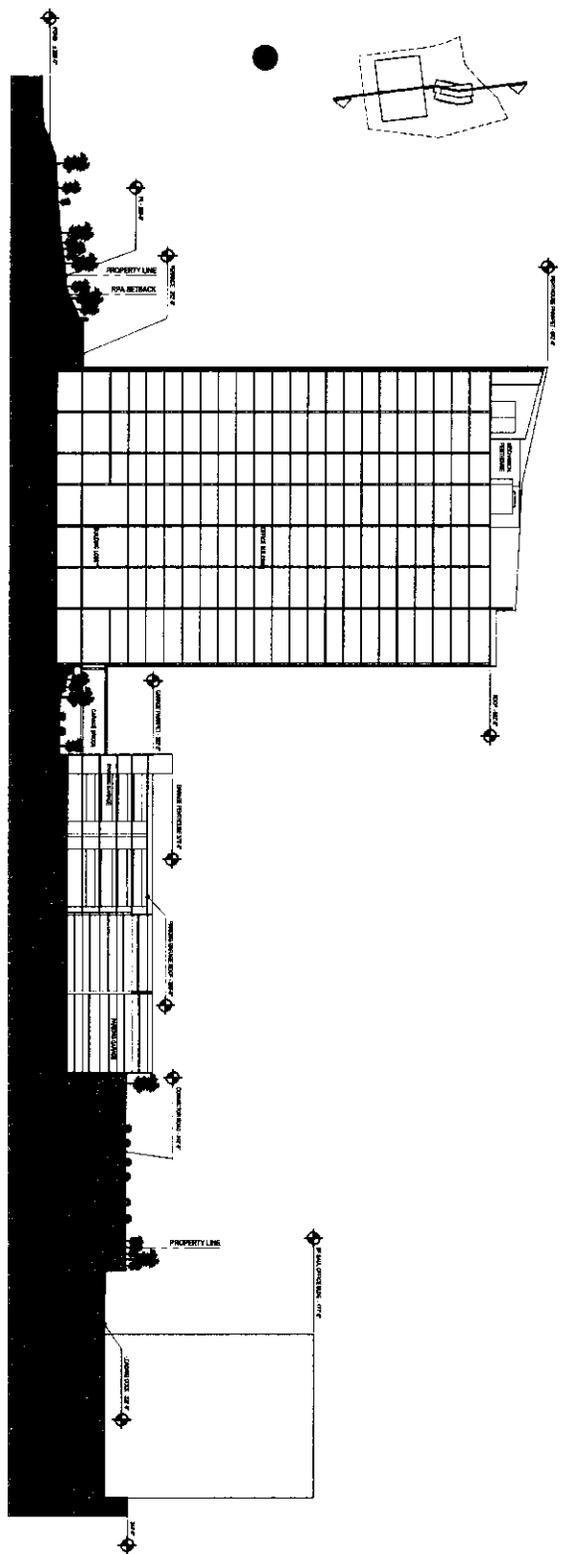
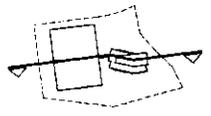
- EXISTING TREES TO REMAIN
- PROPOSED PLANTINGS
- CAT. I: DECIDUOUS TREES (ON SITE)
- CAT. I: DECIDUOUS TREES (OFF SITE)
- CATEGORY IV: DECIDUOUS CANOPY TREES
- CATEGORY III: DECIDUOUS SH: CANOPY TREES
- CATEGORY II: DECIDUOUS ORNAMENTAL TREES
- CATEGORY I: DECIDUOUS COLUMNAR TREES
- CATEGORY II: EVERGREEN TREES
- RAIN GARDEN
- LOW EVERGREEN HEDGE



<p>PROJECT 7940 JONES BRANCH DRIVE PROVIDENCE FAIRFAX COUNTY, VIRGINIA</p>	<p><b>ILLUSTRATIVE LANDSCAPE PLAN</b></p> <p><b>7940 JONES BRANCH DRIVE</b></p> <p>PROVIDENCE FAIRFAX COUNTY, VIRGINIA</p>		<p>urban Professional Landscape Architecture and Urban Planning</p> <p>10000 Lee 7700 Lee Blvd. Suite 200 Arlington, Virginia 22204 703.765.6422 www.urbanllc.com</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>REVIEW APPROVED</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>REVISION APPROVED BY DIVISION OF DESIGN REVIEW</p>	NO.	DATE	DESCRIPTION	REVIEW APPROVED	DATE															
NO.	DATE	DESCRIPTION	REVIEW APPROVED	DATE																				
<p>SCALE: As Shown      CL - N/A      DATE: APRIL 21, 2008</p>		<p>PLAN DATE: _____</p>																						



**2 North/South Site Section**  
SCALE: 1" = 40'-0"



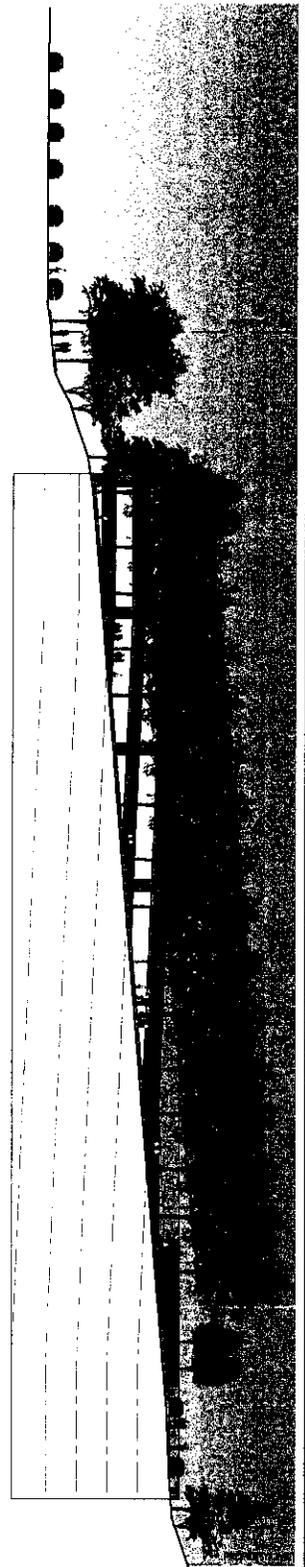
**1 East/West Site Section**  
SCALE: 1" = 40'-0"

**RP MRP Tysons LLC**  
7940 Jones Branch Drive  
McLean, VA 22108

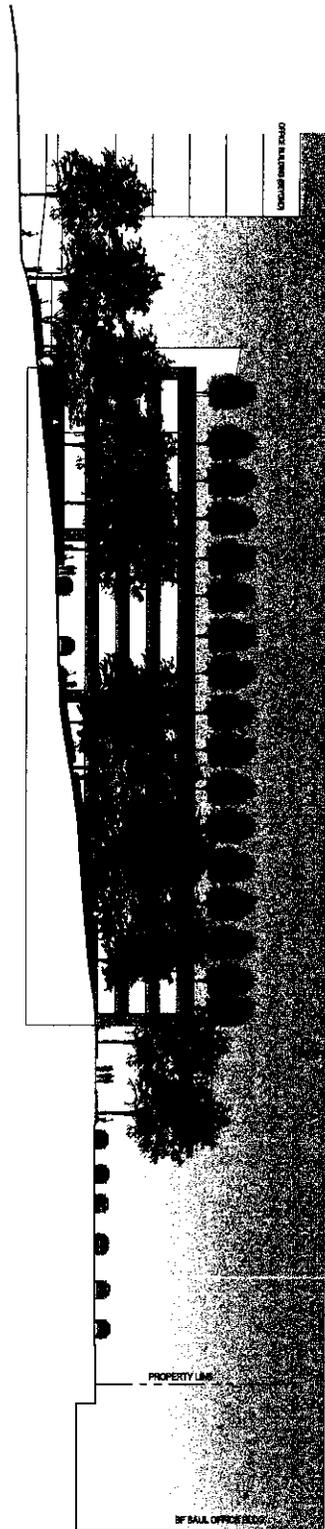
**Gensler**  
3033 K Street, NW  
Suite 200  
Washington, DC 20007  
Telephone: 202.212.5000  
Facsimile: 202.572.5357

Rev.	Date	By	Check
1	August 10, 2007		
2	August 10, 2007		
3	August 10, 2007		
4	August 10, 2007		
5	August 10, 2007		
6	August 10, 2007		
7	August 10, 2007		
8	August 10, 2007		
9	August 10, 2007		
10	August 10, 2007		

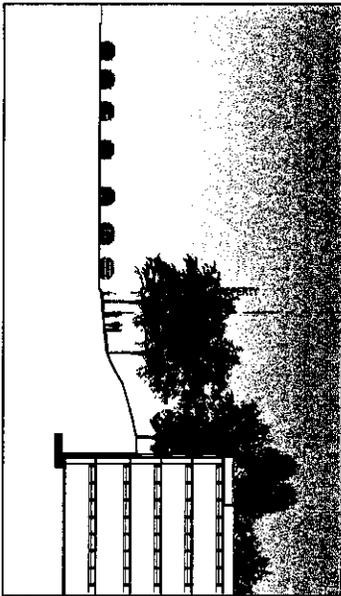
Project Name: 7940 Jones Branch Drive  
 Project Number: 01-028-000  
 Date: 08/10/07  
 Scale: 1" = 40'-0"  
 Sheet: 12 of 28



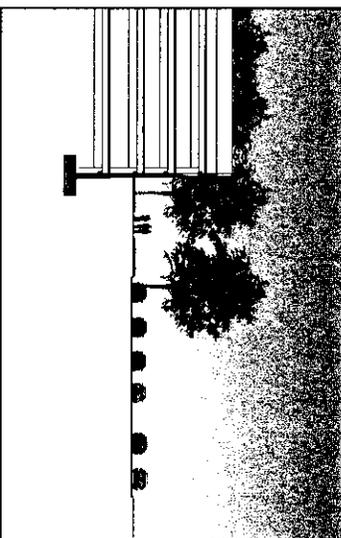
**2 South Elevation**  
SCALE: 1/8" = 1'-0"



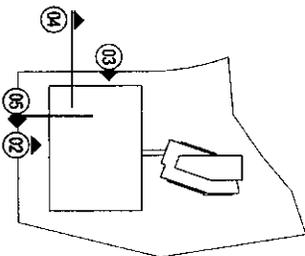
**3 Garage Elevation - West**  
SCALE: 1/8" = 1'-0"



**4 Section Jones Branch**  
SCALE: 1/8" = 1'-0"



**5 Section Connector Road**  
SCALE: 1/8" = 1'-0"

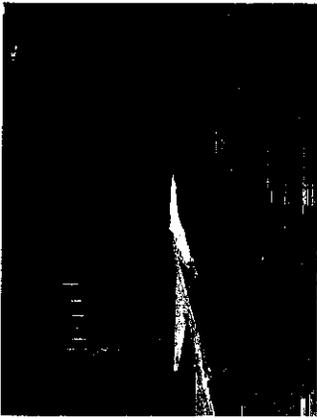


Key

SHEET 13 OF 24 FILE NO. NR-7-109	GARAGE ELEVATIONS AND SECTIONS <b>7940 JONES BRANCH DRIVE</b> PROVIDENCE FAIRFAX COUNTY, VIRGINIA				Urban, Ltd. 7713 Lee Hill Road Arlington, Virginia 22202 Tel: 703.421.8800 www.urban-ltd.com	PLAN DATE:									
	SCALE: As Shown      CL = N/A      DATE: APRIL 21, 2008					<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>REV. BY</th> <th>APPROVED</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td colspan="6" style="text-align: center;">REVISION APPROVED BY DIVISION OF DESIGN REVIEW</td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	REV. BY	APPROVED	DATE	REVISION APPROVED BY DIVISION OF DESIGN REVIEW	
NO.	DATE	DESCRIPTION	REV. BY	APPROVED	DATE										
REVISION APPROVED BY DIVISION OF DESIGN REVIEW															



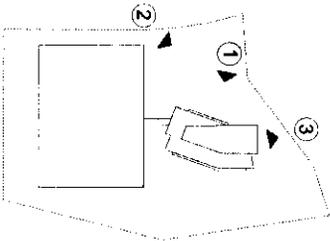
2 Plaza View  
N/S



1 View at Entry  
N/S



3 View from Terrace  
N/S



SHEET 14 OF 24 6/08-1809	SITE RENDERINGS <b>7940 JONES BRANCH DRIVE</b> PROVIDENCE FAIRFAX COUNTY, VIRGINIA			 urban 1000 Lee 771 Lee Ave Suite Arlington, VA 22202 TEL: 703.462.2200 www.urban-va.com	PLAN DATE:		No. DATE DESCRIPTION REVISION APPROVED DATE	
	SCALE: As Shown C.I. = N/A DATE: APRIL 21, 2008				REVISION APPROVED BY DIVISION OF DESIGN REVIEW			

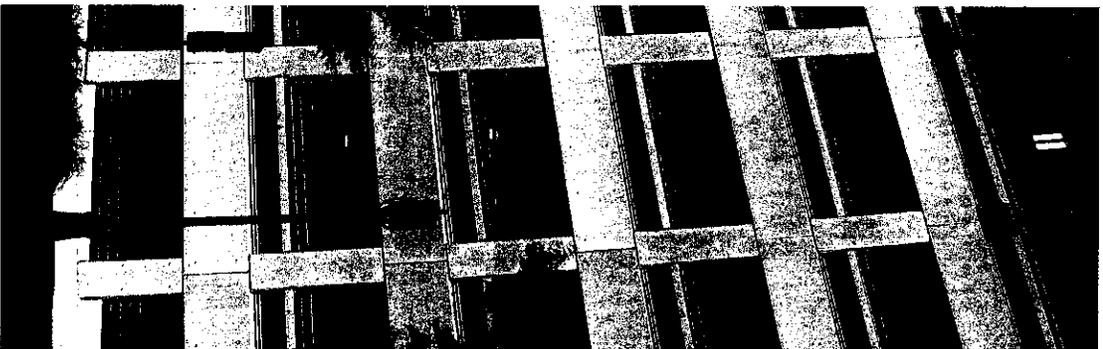
RP MRP Tysons LLC  
7940 Jones Branch Drive  
McLean, VA 22108

**Gensler**

2029 K Street, NW  
Suite 300  
Washington, DC 20006  
Telephone: 202.771.1500  
Facsimile: 202.771.1510



PRECAST SPANDREL PANELS



RIBBED PRECAST PANELS AND COLUMNS  
WITH METAL RAILINGS

Project Name: Jones Branch Development

Project No: 2008

Issued: March 14, 2008

Revised: April 07, 2008

Revised: April 21, 2008

Project Name: 7940 Jones Branch Drive

Project Number: 08-028-010

Project Location: 7940 Jones Branch Drive

Architect: HOK Group, Inc.

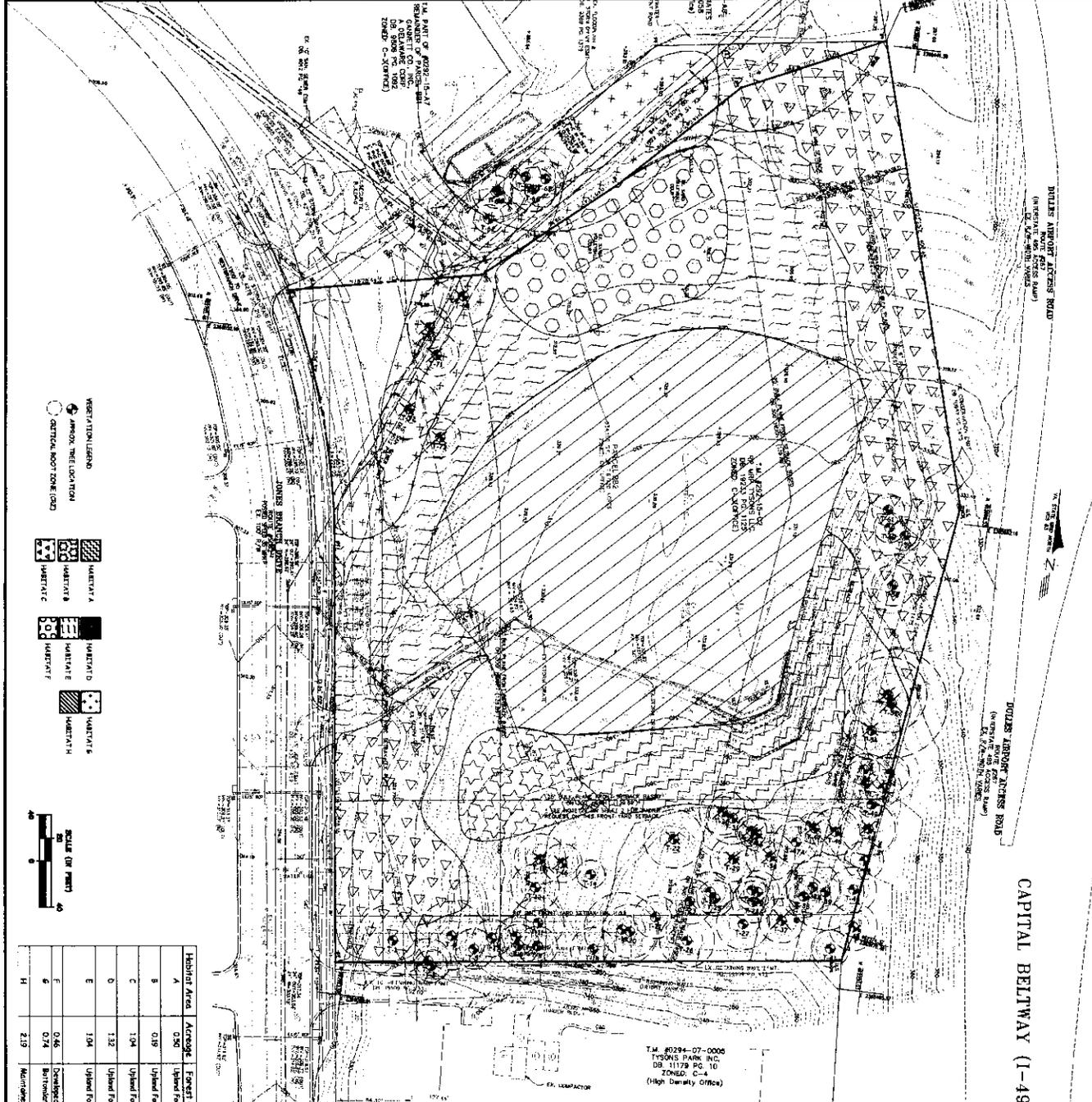
Structural Engineer: Gensler

Client: RP MRP Tysons LLC

SHEET

14A

CONCRETE



CAPITAL BELTWAY (I-495)

**LEGEND**

REGISTRATION

AMOX THE LOCATION

ACTUAL ROOT ZONE (ARZ)

VEGETATION

VEGETATION A

VEGETATION B

VEGETATION C

VEGETATION D

VEGETATION E

VEGETATION F

VEGETATION G

VEGETATION H

SCALE (IN FEET)

0 10 20 30 40

Historic Area	Area	Forest Cover Type	Primary Species	Successional Stage	Health & Condition
A	0.50	Upland Forest	Virginia Pine, Red Cedar, Black Oak, White Oak, Hickory	Forest	Good
B	0.19	Upland Forest	Virginia Pine	Forest	Good
C	1.04	Upland Forest	Tulip Poplar, Red Maple, gum, Ash, Black Locust, Hickory	Forest	Good
D	1.32	Upland Forest	Black Oak, Red Oak, White Oak, Black Oak, Tulip Poplar, Hickory	Forest	Good
E	1.04	Upland Forest	Scots Pine, Pines, Dogwood	Forest	Good
F	0.46	Developed Land	Virginia Pine, Pin Oak	Forest	Good
G	0.74	Developed Forest	Sycamore	Forest	Good
H	2.19	Developed Forest	Sycamore	Forest	Good

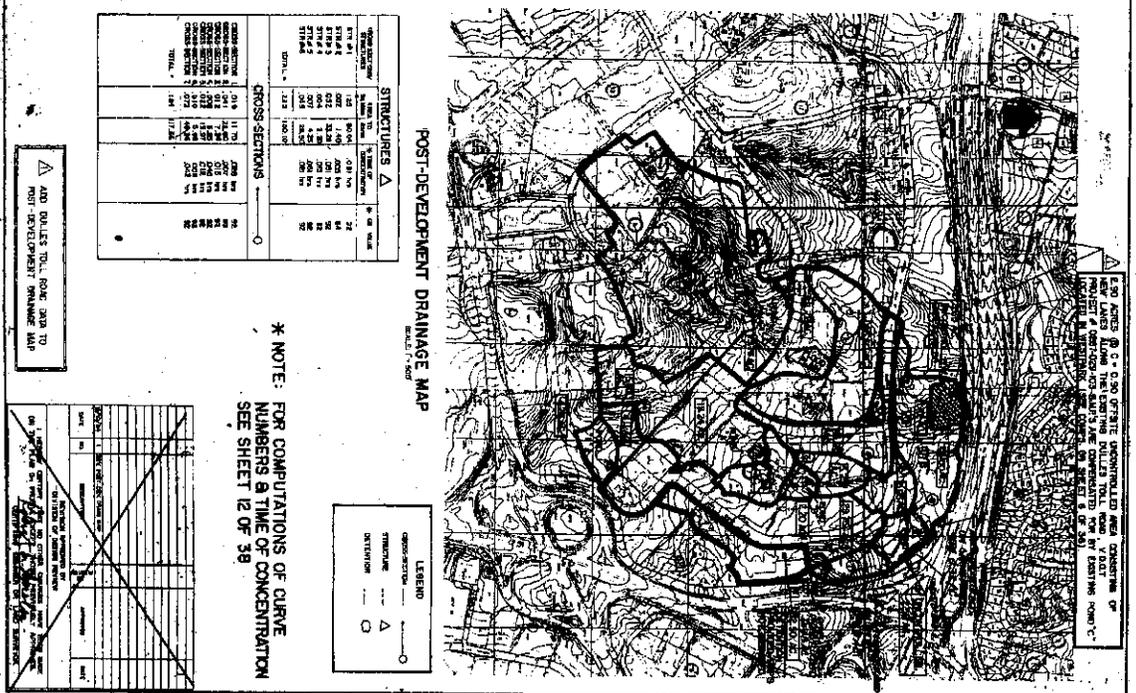
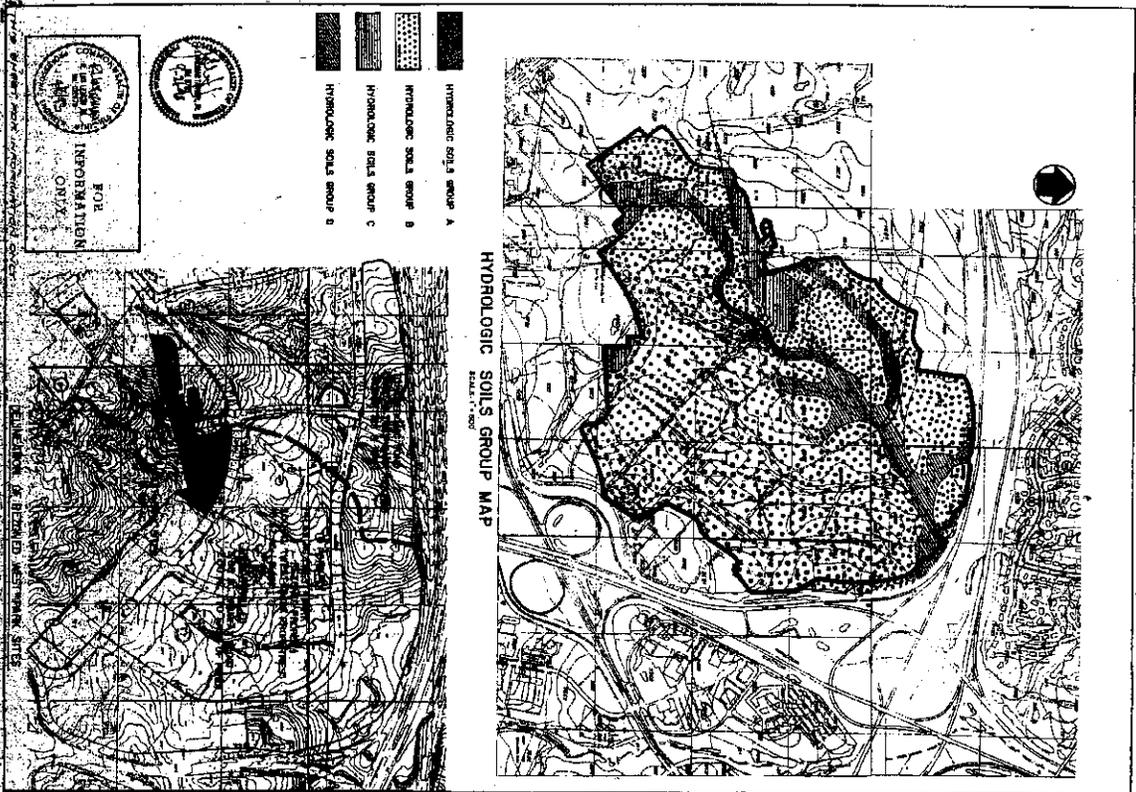
**\* TREES TO BE REMOVED**

Tree Number	Common Name	Size (dbh)	Critical Root Zone (feet)
1	Red Maple	31.2	31.2
2	Red Maple	31.2	31.2
3	Red Maple	31.2	31.2
4	Red Maple	29.6	29.6
5	Red Maple	17.5	17.5
6	White Oak	17.7	17.7
7	Black Oak	16.2	16.2
8	Black Oak	17.0	17.0
9	Black Oak	17.1	17.1
10	Black Oak	22	22
11	Black Oak	20.3	20.3
12	Black Oak	12.2	12.2
13	Black Oak	21.8	21.8
14	Black Oak	16.8	16.8
15	Black Oak	16.8	16.8
16	Black Oak	16.8	16.8
17	Black Oak	16.8	16.8
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97	Black Oak	16.8	16.8
98	Black Oak	16.8	16.8
99	Black Oak	16.8	16.8
100	Black Oak	16.8	16.8

<p>EXISTING VEGETATION MAP</p> <p><b>7940 JONES BRANCH DRIVE</b></p> <p>PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA</p> <p>SCALE: 1"=40'</p> <p>CI. = 2'</p> <p>DATE: AUGUST, 2007</p>		<p><b>URBAN ENGINEERING &amp; ASSOC., INC.</b></p> <p>CIVIL ENGINEERS - LANDSCAPE ARCHITECTS - LAND SURVEYORS</p> <p>7712 LITTLE RIVER TURNPIKE</p> <p>ANNANDALE, VIRGINIA 22068 (703) 642-8060</p>	<p>PLANS/DRAWINGS</p> <p>NO. DATE DESCRIPTION REVISION APPROVED BY DATE</p> <p>REVISION APPROVED BY DIVISION OF DESIGN REVIEW</p>
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**STUDY OF THE EXISTING WEST & PARK STORM WATER DETENTION FACILITIES INCLUDING PONDS A, B, D & C.**

**SOILS DATA & POST-DEVELOPMENT DRAINAGE MAP**

MURPHY, NYCE & ASSOCIATES, P.C.  
 CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • LAND SURVEYORS  
 7712 LITTLE KIVER TURNPIKE  
 ANNANDALE, VIRGINIA 22003 (703) 644-8000

DATE: 08/21/08  
 NO. DATE DESCRIPTION REV. BY APPROVED DATE  
 REVISION APPROVED BY DIVISION OF DESIGN REVIEW



**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

The subject 7.67-acre site is located at 7940 Jones Branch Road south of the existing Gannett Building and the Dulles Airport Access Road (DAAR) in Land Bay E of the West\*Park Office Park. This application proposes to develop the site with an office building and parking structure. Of note, the parcel is currently zoned C-3, a result of a series of rezoning and proffer condition amendment applications, originating in 1988 with RZ 88-D-005. The subject site is governed by proffers associated RZ 88-D-005 but also by the Special Exception (SE) development conditions approved on November 11, 1994, with SE 94-P-040. SE 94-P-040 was approved for an increase in building height, radio, and television broadcasting facilities, satellite earth stations, helistop and a waiver of certain sign regulations. SEA 94-P-040 is a partial SEA, in that it only covers 7.67 acres of the original 30.01-acre SE site. The rest of the site is developed with the Gannett/USA Today office building and a stormwater management pond, Stormwater Management Pond C. Of note, the current application does not seek to extend the approval of radio, and television broadcasting facilities, satellite earth stations, helistop and a waiver of certain sign regulations, as approved under SE 94-P-040, to the subject 7.67-acre site. Instead, the application seeks only to take advantage of the approval of an increase in building height, to 300 feet, as approved by SE 94-P-040.

The previously approved SE contained a development condition which established that any buildings on this site would be occupied by a single user. However, the condition also stated that should more than a single user be proposed, then a Special Exception Amendment (SEA) would be required. Specifically, the condition states:

***Limitation of Use and Applicant.*** *In the event that any building on the site is occupied by more than a "single user", as defined below, in addition to the requirements set forth below, prior to site plan approval, the owner/tenant of any building on the site occupied by more than a single user per building shall submit detailed site plans, landscape plans and architectural plans (including, but not limited to, building footprints, architectural design, exterior façade materials and treatments, and location, size and details of all proposed signage and telecommunications facilities) to the Planning Commission for review and recommendation to the Board of Supervisors for review and approval based on the applicable Special Exception standards contained the Zoning Ordinance. The burden of such submission, review and approval for the applicant shall be the same as those for the review and approval process for a new special exception application. For the purposes of these development conditions, the term "single user" shall be defined as a user and its affiliates (defined as subsidiaries and other entities in which the user has a direct or indirect interest of at least 33 1/3%) which, along with accessory uses, occupies 85% or more of a single building.\**

The applicant is seeking a special exception amendment (SEA) to request that this "single-user" condition be deleted to eliminate any limit on the number of office tenants within the proposed structure and to permit uses such as an eating establishment and child care facility/nursery school to operate within the proposed building. It should be noted that both an eating establishment and a child care facility/nursery school are permitted by right in the C-3 District and are also permitted under the approved proffers and the approved SE conditions. The applicant has stated in the development conditions that the day care will be approximately 2,000 square feet (SF), will serve employees only, and will have a maximum enrollment of 30 children at any given time and not more than five employees. The eating establishment is described as a four-star restaurant with café and outdoor seating. The restaurant will sit on the north side of the building. According to the applicant, the restaurant and café will be approximately 10,000 SF, with 19 bar seats, 304 table seats in the restaurant and 32 table seats in the café. There will be 20 employees of the restaurant and 6 employees of the café.

Finally, the approved development conditions for SE 94-P-040 provided that, prior to site plan, landscape plan and architectural plan approval, these plans would be submitted to the Planning Commission for review. Specifically, the development condition states that "*prior to site plan, landscape plan and architectural plan approval, such plans shall be submitted to the Planning Commission for review for conformance with the Zoning Ordinance and these Development Conditions*". The applicant seeks to satisfy this condition with the submittal of this SEA Application.

This application seeks a waiver of front yard requirements per Section 2-418 of the Zoning Ordinance which allows a waiver of yards in selective areas where specific design guidelines have been established per the Comprehensive Plan. Specifically, Section 2-418 states that: "*the minimum yard requirements and other required distances from lot lines set forth in this Ordinance may be waived for developments located in an area where specific design guidelines have been established in the adopted comprehensive plan, such as in Community Business Center (CBCs) and areas around transit facilities.*" The applicant is seeking a waiver of the front yard requirement in order to permit the current placement of the parking structure 12.5 feet from the proposed Jones Branch Connector with a 17 degree angle of bulk plane (ABP). The front yard requirement for a C-3 district is controlled by a 25° ABP (for a 39-foot high building, the ABP would require a 19-foot yard), but is not to be less than 40 feet.

This application also seeks to encroach into an existing 25-foot wide conservation easement along the DAAR frontage in two places. First, an encroachment is needed in order to widen the existing pedestrian trail to its required 10-foot width. Second, given the depiction of the future alignment of the Jones Branch Connector, there will be an encroachment near the southern property boundary. Because the County is the holder of this easement, the applicant is seeking approval from the Board of Supervisors to encroach within this easement.

## LOCATION AND CHARACTER

The 7.67-acre site is located in the West\*Park Office Park and is located in Sub-unit L-1 of the Tysons Corner Urban Center. It is located just southwest of the on-ramp connecting the DAAR to the outer loop of the Capital Beltway (I-495). The site currently contains a softball diamond and two beach volleyball courts. In addition, the site has a paved trail that circles the entire property. The site also has existing stands of trees along the DAAR and along the southern property line. The site is currently accessed by a single paved driveway.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office (Gannett/USA Today)	C-3	Office
South	Office (Tysons Park Place II)	C-4	Office
East (Across Beltway)	Multi-Family Residential, (Gates of Mclean)	PDH-30	Office
West	Office	C-3	Office

## BACKGROUND

On October 31, 1994, the Board of Supervisors approved **SE 94-P-040** for an increase in the building height, radio and television broadcasting facilities, microwave facilities and satellite earth stations accessory to an office building, a helistop as an accessory use to an office use, and a waiver of certain sign regulations in order to permit the development of the site with an office building and related parking structures subject to specified development conditions. The land area for **SE 94-P-040** consisted of 30.01 acres, known as Land Bay E, and it was anticipated that this site would be the headquarters for the Gannett Company. The approved development conditions provided the square footage limitations for this land bay, but also recognized that this bay could be subdivided into two or more parcels for further building sites.

Concurrently with **SE 94-P-040**, the Board of Supervisors approved **PCA 88-D-005**, which, among other things: divided the overall 193.54 acres of West\*Park into five (5) land bays (A through E); established the C-3 Zoning district regulations for yard requirements; permitted the construction of Pond C in accordance with the Chesapeake Bay Preservation Ordinance; established a 90-foot height limitation and a 75-foot height limitation for those buildings along the DAAR (unless increased by special exception); and redesignated certain Environmental Quality Corridor (EQC) lands as private open space in accordance with the Comprehensive Plan. While there have been six (6) PCA applications within West\*Park

(up to PCA 88-D-005-6), the latest proffers that fully describe the applicant's obligations can be found in **PCA 88-D-005-02** and **PCA 88-D-005-03**.

**PCA 88-D-005-02** was approved to increase the overall allowable FAR within West\*Park from 0.54 FAR (4,691,753 SF) to a maximum of 0.599 (5,200,000 SF). However, these approved proffers also continued the obligations associated with developing particular sites, in terms of bulk regulations, setbacks, landscaping, trails, stormwater management, clearing and grading, and transportation improvements. **PCA 88-D-005-03** contains the proffers related to Transportation Demand Management (TDM). The approved proffers for **PCA 88-D-005-02** and **PCA 88-D-005-03** and the development conditions for **SE 94-P-040** can be found at Appendices 4-6 at the back of this report.

The applicable proffers follow:

- *Height.* The approved proffers on the site established that buildings in Land Bay E shall not exceed 75 feet in height unless permitted by the Board of Supervisors in accordance with the applicable provisions of the Zoning Ordinance. Please note, the Board did approve, with **SE 94-P-040**, a height of up to 300 feet (excluding penthouses). Further development conditions were imposed with this SE.
- *Setbacks from DAAR and Yard Requirements.* The minimum yards requirements were established per the provisions of the Zoning Ordinance requirements for the C-3 Zoning District "*unless otherwise modified or waived by the Board of Supervisors,*" acknowledging that the Board does have the ability per certain provisions of the Zoning Ordinance, such as Sect. 2-418, which allow modification of yard requirements. The proffers affirmed that structures in Land Bay E are subject to the 75-foot minimum distance requirements as required by the Zoning Ordinance, unless modified or waived by the Board of Supervisors.
- *Landscaping & Transitional Screening.* A 35-foot transitional screening yard is proffered to be provided along the northern property line. However, it should be noted that this property line is associated with the Gannett/USA Today building/parcel. The subject parcel was created with the Gannett/USA Today site was further subdivided in 2007 and the northern property line for the subject site abuts the Gannett/USA Today site.
- *Stormwater Management.* The proffers note that Land Bay E will accommodate Stormwater Management Pond C to serve the water quantity and quality requirements. The proffers further note that a Resource Protection Area (RPA), as determined by County staff, shall be preserved onsite. Specifically, no clearing and grading is permitted within the RPA except for that necessary to construct and maintain the SWM/BMP facility.

- *Cellar Space.* The proffers further discuss the treatment of cellar space. Specifically, the proffers limit office use to a maximum of 50 percent of the cellar space and state that parking requirements should be calculated in accordance with the provisions in the Zoning Ordinance.
- *Noise Attenuation.* The proffers require that materials and construction methods be used that mitigate interior noise level to 50 dBA [within all those buildings located north and east of Jones Branch Drive that are impacted by highway noise levels greater than 70dBA (generally in the area north and east of Jones Branch Drive)].
- *Tysons Corner Area Wide Transportation Contribution.* Under the proffers the applicant is committed to contribute \$2.85, subject to certain escalation over time, per FAR square foot of most new buildings. The proffers specify the projects which are to be funded by the contributions, including, the destination station on Outparcel A, additional toll lanes and toll booths on the DAAR, and Metrorail design and development.
- *Transportation System Management (TSM).* Under these proffers, the applicant has committed to provide \$30,000 a year for 9 years to partially fund a Transportation Coordinator to be employed by TYTRAN. This proffer has been fulfilled.

In addition to the proffers listed above, specific development conditions, as approved with SE 94-P-040 control this site as well. These conditions include the following:

- Limit any building to a single user;
- Limit the square footage for Land Bay E to 1,307,223 SF as specified in the proffers;
- Require conformance with the Urban Design Guidelines, Design Recommendations for the Tysons Urban Center as included in the Comprehensive Plan;
- Require review of Site/Architecture Plan by the Planning Commission;
- Limit the height of buildings to 300 feet (penthouse allowed to extend 40 feet above that);
- Require that building material be utilized to prevent glare on adjacent residential communities;
- Set forth restrictions that limited signage for any building occupied of a single user;
- Permit a helistop for one single user onsite;
- Permit communication facilities onsite as an accessory use in a building occupied by a single user;
- Require tree preservation within a 40-foot wide setback along the property's DAAR frontage;

- Require a minimum of 21.6 percent landscaped open space to be provided; and
- Require a minimum of 75 feet between all principal buildings and the DAAR (though free standing parking structures may be located with 75 feet as governed by 45 degree ABP and no closer than 40 feet).

## **COMPREHENSIVE PLAN PROVISIONS (Appendix 7)**

**Plan Area:** II

**Planning Sector:** Tysons Corner Urban Center

**Plan Map:** Office

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property, which is located in Land Unit L, Subunit L-1. On pages 117 through 119 of the Tysons Corner Urban Center of the 2003 edition of the Area II Plan, under the heading, "Land Unit Recommendations" under the sub-heading "Land Unit L," the Plan states:

### **LAND UNIT L**

*Land Unit L is comprised of about 250 acres, bounded by the Dulles Airport Access Road (DAAR) on the north, the Capital Beltway on the east, Land Unit N on the south and the Lincoln apartments on the west. Land Unit L contains the West\*Park development which is the largest office park in Tysons Corner. In 1993, existing land use is predominantly office use which is developed on about 65% of the land unit's acreage, the other 35% being vacant.*

*The portion of Land Unit L that is south of Westpark Drive is in the Tysons II Activity Center of the Core, which is composed of the Tysons II mixed-use development and this portion of the West\*Park development. The vision for this activity center is for it to develop as a large mixed-use area that integrates three major components: office, regional retail, and hotel, and allows for a fourth component of high density housing. Of the three Activity Centers in the core, the Tysons II Activity Center represents the greatest opportunity for mixed-use development with day and evening activity because of its relatively undeveloped nature. The Tysons II Activity Center also provides the greatest opportunity for creating a pedestrian and transit-oriented environment, again due to its undeveloped nature in conjunction with planned intensities. Future buildings can be sited closer to roads and to each other than currently, providing for a more urban environment that people can walk because of its relatively undeveloped nature. The Tysons II Activity Center also provide the greatest opportunity by creating a pedestrian and transit-oriented environment, again due to its*

*undeveloped nature in conjunction with planned intensities. Future buildings can be sited closer to roads and to each other than currently, providing for a more urban environment that people can walk through easily or that can be efficiently served by transit.*

*The portion of Land Unit L that is north of Westpark Drive is the West Park non-core area, one of the two largest land units in Tysons Corner, the other being West Gate (Land Unit R). Both areas have developed as office parks with a predominantly campus-like setting, and the vision for both is to continue their development in predominantly office uses. Additional development in the West Park Land Unit will be primarily infill office buildings on the vacant parcels. Opportunities exist to introduce a housing component. Further opportunities exist for higher intensity development, if supported by a rail transit station.*

*In the event that rail is extended through Tysons Corner, a rail station may be located in proximity to the southern most portion of this land unit (i.e. Sub-unit L-3). An express bus station, the Tysons Westpark Transit Station, is already planned for a site in Sub-unit L-1 adjacent to the DAAR at the intersection of Jones Branch Drive and International Drive. Future express bus service is planned from Washington Dulles International Airport to the West Falls Church-VT/UVA Metro Station.*

*It is long-standing County policy that the designation of a transit station at the Tysons Westpark site on the south side of the DAAR is not justification for allowing commercial development to spill over the DAAR boundary of Tysons Corner into the residential neighborhoods of McLean. Protection of the single-family neighborhoods north of the DAAR from commercial encroachment is an important goal of the Plan for Tysons Corner. This policy not only serves to protect the neighborhoods, but also encourages higher density development to occur in a defined area, thereby facilitating transit efficiencies and related benefits of reduced congestion and improved air quality.*

*Guidance for evaluating development proposals for this land unit is contained in the Area-wide Recommendations, the Land Unit Recommendations and the Development Review Guidelines Sections of the Plan. Specific Guidance for uses and intensities as envisioned in the Plan are provided in the sub-unit text below. Achieving planned intensity is predicated upon successfully incorporating these recommendations and guidelines into development proposals. In addition, urban design and transportation guidelines are set forth in the Development Review Guidelines Section.*

#### **SUB-UNIT L-1**

*Sub-unit L-1 is planned for office use with support retail and service uses up to an average .55 FAR for Sub-units L-1 and L-3 combined. The combined sub-units should not exceed a maximum of 4,700,000 square feet of*

*non-residential gross floor area. New development and/or redevelopment should integrate the parcels of the sub-unit through pedestrian linkages and urban design amenities.*

#### *Option without Rail*

*As an option, residential use is appropriate on any portion of the sub-unit. In any development proposal submitted under this option, planned nonresidential intensity can be replaced by residential use as provided under the Alternative Land Use Guidelines in the Area-wide Recommendations section.*

*As an option, the planned nonresidential FAR of Sub-unit L-4 may be transferred to Sub-unit L-1 and Sub-unit L-3, if a concurrent development proposal provides residential use at 20 to 30 dwelling units per acre on the entire land area within Sub-unit L-4. In this option, Sub-units L-1 and L-3 should not exceed a nonresidential maximum of 5,200,000 square feet (see the Sub-unit L-4 Option for residential use at 20 to 30 dwelling units per acre).*

#### *Option with Rail*

*If a rapid rail station site is selected and programmed for design and construction at Spring Hill Road and the DAAR or in the vicinity of Route 123 and Tysons Boulevard, office use up to .75 FAR is appropriate for Sub-units L-1 and L-3 combined. Higher intensities of 1.0 FAR and higher should be encouraged within Sub-unit L-3 and designed in a manner to better integrate with the Tysons II development; whereas Sub-unit L-1 should have an average intensity up to .70 FAR. Mixed-use development with office, retail and possibly a housing component is encouraged near the transit station. Development proposals within Sub-unit L-1 under the rail option should provide for the following:*

- Pedestrian circulation should be provided through interparcel connections (sidewalks and/or trails), unless there are special circumstances where buildings require higher levels of security than normally provided.*
- If housing is provided, residential use could replace planned office use as provided under the Alternative Land Use Guidelines in the Area-wide Recommendations section, which indicates that a viable living environment should be created that is compatible with adjacent uses, and that provision for recreational facilities and other amenities should be made for the residents.*

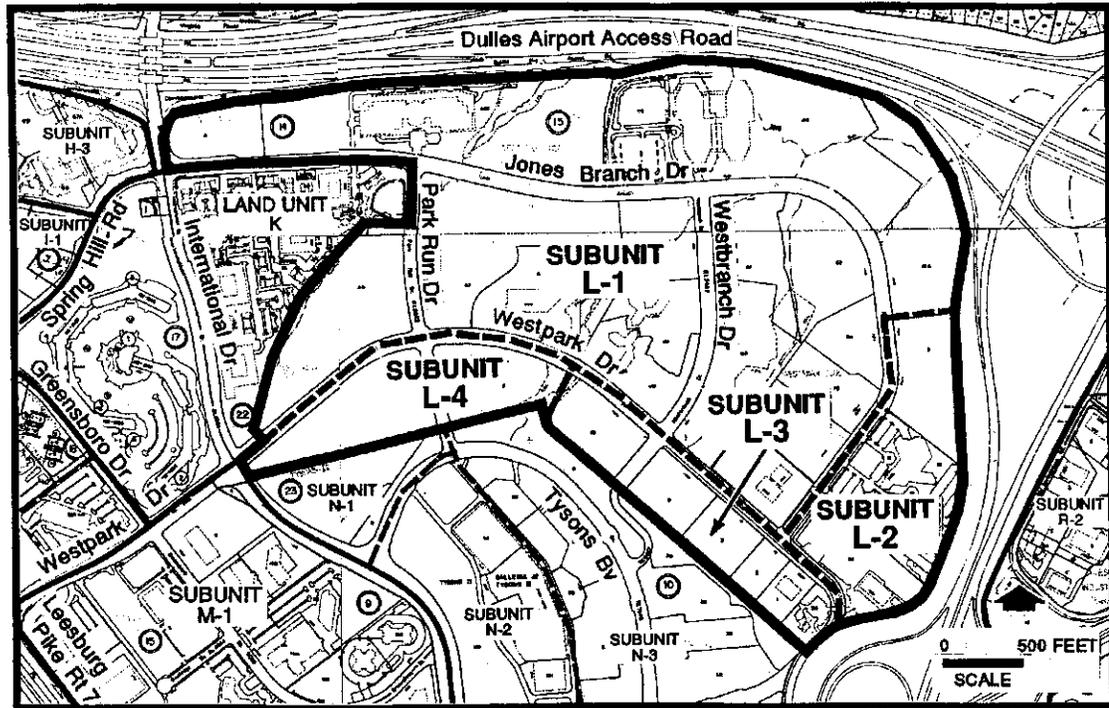


FIGURE 31

**LAND UNIT L  
TYSONS CORNER URBAN CENTER**

**Height Limit:** Up to 75 feet north of Jones Branch Road and west of the EQC located in the vicinity of the DAAR/ Capital Beltway interchange; up to 125 feet south of Jones Branch Road; up to 150 feet in the rest of the sub-unit. Building heights at or near the top of the limit can be achieved if the result is more usable open space, improved pedestrian circulation and urban design amenities. In addition, a variety of roof-top elevations should be provided in the sub-unit with the maximum heights used to help establish focal point(s) (see the Building Heights Map, Figure 10, and Building Height Guidelines).

If a rapid rail station site is located in proximity to this Sub-unit, maximum building heights within 1,600 feet of the station platform may increase up to 30%. All transit related height increases should be consistent with the Building Height Guidelines and the resulting height should not adversely impact the character and development of adjacent and nearby lands or neighborhoods.

## ANALYSIS

**Special Exception Amendment (SEA) Plat (Copy at front of staff report)**

**Title of SE Plat:**

Special Exception Amendment Plat for 7940  
Jones Branch Drive

**Prepared By:** Urban Engineering Assoc., Inc.  
**Original and Revision Dates:** August 10, 2007 and revised through April 21, 2008.

### Description of SEA Plat

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<b>Sheet 7A</b>	Interim Jones Branch Connector and Jones Branch Drive
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<b>Sheet 17</b>	Stormwater Management Plan
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<b>Sheet 25</b>	Outfall Analysis
<b>Sheet 26</b>	Building Exterior Elevations
<b>Sheet 27</b>	Building Exterior Elevations
<b>Sheet 28</b>	Building Exterior Elevations

The following features are depicted on the SEA Plat:

**Site Layout.** The site is dominated by two proposed structures, a 537,519 SF office building and a six-level parking structure. The office building is located to the north, closest to Stormwater Management Pond C, and will be a maximum of 300 feet tall, excluding the 40-foot tall penthouse. The parking structure is separated from the office building by a paved driveway. The parking structure will be situated just north of the proposed Jones Branch Connector depicted on the SEA Plat. [The Jones Branch Connector is the road that will provide access to the proposed High Occupancy Toll (HOT) lane connecting to I-495.]

Topography: Generally, the site slopes downward from the southeast corner to the northwest portion of the site. The steepness of the grade varies across the site. The grade falls steeply from the southeast corner to the center of the site, where there is a plateau that serves as the baseball diamond today. The grade continues to fall towards the northern property boundary, ultimately falling to the stormwater management pond on the adjacent property.

Vehicular Access. The proposed site has been laid out to accommodate the future High Occupancy Toll (HOT) Lane project. As described on the Virginia Department of Transportation (VDOT) website, HOT lanes will be added on the Capital Beltway (I-495) in each direction between the Springfield Interchange and just north of the DAAR. The subject site will accommodate a connector road that will act as a connection to the HOT lane interchange from Jones Branch Drive (Jones Branch Connector). The number of proposed access points to the site varies based on the various phases of that project. If the HOT Lane project is not constructed in this area by the time the subject site is developed, the site will have two proposed vehicular access points, each from Jones Branch Drive. If the HOT Lane project is completed after the subject site is developed, there will be three proposed vehicular access points to the site, two from Jones Branch Drive and one from the proposed parking structure to the Jones Branch Connector. In both instances, the main entrance to the site is the northernmost entrance on Jones Branch Drive. This entrance provides direct access to the proposed office building via a paved driveway that extends past the building to the rear of the site. The other two proposed entrances provide direct access to the parking garage. One entrance will access the garage directly from Jones Branch Road, south of the site's main entrance. The second garage entrance would be on the Jones Branch Connector which, as part of the HOT Lane project, will provide access to the future HOT lanes on I-495. Access to the garage will be controlled through a gate system.

HOT Lane Project: The SEA plat includes depictions received from the Fluor/VDOT HOT Lanes Project Team "Project Team", of the ultimate build-out of that project. Specifically, there are three illustrations depicting how this project could impact the subject site. The first plan, on Sheet 6, shows how the site will be developed should development occur prior to the HOT Lane project or if the HOT Lane project is never constructed. The second plan depicts an interim condition, in which the Jones Branch Connector is constructed as a 4-lane undivided facility connecting to I-495. This scenario will also involve reconstruction of Jones Branch Drive itself, ostensibly incorporating improvements by the developer in addition to the improvements needed for the HOT Lane project, which is currently scheduled for 2009. The third and final plan shows how the site would be laid out with the ultimate configuration of a divided HOT lanes connection with turning lanes and pedestrian and bicycle improvements. This layout assumes a connection across I-495 and additional proposed improvements along Jones Branch Drive. In this plan, the Jones Branch Connector will have six lanes, with a median and trails on both sides of the facility. There is no timetable for these ultimate improvements.

The SEA Plat currently depicts the area that will accommodate the Jones Branch Connector as "proposed reservation area". The applicant has indicated that this land will either be reserved and dedicated at a later date or will be reserved and purchased at a later date. As discussed below, the applicant is requesting a credit against the Tysons Corner Transportation Fund for any dedication of this land. As this issue is currently unresolved, the area is reserved at this time.

Pedestrian Access. The proposed layout depicts a trail system which will replace the existing trail system. The proposed 10-foot-wide trail will meander along the parcel's boundary with the DAAR, generally following the path of the existing asphalt trail. However, this proposed trail will be widened within a conservation easement, thus encroaching into the easement for the widening and where the trail connects to the offsite trail system near the Jones Branch Connector. The proposed trail network will connect to the existing trail system on the adjacent property to the north (which contains Stormwater Management Pond C). The trail also continues around the proposed parking structure, connecting to an existing sidewalk along the Jones Branch Drive frontage.

The applicant has reserved for future dedication sufficient width for the proposed HOT lanes connector to accommodate on-road bike trails on both sides of the Connector. In addition, there is sufficient ROW along Jones Branch Drive to accommodate on-road bike trails along the frontage.

Parking. The parking will be accommodated through a six-level parking garage. With the office space and restaurant, 1,508 parking spaces are required, including 1,372 spaces that are required for the office space (2.6 spaces for every 1000 GSF), 96 spaces for the proposed restaurant use, 6 spaces for the proposed child care facility, and 23 spaces for the office uses within the cellar use. The applicant is providing a total of 1,570 spaces, which slightly exceeds the parking requirement.

Open Space and Landscaping. Under the proposed layout, a total of 148,897 SF, or 44% of the site, of landscaped open space will be provided which reflects conditions after construction of the Jones Branch Connector. The proposed site layout also allows for 53,965 SF of tree cover, including existing tree preservation areas in the 25-foot wide conservation easement along the DAAR and additional proposed tree save areas along the DAAR (outside of the existing conservation easement). Supplemental plantings are also proposed near the preservation areas, along both frontages of the parking structure and landscaping is proposed around the office structure. Interior parking lot landscaping, to be located on top of the parking structure, is calculated at 4,200 SF, slightly exceeding the Zoning Ordinance requirement of 5 percent.

Stormwater Management/Best Management Practices. The site is served by an existing offsite SWM/BMP facility, Stormwater Management Pond C. The applicant also proposes two rain gardens onsite, one adjacent to the main entrance along Jones Branch Drive and one along the rear of the office building.

### **Land Use Analysis**

As noted earlier in this report, the applicant is bound by the proffers previously approved in the series of rezoning and proffer condition amendment applications which began with RZ 88-D-005. Staff finds that the proposed site layout and structures comply with these proffers.

As noted previously in this report, the applicant is seeking to take advantage of the process established by the approved development conditions in order permit more than a single user in its office building. The applicant seeks to permit multiple office tenants, a restaurant and a child care/nursery facility.

Specifically, that development condition required that “prior to site plan approval, the owner/tenant of any building on the site occupied by more than a single user per building shall submit detailed *site plans, landscape plans and architectural plans (including, but not limited to, building footprints, architectural design, exterior façade materials and treatments, and location, size and details of all proposed signage and telecommunications facilities)* to the Planning Commission for review and recommendation to the Board of Supervisors for review and approval based on the applicable Special Exception standards contained the Zoning Ordinance. The burden of such submission, review and approval for the applicant shall be the same as those for the review and approval process for a new special exception application.” (Italics added for emphasis)

### **Issue: Location of Garage**

As part of this SEA request, the applicant has included a proposed site layout in the SEA Plat. The site is dominated by the footprints of the proposed building and parking structure, with certain landscaping around the site, especially along the frontages of the Jones Branch Connector, Jones Branch Drive and the DAAR. The SEA Plat presents two main problems associated with the proposed layout of the site. First, the parking structure intrudes into a required front yard along the Jones Branch Connector. Second, the siting of the parking garage very narrowly constrains the future placement of the Jones Branch Connector, removing any opportunity to realign the Connector even by a few feet.

The ultimate configuration of the parcel, shown on Sheet 7B of the SEA Plat, will create several new yard designations under the Zoning Ordinance. As shown on the schematic provided on Sheet 3, the parcel will have three front yards—one along the DAAR, one along the proposed Jones Branch Connector to the HOT lanes, and one along Jones Branch Drive. The site will also have a rear yard and two side yards under this ultimate configuration as shown on the schematic.

The proposed layout is driven by the physical features (i.e. an RPA to the north and conservation area along the DAAR) and the buildable area established by the setbacks of SE 94-P-040. The site layout shows that the proposed footprint of the

parking garage will not meet the required front yard distance along the frontage of the future Jones Branch Connector. In a C-3 district, the required front yard is controlled by a 25° ABP, but with a distance of not less than 40 feet. Along the future Jones Branch Connector frontage, the distance between this property line and the proposed parking structure would be 12.5 feet and have a 17 degree ABP based on a height of approximately 38 feet for the parking structure at the corner of Jones Branch Drive and the future Jones Branch Connector.

The site layout, as currently proposed, will narrowly constrain the alignment of the Jones Branch Connector. With only 12.5 feet between the wall of the parking garage and the proposed right-of-way, there will be little ability to realign the proposed road. Abutting the site to the south on Tax Map 29-4 (97)) 5B is an office building currently under construction. This office building is subject to SE 99-P-034, which was approved for an increase in building height on March 13, 2000. The construction of this office building, known as Park Place II, is underway, and with the building under roof, concern has been raised that the proposed configuration of the Jones Branch Connector may have an adverse impact on this office building. Specifically, the current configuration of the Jones Branch Connector would result in the closure of the service entrance for the Park Place II building because this entrance would be too close to the future Jones Branch Connector.

The service entrance for the Park Place II building provides fire access, access to the loading, Americans with Disability Act (ADA) access, and access to the trash dumpsters. Therefore, VDOT will need to mitigate by moving the access point or by accommodating all the requirements listed above through another entrance.

**Resolution:**

The applicant seeks a modification of the required front yards per Section 2-418 of the Zoning Ordinance. That provision states that:

*The minimum yard requirements and other required distances from lot lines set forth in this Ordinance may be waived for developments located in an area where specific design guidelines have been established in the adopted comprehensive plan, such as in Community Business Center (CBCs) and areas around transit facilities. Such waiver may be approved by the Board, in conjunction with the approval of a rezoning or special exception, or by the Director in approving a site plan, when it is determined that such waiver is in accordance with, and would further implementation of, the adopted comprehensive plan.*

The proposed development proposed to provide the Comprehensive Plan-recommended streetscape for the Non-Core Areas of the Tysons Corner Urban Center along both Jones Branch Drive and the proposed Jones Branch Connector. The proposed streetscaping on both roads includes a double row of shade trees, staggered, and planted 35-40 feet apart on center.

While the applicant has provided the Plan-recommended streetscape, staff is concerned that a modification of the setback would result in an alignment of the proposed Jones Branch Connector. If the modification is granted to allow the shortened distance, then there would be very little opportunity to change the alignment of the Connector even by a matter of feet. While Fluor/VDOT HOT Lanes Project Team is working to mitigate the impact on the Park Place II office building, no solution has been found as of this time. Staff is concerned that the ability to resolve this issue will be severely limited should the front yard requirement be modified because it would preclude the ability to shift the Jones Branch Connector. Until it can be determined that VDOT can mitigate the impacts of the Jones Branch Connector on the Park Place II office building, staff cannot support the request for a front yard setback waiver.

**Issue: Architecture and Design**

As required by the previously approved development conditions, the applicant has provided renderings, elevations and sections of the proposed building and parking structure for the review of the Planning Commission. The office building elevations indicate that the building will be designed to complement the adjacent Gannett Building located to the north, and will have a glass curtain wall as its exterior. The applicant has further committed to use the techniques used by the Gannett Building to prevent glare. In order to mitigate its visual impact on surrounding properties, the proposed parking structure will be built into the grade of the site. The applicant has also indicated that the proposed parking structure's façade will be of pre-cast concrete and include a series of ribs, eyebrows and other architectural fenestration or details to add visual interest.

**Resolution:**

Because the proposed office building will occupy the lowest grade on the property, the impact of the 300-foot tall building on the abutting properties will be reduced, particularly with regard to the low density residential area located to the north of the DAAR. The applicant has also submitted a shadow study on which indicates that there are no shadows at any time of the year which will extend into any residential neighborhood near the subject property.

Staff has proposed a development condition requiring the applicant to use high-quality architectural block, stone, stone-like material, colored pre-cast concrete or comparable material on the parking garage. With the implementation of the proposed development conditions, this issue is resolved.

**Issue: Uses**

As discussed in the Background section of this report, the proffers and development conditions place no limitations on the types of uses on the site other than what is permitted in the C-3 District and the limitation of a "single user" as

described under SE 94-P-040. In staff's opinion, the collocation of a restaurant and office uses meets the Comprehensive Plan guidance for the Tysons Corner Urban Center which encourages mixed uses. It also provides the opportunity for coordinated design, access and circulation. In addition, the possible option to establish a day care facility within the building is supported by the Plan as well. The applicant has agreed in the development conditions that the proposed day care will be approximately 2,000 SF and will serve employees only and will have a maximum enrollment of 30 children at any given time and not more than five employees.

Because the site is located adjacent to I-495 and the DAAR access ramp to I-495, staff is concerned about any traffic noise impact on the proposed playground. In accordance with the Comprehensive Plan, the applicant must demonstrate that the noise levels on the playground will not exceed DNL 65dBA and levels for the indoor day care facility will not exceed DNL 45 dBA.

**Resolution:**

An exhibit showing the location of the day care and playground has been provided, but a noise study has not. Therefore, staff has proposed a development condition which would require that a noise study will be submitted to both the Department of Planning and Zoning (DPZ) and DPWES at the time of site plan review to demonstrate that the noise levels for the playground will not exceed DNL 65 dBA and the interior noise levels for the day care will not exceed DNL 45 dBA. With implementation of this development condition, this issue is resolved.

**Issue: Signage**

In order to assure that the building's signage will maintain the overall high quality of the proposed development, staff has encouraged the applicant to commit to limitations on signage beyond that which would be required per the Zoning Ordinance. Specifically, staff proposes a development condition which would limit the site to no more than one building-mounted sign above the second floor along the north and west faces of the office building.

**Resolution:**

With implementation of the staff-proposed development condition, this issue is resolved.

**Environmental Analysis**\_(Appendices 7 & 8)

**Issue: RPA disturbance**

The subject property is located in the Scotts Run watershed and a small portion of the northern area of the site is located within a Resource Protection Area (RPA) as defined by the Chesapeake Bay Preservation Ordinance (CBPO). The applicable

proffers establish that no clearing or grading may occur in the RPA, except for clearing and grading required for construction of Stormwater Management Pond C. It should be noted that PCA 88-D-005 did not proffer a development plan which graphically delineated the RPA. Instead, the proffer stated that the location of the RPA was to be determined by staff, specifically DPWES.

Since the approval of the original proffer, parts of the area now shown as RPA were cleared to create two beach volleyball courts and some lawn areas. As part of this application, the applicant proposes to remove these courts and restore the RPA, which will require disturbance within the RPA. The applicant also proposes to construct a retaining wall within this area, which will also require disturbance within the RPA. The applicant then proposes to restore the RPA to its natural state, which, in turn, would improve the water and habitat quality. The applicant has provided RPA encroachment calculations on the SEA Plat.

**Resolution:**

With the proposed RPA restoration, staff finds that the proposal is in conformance with the previously-approved proffers. Therefore, staff proposes development conditions which would require that the revegetation of the RPA shall meet the requirements established by the Chesapeake Bay Preservation Ordinance (CBPO). Therefore, with the implementation of the proposed development condition, this issue is resolved.

It should be noted that, while redevelopment in the RPA is an allowed use subject to the approval of Water Quality Impact Assessment (WQIA) per the CBPO, DPWES will process the WQIA administratively once the Board of Supervisors has acted this SEA application. A revegetated buffer, which meets the criteria as set out in the CBPO, will be required as a condition of this administrative approval.

**Issue: Green Building**

The Policy Plan of the Comprehensive Plan recommends that “buildings and associated landscapes be designed and constructed to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.” As such, staff encouraged the applicant to pursue Leadership in Energy and Environmental Design (LEED) certification on this site.

**Resolution:**

The proposed development conditions require that the applicant register with the U.S. Green Building Council and apply for LEED certification, to include, but not limited to, elements such as conservation of transportation energy and potable water, reduction of the heat island effect and reduced contribution to landfill, reduction in the use of virgin materials, use of regional materials and improved

indoor air quality. The applicant has also stated that a LEED-accredited professional will be a member of the design team and that a green building maintenance manual will be distributed to all tenants of the building. With implementation of the proposed development condition, this issue is resolved.

**Issue: Landscaping on the Parking Structure**

The applicant is proposing to plant deciduous small canopy trees on the top level of the parking garage. The details provided by the applicant do not provide information on dimensions and soil volumes, as required to determine if the minimum planting area requirements of the Public Facilities Manual (PFM) have been met. The minimum planting areas were designed to assure that the trees on such a structure would have enough room to grow where planted.

**Resolution:**

The proposed development conditions require the applicant to meet all minimum planting areas, as required by the PFM, at the time of site plan approval. The proposed development conditions also require that the applicant use appropriate planting soils as determined by UFM, DPWES. With the implementation of these proposed development conditions, these issues have been resolved.

**Issue: Location of Plantings**

Staff has identified several planting locations depicted on the landscape plan that may be problematic. First, several trees at the western portion of the site, adjacent to Jones Branch Drive, are proposed to be planted inside an existing 15-foot wide Fairfax County Water Authority (FCWA) easement. In addition, several trees in the northwest corner of the site appear to be planted inside an existing 25-foot wide storm drain easement. If trees are shown to be planted within existing or proposed public utility easements, a letter of permission from the owner of such easement must be provided. Finally, several tree locations throughout the site are proposed to be planted within four feet of a restrictive barrier, which may have an adverse impact on the growth of the tree.

**Resolution:**

A note has been added to Sheet 10 of the SEA Plat, which states noting that all proposed plant material located within utility easements will be approved by the applicable parties prior to installation. Staff proposes a development condition which would require the applicant to obtain appropriate permission from the owner of the public utility easement in order to plant the trees as shown on the SEA Plat. Should permission not be received, the applicant will be required to relocate this landscaping on-site in substantial conformance with the SEA Plat or a SEA will be required. With the implementation of the proposed development condition, this issue has been resolved.

**Issue: Pedestrian Circulation**

Previous iterations of the SEA Plat showed limited pedestrian connectivity onsite. In order to encourage safe movement within and around the site, staff encouraged the applicant to provide better pedestrian circulation by continuing access to the site to the north (the Gannett/USA Today building), and by continuing the pedestrian trail along the frontages of both buildings, with appropriate crosswalks at entrances and roadway intersections.

**Resolution:**

The SEA Plat depicts a six-foot wide concrete trail along the Jones Branch Drive frontage and ten-foot wide trails along both sides of the Jones Branch Connector. An eight-foot wide regional trail is shown along the DAAR/I-495 frontage outside of the right-of-way. This trail provides a connection to the trail along the future Jones Branch Connector and the adjacent property to the north. Five-foot wide sidewalks internal to the site will link the proposed building and parking structure to these sidewalks and trails. Given the revisions to the trail layout as shown on the SEA Plat, this issue is resolved.

**Stormwater Management Analysis (Appendix 10)****Issue: Water Quality Protection**

SWM/BMP practices for the proposed development will be provided by an existing offsite SWM/BMP pond (Stormwater Management Pond C). The calculations provided within the SEA Plat indicate that the current phosphorus removal rate is 40.7 percent, meeting the requirements of the CBPO. In order to exceed the required phosphorus removal rate (40 percent), staff encouraged the applicant to provide supplemental rain gardens.

**Resolution:**

The site layout depicts two rain gardens, which will provide a 40.55 percent phosphorus removal rate. As the applicant has agreed to install the two rain gardens onsite, the proposed development conditions require that these rain gardens be installed regardless of the adequacy of the existing facilities. With the implementation of the proposed development conditions, this issue is resolved.

**Issue: Stormwater Detention**

The SEA Plat indicates that the increase in impervious area will be controlled by the existing off-site pond (Stormwater Management Pond C). A modification of the PFM to allow the use of the off-site detention facility has been requested. This request will not be determined until the time of site plan; however, based on the current submission, it appears that the request may be favorably considered.

**Resolution:**

The proposed development conditions require that a modification to the PFM be obtained in order to allow the off-site detention as shown on the SEA Plat. If such modification is not obtained and on-site detention cannot be provided in substantial conformance with the SEA Plat, the applicant will need to obtain approval of a SEA in order to provide for proper onsite detention. With the implementation of the proposed development condition, the issue is resolved.

**Transportation Analysis (Appendix 9)****Issue: Contribution to Tysons Transportation Fund**

The approved proffers for the subject site require that a contribution of \$2.85 per square foot, with a rate of escalation based on inflation, be made to the Tysons Corner Transportation Fund. The rate of contribution for calendar year 2008 has been established by the Board of Supervisors at \$3.62 per square foot for non-residential uses. The proffer states:

*At the time of building permit, Applicants shall contribute to Fairfax County \$2.85 per FAR square foot (gross floor area, excluding cellar) for each new FAR square foot shown on the approved site plan...*

*The \$2.85 per square foot, as increased by escalations to the Engineering News Record, Construction Cost Index from the date of the rezoning approval, October 3, 1990, shall be paid directly to the County of Fairfax at issuance of building permits for the applicable building area and shall be used for Tysons Corner Area Wide Transportation Improvements in order of the following priorities as determined by the Board of Supervisors:*

- *Destination Station on Outparcel A*
- *Additional toll lanes and toll booths on the Dulles Access Road*
- *Metrorail or Dartrail design and development...*

A proffer interpretation request has been submitted which requests a determination on whether dedication of right-of-way for the HOT Lane project can be accepted in lieu of contribution.

**Resolution:**

As of the publication of this staff report, a determination has not been made on this issue.

**Issue: Entrances and Improvements along Jones Branch Drive Frontage**

The main entrance to the proposed office building is located near the northern property boundary. The proposed main entrance may have right and left turns into and out of the site. The site layout also depicts a direct entrance into the garage from Jones Branch Drive further to the south. Various sheets in the SEA Plat depict a continuous right turn lane along this frontage, as well as a partial median. A notation on the SEA Plat indicates that this improvement is to be constructed by Fluor/Transurban. However, staff believes that the applicant is responsible for this improvement, as the need for the right turn lane is generated by the applicant's proposed office building.

**Resolution:**

The applicant is of the opinion that the HOT Lane project will be built by the time that the office building is ready to be occupied, and that the HOT Lane project will construct the right turn lane. However, staff believes that the applicant bears the primary responsibility for the installation of the right turn lane, since it is the proposed office building which will create the need for said turn lane. Therefore, staff has recommended a development condition which requires the applicant to either construct the continuous right turn lane or escrow funds for the cost of construction for this turn lane if constructed by a third party. With implementation of this development condition, staff is satisfied this issue is resolved.

**Issue: Main Entrance Consolidation and Signalization**

The SEA Plat depicts a future signal at this main property entrance. The applicant's traffic analysis indicates that a signal is warranted with site development both in 2010 without HOT lanes and in 2016 with HOT lanes. Therefore, staff recommended that the applicant provide this signal along with any needed median treatments and channelization.

In addition, there appears to be a possible conflict created at this location with the nearby Gannett property (abutting the subject site to the north). Specifically, since the existing Gannett entrance is approximately 55 feet from the proposed signalized entrance, staff believes that the proposed signal will create a conflict point for drivers slowing for a turn movement almost immediately after the signal. Staff recommended that the applicant consolidate access with this entrance to create a workable arrangement with the signalized intersection.

**Resolution:**

The applicant has agreed to install a signal at the proposed main entrance, but has not agreed to any needed median treatments and/or channelization. The applicant disagrees that the main entrance will create a conflict with the existing entrance to the Gannett property because this particular Gannett entrance accommodates very

little traffic. The applicant has agreed to a development condition which would require the provision of easements within this area for future consolidation of the two entrances. Unfortunately, in the absence of the remaining improvements, this issue remains unresolved.

**Issue: Garage Entrance on Jones Branch Drive**

In order to reduce conflict points for left turn movements from Jones Branch Drive into the parking garage, staff recommended that the applicant commit to construct a median treatment along the frontage of the site between the main entrance and the future connector, in order to ensure that the garage entrance will be a right-in, right-out only entrance.

**Resolution:**

The proposed layout now depicts an extended median along Jones Branch Drive near their proposed garage entrance, which will restrict the entrance to right-in, right-out under any either the interim or final phase of the HOT lane project. However, the applicant has not committed to a median in pre-HOT lane construction. Therefore, this issue is remains unresolved.

**Issue: Entrance from Parking Structure on Jones Branch Connector**

Staff has expressed concern about the access from the parking structure to the Jones Branch Connector. Access as proposed by the applicant is problematic from a safety and operational standpoint as it creates conflict points and possible stacking issues on the Jones Branch Connector particularly since access to the garage will be via a controlled access/gate. As such, staff recommended that this entrance be deleted. Moreover, since this HOT Lanes connector road has yet to be constructed, staff feels that it is premature to approve an entrance to the garage in this location until it can be evaluated in real world circumstances. Therefore, if the applicant is unwilling to delete the entrance entirely, staff recommends that no entrance be approved until the Jones Branch Connector is complete and open to traffic and the safety of the entrance can be review within the context of the new road.

**Resolution:**

This issue remains unresolved.

**Issue: TDM Program**

In order to encourage walking, biking and the use of shuttle and/or bus circulators and to reduce automobile trips generated by the proposed development, the applicant proposes to implement a TDM program, in addition to what is required by the proffers. The key points of this proposed program include:

- Designation of a Program Manager to act as program manager for the property;
- Creation of TDM plan in coordination with Fairfax County Department of Transportation (FCDOT);
- A reduction of vehicle trips by 15 percent from what would be projected by using methods based on the Institute for Transportation Engineers (ITE); Establishment of TDM Remedy Fund with penalties established per trip over the trip reduction goal (not to exceed \$75,000 over the life of the entire program).

Staff has several concerns relating to this proposed TDM program. Staff notes that the very request to eliminate the "single user" to this building could potentially affect the effectiveness of the proposed TDM program. Staff believes that, at least anecdotally, the ease of operating and encouraging employees and/or guests visiting this site to use other forms of transportation, and thus reduce vehicle trips, would be increased by the efficiency inherent in a single system operated by a single user. With more tenants, staff believes that a TDM program might be more inconsistent and unevenly encouraged. Therefore, staff has requested a more robust TDM for this site to justify the efficiency of the single user.

First, given the level of transit service to the site, the proximity of the HOT lanes connection, (which will be open to HOV traffic at no charge), and a future rail station to be located a short distance from the site, a minimum of 20 percent reduction of the number of trips from what would be projected by ITE appears to be achievable at this location. Second, there is no information on initial funds to be placed in a remedy fund or a mechanism for consistent financing of this fund. The intent of such a fund is to provide additional financing of elements to implement additional TDM measures to achieve or regain compliance with TDM goals. More detailed information is necessary to evaluate this part of the program. Finally, the proposed penalty fund appears to provide little incentive to achieve the TDM goals. The maximum exposure of \$75,000 creates a scenario in which it may be easier for the applicant to pay a penalty for a failing program.

**Resolution:**

Staff proposes a proposed development which would require a goal of 20 percent for the TDM program. In addition, staff proposes a development condition which would require that initial funds be provided to finance elements of the TDM program. Finally, staff proposes a development condition which would require a penalty fund to further encourage the success of the program. With implementation of the proposed development conditions, these issues are resolved. Staff would continue to urge the applicant to increase the trip reduction goal to 20 percent for the TDM program.

**Issue: Bicycle Amenities**

In order to encourage bicycle usage for the site, staff has recommended that the applicant provide bike lockers and bicycle racks to accommodate a minimum of 50 bikes for employees, as well as bike racks for visitors. These types of bicycle amenities would also encourage less vehicle trips to the site, specifically when the Jones Branch Connector ultimately connects this development to the eastern side of I-495.

**Resolution:**

Staff has recommended a proposed development condition which requires the applicant to obtain FCDOT approval of a bicycle amenity plan onsite. The applicant has agreed to coordinate with FCDOT on such a plan, which would include installation of bicycle racks to accommodate at least 70 bicycles and the installation of at least 10 bike lockers in the proposed parking structure. The applicant also agrees to install exercise and shower facilities that will be accessible to bicycle commuters to the site. With the implementation of the proposed development condition, this issue is resolved.

**Issue: Bus Shelter**

Bus service (Fairfax Connector) is currently available to and from the subject site. In order to further encourage use of mass transit to this site, staff recommended that the applicant provide for an on-site bus shelter facility, along the Jones Branch Drive frontage.

**Resolution:**

Staff recommends a development condition, agreed to by the applicant, which would require that the applicant either build a bus shelter pad for construction of the actual shelter by others or build the bus shelter and maintain the shelter themselves. The applicant has further agreed to consult with WMATA and FCDOT on the exact location of said shelter. With implementation of this proposed development condition, this issue is resolved.

**ZONING ORDINANCE PROVISIONS (Appendix 12)**

<b>Bulk Standards (C-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	20,000 sq. ft.	7.67 acres
Lot Width	100 feet	> 427 feet

<b>Bulk Standards (C-3)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Building Height	300 feet maximum	300 feet
Front Yard (Along DAAR)	Controlled by a 25° ABP but not less than 40 feet (ABP is 139.89 feet for main office building)	139.89 feet - office building 46.99 feet – garage
Front Yard (Along Jones Branch Connector)	Controlled by a 25° ABP but not less than 40 feet (ABP is 139.89 feet for office building)	297.5 feet - office building 12.5 feet – garage (waiver requested)
Front Yard (Along Jones Branch Drive)	Controlled by a 25° ABP, but not less than 40 feet (ABP 139.89 feet for office building)	199.15 feet (for office building) 39.3 for parking structure (waiver requested)
Side Yard	No requirement	N/A
Rear Yard	Controlled by a 20° ABP, but not less than 25 feet	109 feet (please see Sheet 3 for graphics)
FAR	1.0 (1.0 for Land Bay E, although individual parcels may exceed 1.0)	1.6 FAR, which would result in no remaining square footage for Land Bay E
Open Space	15 % (21.6 % per SE 94-P-040)	35 %
<b>Parking</b> Parking Spaces	1,508 spaces	1,570 spaces
Loading Spaces	5 loading spaces maximum	5 spaces provided
<b>Transitional Screening &amp; Barriers</b>	There are no transitional screening or barrier requirements	

### **Special Exception Requirements (Appendix 12)**

#### General Special Exception Standards (Sect. 9-006)

General Standard 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and the general purpose and intent of the applicable zoning district regulations. Staff finds that the proposed application is in harmony with the Comprehensive Plan, which recommends office use for this site. Additionally, the proposal meets the design guidelines for the Tysons Urban Center.

However, without approval of the requested waiver for the garage, the proposal will not meet the required yard setbacks. As previously stated, staff does not support the requested waiver. Therefore, Standard 2 has not been satisfied.

General Standard 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties. Staff is concerned because the proposed site layout may adversely affect the use and development of the property directly to the south. The site layout precisely sets the configuration of the proposed Jones Branch Connector. The current configuration of the Jones Branch Connector will result in the closure of a necessary service entrance to the Park Place II office building, and at this time, it has not been determined if and how this entrance can be relocated due to topography, siting of existing utilities, and the exposure of existing foundation footings of the parking garage adjacent to the service entrance. Therefore, in staff's opinion, this standard is not satisfied as the site layout, as currently proposed may result in an adverse impact on the abutting property.

General Standard 4 requires that the proposed use be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. As noted in the Transportation Analysis, the applicant has failed to address issues relating to access at the entrances and improvements, such as the need for the continuous right lane, along Jones Branch Drive. Moreover, the proposed garage entrance along the Jones Branch Connector presents a significant concern related to stacking, queuing and creation of a conflict point for those exiting the high speed HOT lanes facility and abruptly facing slower traffic turning into the garage. At this point, with no road constructed, it is premature to approve such an entrance. Therefore, as long as this entrance is proposed, staff does not feel that this standard is satisfied.

General Standard 5 requires that, in addition to the standards that may be set forth in this Article for a particular category or use, landscaping and screening be provided in accordance with the provisions of Article 13. This standard is satisfied by the landscaping plan and calculations provided under the SEA Plat.

General Standard 6 requires that open space be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. This standard is satisfied as the applicant has provided more than the required amount of open space. The proposed development conditions provide that the applicant will provide at least 35 percent open space, more than the 21.6 percent envisioned under the original conditions and more than the 15 percent landscaped open space required by the Zoning Ordinance.

General Standard 7 requires adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided and that Parking and loading requirements shall be in accordance with the provisions of Article 11.

Adequate utility, parking and loading has been provided onsite. In addition, with implementation of the proposed development conditions requiring conformance with the PFM with regard to drainage, this standard is satisfied.

General Standard 8 states that signs are regulated by Article 12 but that stricter requirements may be imposed by the Board. Under this SEA, the applicant is not seeking any signage not currently permitted under the Zoning Ordinance which would be approximately 306 SF of signage based on the building front of approximately 206 linear feet of structure frontage. Furthermore, the applicant has agreed, per the proposed development conditions, to limit the placement of signs above the second level to the west and north, in order to mitigate any impact upon the residential area of McLean Hamlet. With this commitment, staff believes that this standard is satisfied.

### **Zoning Ordinance Provisions**

The restaurant, office and child care/nursery school uses are by-right uses in a C-3 zone. Per Sections 4-302 and 4-305 of the Zoning Ordinance, in a C-3 zoning district, office and nursery schools/child care centers are permitted by-right and eating establishments are permitted by right when such use is located in a building that has a gross floor area of at least 100,000 SF and is designed to contain at least one or more other uses permitted by right. The proposed office building meets these requirement and no specific zoning ordinance provisions apply to the establishment of these uses.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds that the proposed development is in harmony with the Comprehensive Plan but is not in conformance with the Zoning Ordinance for the following reasons:

- Until VDOT resolves the impact of the Jones Branch Connector on the abutting Park Place II office building, staff cannot support the requested front yard waiver. Without this waiver, the proposed parking structure does not comply with the C-3 setbacks.
- Staff is concerned that the proposed garage entrance accessing the Jones Branch Connector will present safety issues for traffic on the connector road. Without knowing more about the design of the HOT Lanes project, staff cannot support an entrance in this location.

### **Recommendation**

Staff recommends denial of SEA 94-P-040; however, should the Board of Supervisors choose to approve SEA 94-P-040, staff recommends that the approval be subject to the proposed development conditions contained in Appendix 1 of the staff report.

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.

The approval of this special exception 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.

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.

### **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Approved Development Conditions and SE Plat for SE 94-P-040
5. PCA 88-D-005-02 Proffers
6. PCA 88-D-005-05 Proffers
7. Plan Citations, Land Use and Environmental Analysis
8. Urban Forest Management Analysis
9. Transportation Analysis
10. Stormwater Management Analysis
11. Park Planning Analysis
12. Applicable Zoning Ordinance Provisions
13. Glossary

**PROPOSED DEVELOPMENT CONDITIONS****SEA 94-P-040, RP MRP Realty, LLC****May 14, 2008**

If it is the intent of the Board of Supervisors to approve **SEA 94-P-040** previously approved for an increase in building height, radio and television broadcasting facilities, microwave facilities and satellite earth station accessory to an office building, a helistop as an accessory use to an office use, and a waiver of certain sign regulations, to permit modification of the development conditions and modification of the site design associated with the office development on Tax Map Parcel 29-2 ((15)) C2, staff recommends that the Board condition the approval by requiring conformance with the following development conditions. These development conditions modify existing conditions as they apply to the application property but do not apply to Tax Map Parcels 29-2 ((15)) A8 and C1. Previously approved conditions are marked with an asterisk (\*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application, as limited by Paragraph 4 below, and is not transferable to other land.\*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Sign Plan approved with the application, as qualified by these development conditions.\*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "7940 Jones Branch Drive" prepared by Urban Engineering and Associates, Inc. and dated August 2007 and revised through April 21, 2008, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. This condition replaces Condition #3 of SE 94-P-040.
4. **Limitation of Use and Applicant.** There shall be no limitation on the number of users occupying the building located on Tax Map Parcel 29-2 ((15)) C2. This condition replaces Condition #4 of SE 94-P-040.
5. **Limitation on square footage.** Development of the original site shall not exceed 1,307,223 square feet, a 1.0 FAR. A maximum of fifty percent (50%) of any cellar space may be utilized for office use. It is understood that the 30.0097 acre site may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility. It is further understood that the entire amount of gross floor area (1,307, 223 square feet), attributed to this site) may be located on the remaining 25.01 acres of the site, notwithstanding the fact that this may result in a FAR that exceeds 1.0 when calculated solely on the 25.01 acres.\*

6. **Substantial conformance.** The development shall be in substantial conformance with the Urban Design Guidelines and the design recommendations contained within the Land Unit Recommendations of the Tysons Corner Urban Center Plan of the Comprehensive Plan.\*
7. **Review of site/architectural by Planning Commission.** The approved development condition number 7 required that, prior to site plan, landscape plan and architectural plan approval, such plans shall be submitted to the Planning Commission for review for conformance with the Zoning Ordinance and these Development Conditions. This condition is satisfied by this SEA.
8. **Height of Buildings.** The maximum building height of any portion of building(s) located to the east and south of the stormwater management pond shall not exceed 300 feet. The maximum height of any penthouse in this area shall not exceed 40 feet.

The maximum building height of any portion of building(s) located to the west of the stormwater management pond shall not exceed a 14 degree view angle from any property within the Mclean Hamlet subdivision or 290 feet, whichever is less. Notwithstanding the above, the maximum building height of any portion of building(s) located between 75 feet and 150 feet from the Dulles Airport Access Road (DAAR) Right-of-way shall not exceed 75 feet. The maximum height of any penthouse in this area shall not exceed an additional 30 feet.\*

9. **Building Materials of Office Building.** The face of any building that faces the DAAR shall be constructed so as to reduce building glare on adjacent residential communities. Any building located to the south and east of the stormwater management pond shall not feature interior or exterior illumination as an architectural feature of the building. This condition replaces Condition #9 of SE 94-P-040.
10. **Signage.** Signage shall comply with the Fairfax County Zoning Ordinance; in addition, for any building located on Parcel C2, there shall not be more than one building-mounted sign above the second floor on each the north and west faces of the office building This condition replaces Condition #10 of SE 94-P-040.
11. **Helistop.** A helistop shall not be permitted. This condition replaces Condition #11 of SE 94-P-040.
12. **Communications Facilities.** Satellite earth stations (including equipment shelters) and communication antennas shall not be permitted. This condition replaces Condition #12 of SE 94-P-040.
13. **Tree Preservation:** A Tree Preservation plan (the "Preservation Plan") shall be submitted as part of the first and all subsequent site plan submissions. The Preservation Plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest

Management Division, of DPWES. The Preservation Plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees ten (10) inches in diameter and greater, and twenty-five (25) feet to either side of the limits of clearing and grading as shown on the SEA Plat for the entire site. The Preservation Plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SEA Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- A. Tree Preservation Walk-Through. The services of a certified arborist shall be retained or landscape architect, and said arborist or landscape architect shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree preservation walk-through meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative of the Urban Forest Management Division of DPWES to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.
- B. Site Monitoring. During any clearing or tree/vegetation/structure removal on the site, the applicant shall be present to monitor the process and ensure that the activities are conducted in accordance with these Development Conditions and as approved by the Urban Forest Management Division of DPWES. A certified arborist or landscape architect shall be retained by the applicant to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and Urban Forest Management approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the Urban Forest Management Division of DPWES.
- C. Tree Bond: A letter of credit, or a cash contribution equal to one half (50%) of the total monetary value of trees to be designated to be preserved as identified above shall be placed with the County. The Tree Bond letter of

credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undisturbed areas identified on the approved SEA. The cash or Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the site plan, and for work relating to the protection and management of undisturbed areas identified on the approved SEA. If the applicant fails to complete any work identified in the approved subdivision plan, then the County may use cash or money from the Tree Bond to accomplish the required work. If the County must use all or part of the cash or Tree Bond to accomplish the outstanding work, then the applicant will replenish the cash or Tree Bond to its full amount. If the applicant fails to replenish the cash or Tree Bond to its full amount, then the cash or Tree Bond may be used by the County to replenish the Tree Preservation Deposit to its full amount. The cash/Tree Bond may be used by the County as described in the Tree Preservation condition, above. Any cash or funds remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFMD, DPWES.

- D. Limits of Clearing and Grading. The limits of clearing and grading shall be strictly conformed to as shown on the SEA Plat, subject to allowances specified in these Development Conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner necessary as determined by the Urban Forest Management Division of DPWES. A replanting plan shall be developed and implemented, subject to approval by the Urban Forest Management Division of DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.
- E. Tree Preservation Fencing: All trees shown to be preserved on the Preservation Plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" Development Condition below. All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and

accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the Urban Forest Management Division of DPWES shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the Urban Forest Management Division of DPWES.

- F. Root Pruning. Root pruning shall occur, as needed to comply with the tree preservation requirements of these Development Conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed and approved by the Urban Forest Management Division of DPWES and accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:
- i. Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches;
  - ii. Root pruning shall take place prior to any clearing and grading, or demolition of structures;
  - iii. Root pruning shall be conducted with the supervision of a certified arborist; and,
  - iv. A representative of the Urban Forest Management Division off DPWES shall be informed when all root pruning and tree protection fence installation is complete.
- G. Demolition of Existing Features and Structures. The demolition of all existing features and structures within areas protected by the limits of clearing and grading areas shown on the SEA Plat shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the Urban Forest Management Division of DPWES.

This condition replaces Condition #13 of SE 94-P-040.

14. **Landscaping and Open Space**. Prior to the site plan approval, a landscaping plan shall be approved by Urban Forest Management (UFM). Landscaping shall be provided that is consistent in quantity and quality with that depicted on the SEA Plat. At least 35 percent of the gross land area of this parcel shall be designated as landscaped open space as depicted on the SEA Plat. This condition replaces Condition #14 of SE 94-P-040.

15. **Parking.** Parking shall be provided in accordance with Article 11 of the Zoning Ordinance. The number of parking spaces provided on-site may be increased above the minimum Ordinance requirements as long as any additional spaces do not decrease the open space tabulation or increase the height and footprint of the proposed parking structure. The exterior of all parking structures shall be landscaped. This condition replaces Condition #15 of SE 94-P-040.
16. **Setback from the DAAR.** There shall be a minimum distance of 75 feet between all principal buildings and the DAAR right-of-way. However, free standing parking structures may be located with 75 feet of the DAAR right of way, provided that the height of such structures is governed by a 45 degree angle of bulk plane (ABP) from the right-of-way and provided that no structures are located within 40 feet of the right-of-way.\*
17. **Parking Structure.** The garage façade shall be constructed with high quality high-quality architectural block, stone, stone-like material, colored pre-cast concrete or a comparable material. The garage façade shall incorporate architectural treatments such as “ribbing”, eyebrows or other details that complement the architecture of the adjacent office building. All minimum planting areas, as determined by the Public Facilities Manual (PFM), shall be met at the time of site plan review and approval for plantings proposed on the parking structure. In addition, two rows of trees shall be installed along the parking structure’s frontage on Jones Branch Drive and on the proposed Jones Branch Connector, as more particularly shown in the Garage Elevations and Sections, Sheet 13 of the SEA Plat.
18. **Location of Plantings in Easements.** If plantings are proposed within any onsite Fairfax County Water Authority (FCWA) easements or storm drainage easements onsite, permission from the owner of such easements shall be obtained prior to site plan approval. If such permission cannot be obtained, any change in landscaping shall remain in substantial conformance with the SEA Plat or an amendment to this SEA shall be required.
19. **Noise.** Prior to site plan approval, a noise study shall be submitted to DPZ for review and approval which demonstrates interior noise levels shall not exceed 50 dBA. The noise study shall be conducted in accordance with the attached guidelines.
20. **Outdoor Seating.** Outdoor seating may be provided for any proposed eating establishment so long as such seating does not block any sidewalks or other pedestrian connections as depicted on the SEA Plat.
21. **Day Care.** A day care facility may be located within the building. The day care shall be for the exclusive use of the employees of the proposed office building’s tenants and shall not be open to the general public. The day care facility shall be approximately two thousand (2,000) square feet and shall hold no more than thirty (30) children at any given time and no more than five (5) employees. Prior to issuance of any Non-RUP for a day care facility on the property, a noise study

shall be submitted to the Department of Planning and Zoning for review and approval which demonstrates that the noise levels for the outdoor play area shall not exceed DNL 65dBA and that levels for the indoor day care facility shall not exceed 45 dBA. Said noise study shall be conducted in accordance with the attached guidelines

22. **Low Impact Development (LID).** The site shall incorporate the two proposed rain gardens as depicted on the SEA Plat. The proposal may include an above or below ground cistern on the property in addition to the depicted rain gardens on the SEA Plat. Any LID feature/facility shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES. A PFM modification will be required at the time of site plan for the use of the rain garden as innovative BMP.
23. **Offsite Detention of Stormwater** If a waiver of on-site stormwater management/best management practices (SWM/BMP) is not granted by DPWES and an on-site SWM/BMP facility cannot be provided in substantial conformance with the SEA Plat, then a Special Exception Amendment (SEA) must be obtained
24. **Revegetation of RPA.** A revegetation plan for the RPA located in the northern portion of the property shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval by Urban Forest Management, DPWES, and shall be implemented as approved. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall include, but not be limited to the following:
  - a. plant list detailing species, sizes and stock type of trees and other vegetation to be planted
  - b. soil treatments and amendments if necessary
  - c. mulching specifications
  - d. methods of installation
  - e. maintenance
  - f. mortality threshold
  - g. monitoring
  - h. replacement schedule
25. **LEED.** An application for LEED certification for the office building shall be submitted with the United States Green Building Council (USGBC). This application will include, but is not limited to, elements such as conservation of transportation energy and potable water, reduction of the heat island effect and reduced contribution to landfill, reduction in the use of virgin materials, use of regional materials and improved indoor air quality. The design team shall include a LEED accredited professional and a green building maintenance manual shall be distributed to all tenants in the building. Prior to approval of the site plan for the office building, a separate agreement shall be executed by the applicant and a "green building escrow," shall be posted for the building in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the

PFM, in the amount of \$10 million. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. Documentation from the U.S. Green Building Council that the building has attained LEED certification will be provided to the Environment and Development Review Branch of DPZ to demonstrate satisfaction of this commitment. If no documentation is provided to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the RUP/Non-RUP for the building, the escrow will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives

26. Signalization. During site plan review, a traffic signal warrant study shall be provided for the site's main entrance driveway/Jones Branch Drive intersection and said study shall be submitted to VDOT and FCDOT for review and approval. In the event the warrant study demonstrates that a traffic signal is warranted, and VDOT concurs, the signal, including audible pedestrian countdown signals, shall be installed by the applicant, subject to VDOT approval. Installation of the signal shall be completed prior to issuance of the first Non-RUP for the office building.
27. Pedestrian Improvements. Crosswalks and CG-12 curb treatments shall be installed on all legs of the intersection of the main entrance and Jones Branch Drive, subject to VDOT approval. As an alternative, at the time of site plan review, funds may be escrowed for these improvements in lieu of construction.
28. Bicycle Improvements: A bike lane shall be provided along the Jones Branch Drive frontage, subject to FCDOT approval.
29. Road Improvements.
  - A. Parking Garage Entrance on Jones Branch Drive. During site plan review, the location of its proposed parking garage entrance on Jones Branch Drive, and associated road improvements, shall be coordinated between the applicant, FCDOT, VDOT and the HOT lanes project. If the parking garage entrance requires relocation, and any additional improvements, such as the installation of a median across portions of Jones Branch Drive, then facilitation of said relocation, including the granting of any necessary easements, dedications and letters of permission at no cost, shall be the responsibility of the applicant.
  - B. Jones Branch Drive. The following improvements to Jones Branch Drive shall be provided or funds shall be escrowed for their construction:

- i. As determined necessary by VDOT and FCDOT at the time of site plan review, a two (2) foot wide median shall be constructed by the applicant on Jones Branch Drive from the main entrance driveway of the office building to a point approximately 210 feet south of the main entrance. If determined to be required, construction of this improvement shall be completed prior to the issuance of the first Non-RUP for the office building, unless additional time is granted by the Zoning Administrator upon demonstration by the applicant that, despite diligent efforts, the improvement has been delayed
  - ii. As determined necessary by VDOT and FCDOT at the time of site plan review, a median on Jones Branch Drive on the southbound approach to the main entrance from the main entrance driveway to a point approximately 200 feet north of the main entrance to extend beyond the existing entrance to tax map 29-2 ((15)) A7 (Gannett site) shall be constructed. If determined to be required, construction of this improvement shall be completed prior to the issuance of the first Non-RUP for the office building, unless additional time is granted by the Zoning Administrator upon demonstration by the applicant that, despite diligent efforts, the improvement has been delayed
  - iii. As determined necessary by VDOT and FCDOT at the time of site plan review, a continuous right turn lane along the Property's frontage shall be provided as shown on Sheet 7A. Should this improvement be included in the contract to construct HOT lanes improvements on Jones Branch Drive, and not included in the applicant's site plan, then funds for all costs associated with this improvement shall be escrowed by the applicant as determined by DPWES. The escrow amount shall be limited to the costs associated with the actual construction costs. Should the improvement not be constructed as part of the HOT lanes project at time of the applicant's site plan, then this improvement shall be constructed by the applicant prior to final bond release for the development.
- C. Potential Entrance Consolidation with Gannett. At the time of site plan, any and all temporary and permanent access and construction easements shall be granted by the applicant in the northwest corner of the site to benefit the contiguous Gannett Property Tax Map 29-2 ((15)) C1 (the "Gannett Property") at no cost to the Gannett Property ownership for the purpose of future consolidation of the proximate entrance on the subject site and the Gannett property. In such event, a maintenance agreement shall be executed by the applicant with the Gannett Property ownership, such that both parties will contribute a fair and reasonable, pro-rata amount to the construction, upkeep and maintenance of the consolidated entrance. In addition, the retaining wall proposed to be located between its main building entrance and the Gannett Property line shall be removed or reconstructed by the applicant to allow for this potential consolidation.

- D. Parking Garage Entrance along the Jones Branch Connector. Despite that which is shown on the SEA Plat, no entrance to the parking garage shall be permitted from the proposed Jones Branch Connector (HOT Lanes Connection) unless approved by FCDOT and VDOT.
30. TDM Program. The following transportation demand management plan (the "TDM Plan") shall be implemented in order to encourage the use of shuttle and/or bus circulators, 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 proposed office building, an individual shall be designated by the applicant to act as the Program Manager ("PM") for the Property, whose responsibility will be to implement the TDM strategies and whose duties shall include, but are not limited to, participation in an area-wide transportation management agency, should one be created by others for Tysons Corner. The duties of the PM may also be a part of other duties assigned to the individual(s). Written notice shall be provided by the applicant to the 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 TDM Plan for the property shall be submitted to FCDOT for review and approval. The TDM Plan and any amendments thereto shall include provisions for the following with respect to the proposed office building;
- i. Information Dissemination. Metro maps, schedules and forms, ridesharing and other relevant transit option information available to owners/tenants and employees shall be made available in a common area; such as a central lobby;
  - ii. Ride Matching. Coordination and assistance with vanpool and carpool formation programs, ride matching services including adjacent office buildings, and established guaranteed ride home programs shall be provided;
  - iii. Car Sharing Information. Information regarding the use of car sharing program(s) to tenants and employees (such as ZipCar/FlexCar) shall be made available to owners/tenants and employees in a common area;
  - iv. Subsidies. Tenants of the proposed office building shall be encouraged to offer subsidies to carpool users of HOT lanes; and,
  - v. Website. A TDM project website shall be developed and maintained by the PM 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. Restaurant Discounts. The proposed restaurant shall be encouraged to offer discounts and/of other incentives to employees of the office building who stay on-site to eat dinner or lunch.

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 proposed office building 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). Therefore, the maximum trip limits for driveway counts would be as follows:

AM PEAK HOUR			PM PEAK HOUR		
IN	OUT	TOTAL	IN	OUT	TOTAL
568	81	648	154	529	683

E. Annual Trip Counts & Coordination with FCDOT. Beginning one year following approval of the first Non-RUP for the proposed office building, trip counts shall be completed in September of each year and provided to FCDOT (the "Trip Counts"). The Trip Counts shall be conducted at the site driveways during the peak hour, as defined below, during a week without any holidays and when Fairfax County Public Schools are in session. The Trip Counts shall be compared against the maximum trip limits identified in the previous development Condition to determine whether the trip reduction goals are met 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. Results of the Trip Counts will be submitted to FCDOT within thirty (30) days of completing them. If the Trip Counts reveal that changes to the TDM Plan are needed, such changes shall be coordinated between the PM and FCDOT and such changes shall be implemented and the TDM Plan shall be adjusted accordingly. The PM shall coordinate the preparation of trip counts materials and the methodology for validating the results of the Trip Counts with FCDOT at least thirty (30) days prior to completing each year's Trip Counts, and shall collect and analyze the results.

- i. Peak Hour. The relevant weekday AM or PM "peak hour" shall be that 60-minute period during which the highest volume of mainline through volumes occurs between 6:00 and 9:00 AM and 4:00 to 7:00 PM, respectively, as determined by mechanical and/or manual

traffic counts along Jones Branch Drive conducted by a qualified traffic engineering firm. To determine the peak hour, the Trip Counts shall be collected beginning on a Monday at 2400 hours and continuing to the following Thursday at 2400 hours during a week when public schools are in session that does not contain a federal holiday. The methodology for determining the peak hour may be modified, in agreement between the applicant and FCDOT in order to respond to technological and/or other improvements in trip counting.

- ii. Termination. Annual Trip Counts shall be conducted unless and until it can be demonstrated to FCDOT that the fifteen (15) percent trip reduction goal has been met or exceeded. After the goal has been met for three (3) consecutive years, the Trip Counts will be taken bi-annually. If it is demonstrated that the goal has been met for two consecutive bi-annual trip counts, the Trip Counts may be terminated although the TDM Program will be continued.

In lieu of the Trip Counts and subject to the approval of FCDOT, surveys of employees in the office building may be used to determine compliance with TDM goals. The content and sample size of such surveys shall be approved by FCDOT. Should the survey data not provide a means to adequately determine compliance, Trip Counts as described herein, or other method acceptable to FCDOT shall be employed.

F. Penalty for Non-Attainment.

- i. TDM Remedy Fund. The purpose of the TDM Remedy Fund, as further described below, shall be to fund additional TDM strategies, which may be required if annual or biennial trip counts reveal that the Vehicle Trip Objectives described in these development conditions (the "Vehicle Trip Objectives") are not met. After Trip Counts have been conducted each year, beginning one year following approval of the first Non-RUP for the proposed office building, the applicant shall set up a TDM Remedy Fund. Once established, the applicant may be required to contribute to the TDM Remedy Fund each year as follows: if the Vehicle Trip Objectives are exceeded, \$0.05 per square foot of office space shall be contributed to the TDM Remedy Fund annually until such time that the Trip Objectives are met. Funds from the TDM Remedy Fund shall be drawn on only for purposes of remedying the non-attainment of the Vehicle Trip Objectives.
- ii. Maximum Fund Contributions. Notwithstanding subparts (i) of this Development Condition, no more than Seventy-Five Thousand Dollars (\$75,000.00) shall be required of the applicant as a penalty for non-attainment of Vehicle Trip Objectives over the life of the TDM Plan.

31. Bus Shelter. A pad for a bus shelter shall be built by the applicant in the general vicinity shown on the SEA plat but in the specific location as determined by the applicant in consultation with WMATA and FCDOT as part of site plan review. Once the pad is constructed, it shall then be to FCDOT for construction and subsequent maintenance. As an alternative, the pad may be constructed and maintained by the applicant.
32. Bicycle Racks and Lockers. Bicycle racks for the proposed office building shall be installed throughout the parking garage, in specific locations to be approved by FCDOT as part of site plan review (collectively, the "Bike Racks"). The Bike Racks shall accommodate at least seventy (70) bicycles, including fifty (50) employee bicycles and twenty (20) visitor bicycles. In addition, ten (10) bicycle lockers (the "Bike Lockers") shall be provided throughout the parking garage for employees. The Bike Racks and the Bike Lockers shall be installed prior to the issuance of the Non-RUP for the proposed office building.
33. Exercise and Shower Facilities. The applicant shall install exercise and shower facilities in the proposed office building prior to the issuance of the Non-RUP. The exercise facility shall be a minimum of 1,000 square feet and at least four (4) showers shall be installed and made available to employees.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

## **GENERAL INFORMATION FOR NOISE STUDY SUBMISSIONS**

### **INTRODUCTION**

On July 24, 2000, the Board of Supervisors adopted Zoning Ordinance Amendment ZO 00-330, which permits noise barriers, in excess of the Zoning Ordinance fence/wall height limitations, to reduce adverse impacts of highway noise on properties located adjacent to major thoroughfares, or to reduce adverse noise impacts of commercial and industrial uses on adjacent properties. Such barriers may be approved by the Board of Supervisors in conjunction with the approval of a proffered rezoning for any zoning district, including P districts, or in conjunction with the approval of a special exception application, or by the Board of Zoning Appeals as a special permit use. Pursuant to Par. 1 of Sect. 8-919 or Par. 3F of Sect. 10-104 of the Zoning Ordinance, a noise impact study is required to demonstrate the need for the noise barrier and the proposed height and the level of mitigation to be achieved by the noise barrier.

In conjunction with the adoption of ZO 00-330, the Planning Commission and Board of Supervisors requested staff to develop standardized noise study submission guidelines which would be submitted to the Planning Commission for review and comment prior to their implementation. On March 14, 2002, the Planning Commission Environment Committee reviewed and endorsed the attached noise study submission guidelines and on March 20, 2002, the Planning Commission endorsed the attached guidelines.

In order to have standardized information to be provided in conjunction with requests for noise barriers, the attached forms must be completed and submitted by applicants with their noise study submissions. The purpose of this form is to assist the review of the information contained in the noise analysis and to ensure that the information provided on all noise studies is generally consistent. However, it is not the intent for this form to replace the submission of an individual noise study.

### **INSTRUCTIONS**

The form entitled "Noise Study Summary Information" must be completed and provided with any noise study which is used to satisfy the requirements of Par. 1 of Sect. 8-919 or Par. 3F of Sect. 10-104 of the Zoning Ordinance, except for noise barriers on a single residential lot. The form entitled "Noise Study Summary Information for Individual Residential Lots" may be used in conjunction with a noise study submission on a single residential lot. It is ultimately the responsibility of the applicant to provide all of the requested information.

The requested information which is contained on the Noise Study Information Summary form is the basic information which is required to run most noise models which have been deemed acceptable by the County. However, any noise model may be used in the projection of future noise levels, provided that such model can project noise levels both before and after mitigation. At a minimum, any noise model must project both unmitigated and mitigated noise levels on the property and must account for topographic variations on the site, the impacts of noise on the second or higher levels of a building, different vehicle types, and the impact of wrap around noise

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at the edge of the barrier. In addition, the noise model must have its results validated against measurements based on current conditions. If the noise model that is used does not require all of the information contained on the form and the guidelines provided below, a narrative must be provided that (1) provides a detailed description of and justifications for the methodologies and assumptions used; and (2) includes a statement as to why the County should accept the use of these methods. The Federal Highway Administration's Stamina 2.0/Optima and Traffic Noise Model (TNM) are acceptable models to the County and no further justification is required if these models are used.

In order to clearly delineate the projected noise impacts on the property, a map or plat of the property is required in conjunction with the Noise Study Summary Information form which shows both the projected unmitigated and mitigated DNL 65, 70 and 75 dBA noise contours at both the ground and above ground levels. The unmitigated noise contours are those contours which exist on the property prior to construction of the barrier. The above ground level is defined at the second story as approximately 15 feet above ground. If the proposed building(s) has more than two stories, the contours for all of the upper stories must also be provided, or documentation must be provided that demonstrates that there will be no change in noise levels above a certain elevation. The above ground level at the third story is approximately 27 feet above ground, with 12 feet being added for each additional story.

It is noted that there may be instances where the projected unmitigated noise contours may be difficult to determine and/or depict given the presence of existing structures or other features on the site. In addition, there may also be situations where the projected mitigated noise contours may be difficult to determine and/or depict given the future barrier(s) and other structures or features on the site. In such circumstances, it may be appropriate to provide noise data points for the critical areas on the site before construction of the barrier on the site and/or after construction on the site (including barrier construction) in lieu of providing the projected unmitigated and/or projected mitigated noise contours. A critical area is defined as an area that may be used for outdoor recreational activity, such as side and rear yards on residential lots, play areas, outdoor swimming pools and usable open space areas, which are not fully shielded by structures. If critical data point information is provided, a narrative must be provided that provides a detailed description of and justification for the methodologies and assumptions used. In addition, verifiable quantitative data which shows that the results are met must also be provided, such as the Stamina 2.0/Optima or TNM output.

The following guidelines should be considered when completing the forms:

- 1) Current Average Daily Traffic (ADT) and/or Peak Hour Traffic may be obtained from either actual traffic counts, the Virginia Department of Transportation (VDOT) or from other sources which are deemed acceptable by the Fairfax County Department of Transportation (DOT). The traffic counts must be deemed acceptable by DOT and based on the worst case scenario, which is generally the AM or PM peak period and not within a week of a major holiday. If actual traffic counts are used, the date and time of such counts should be noted under the "data source(s) for current and projected

traffic and justification for projected traffic". It should be noted that current ADT and Peak Hour Traffic are only required when a growth rate, as discussed below, is used.

- 2) Projected ADT and/or peak hour traffic may be obtained from the most recent VDOT projections or an alternative source which is acceptable to DOT. The Comprehensive Plan recommendations for future road improvements must be taken into consideration when projecting traffic. It may be appropriate in some circumstances, such as the absence of up-to-date traffic projections, to project future traffic levels based on a compounded growth rate which is acceptable to DOT. The typical formula for determining a compounded growth rate is:  $P = C(1+r)^n$  where  $P$  is projected traffic,  $C$  is current traffic,  $r$  is rate of growth and  $n$  is number of years. If the traffic projection is based on a compounded growth rate, this should be noted on the form under "data source(s) for current and projected traffic and justification for projected traffic". Unless another date is deemed acceptable by DOT, the traffic projection should be for a time frame that is at least 20 years into the future. The time frame for the traffic projection must be specified.
- 3) Information pertaining to the percentage of medium and heavy trucks of the ADT or peak hour traffic may not always be known for a particular location. In instances where such information is unavailable, the following breakdown may be used: 95% passenger cars; 3% medium trucks and 2% heavy trucks. This percentage breakdown cannot be used for any highway segment that is listed in VDOT's publication "Average Daily Traffic Volumes with Vehicle Classification Data on Interstate, Arterial and Primary Routes". For highway segments listed in VDOT's publication, the listed traffic mix must be used.
- 4) The on-site measurement of noise levels from several locations throughout the site over a period of time is generally necessary in order to obtain an accurate representation of the existing noise levels. Noise monitoring over a 24-hour period may be necessary to provide an accurate representation of existing noise levels particularly with respect to the weighted day and night average described by the DNL noise metric. A map which clearly shows the on-site location(s) and height(s) of all monitoring sites is required. The location(s) and height(s) of the on-site monitoring sites needed to provide an accurate representation of the existing on-site noise levels depend on a number of factors, including the size of the property, the amount of highway frontage, topography and the location(s) and height(s) of existing buildings or structures. It is recommended that a written statement which provides justification regarding the location(s) and height(s) of on-site monitoring sites and the time period that such monitoring occurred, if less than 24 hours, be provided.
- 5) Once existing noise levels are known, the noise model should be run using the existing conditions and that information should be used to calibrate the model for future projections. This calibration will generally improve the accuracy of the modeling effort, in that it will adjust model results to fit site specific, measured conditions. At

a minimum, the noise model should be capable of the following: considers the effects of a noise barrier; considers noise from the edge of the barrier; accounts for 2<sup>nd</sup> and 3<sup>rd</sup> story impacts (where applicable); and, accounts for topography and different vehicle types.

It should be noted that no proposed barrier should be located in an area which is needed for future road improvements. To obtain information regarding the Comprehensive Plan recommendations for future road improvements and the timing of such improvements, please contact DOT. In addition, the location of any barrier within VDOT right-of-way must be approved by VDOT. VDOT must be contacted and permission obtained prior to construction of a barrier within future or proposed right-of-way.

It should also be noted that construction of a wall with a footing system requires a Building Permit. Walls made entirely of stone, brick and masonry block require a footing system. A wall constructed of wood with intermittent pillars or a wrought iron fence with intermittent pillars will also require a footing system. Although a wooden fence may have some footings for support, it is not deemed a footing system and, thus, a Building Permit would not usually be required for such a fence. However, there may be some instances where a Building Permit may be required for a wooden fence because of structural/safety concerns. Information pertaining to Building Permits should be obtained from the Office of Building Code Services of the Department of Public Works and Environmental Services (DPWES).

## **CONTACTS**

- 1) For information on the Fairfax County Comprehensive Plan's transportation recommendations, the timing of planned road improvements and traffic growth rates:

Fairfax County Department of Transportation  
12055 Government Center Parkway, Suite 1034  
Fairfax, Virginia 22035  
(703) 324-1145

- 2) For information on growth rates and current or projected ADT and Peak Hour Traffic:

VDOT, Northern Virginia District Office  
Transportation Planning Section  
14685 Avion Parkway  
Chantilly, Virginia 20151-1104  
(703) 383-2200

- 3) For information on acceptable noise models, critical noise areas and on-site noise monitoring activities:

Environment and Development Review Branch, DPZ  
12055 Government Center Parkway, Suite 730  
Fairfax, Virginia 22035  
(703) 324-1210 or (703) 324-1380

- 4) For information on the rezoning, special exception or special permit approval process:

Zoning Evaluation Division  
Department of Planning and Zoning (DPZ)  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035  
(703) 324-1290

- 5) For information on Building Permits:

Office of Building Code Services, DPWES  
12055 Government Center Parkway, Suite 444  
Fairfax, Virginia 22035  
(703) 324-1980

## Noise Study Summary Information

The following form must be completed and provided with any noise study which is used to satisfy the requirements of Par. 1 of Sect. 8-919 or Par. 3F of Sect. 10-104 of the Zoning Ordinance, except for noise barriers on a single residential lot.

Tax Map Number and/or Address of Property

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Proposed Use of the Property

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Name(s) and Route Number(s) of Road(s) for which Noise Barrier is Proposed

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Comprehensive Plan Recommendation for Portion of Road(s) which Abut(s) the Property and for which Noise Barrier is Proposed (i.e. improve to six lanes, service road, future right-of-way width, etc.)

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Current Average Daily Traffic (ADT) and/or Peak Hour Traffic (please specify which) per road

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Projected ADT and/or Peak Hour Traffic (please note time horizon, i.e. 20 years into the future) per road

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Data source(s) for current and projected traffic and justification for projected traffic

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Posted Speed Limit (mph) \_\_\_\_\_

Passenger Vehicles as a % of the ADT and/or Peak Hour \_\_\_\_\_

Medium Trucks as a % of the ADT and/or Peak Hour \_\_\_\_\_

Heavy Trucks as a % of the ADT and/or Peak Hour \_\_\_\_\_

Source of Vehicle Mix Information \_\_\_\_\_

Characteristics of Traffic Flow during on-site monitoring (i.e. free flowing at posted speed, moving below posted speed, stand still) \_\_\_\_\_

Weather and road conditions during on-site monitoring (i.e. wet pavement, dry pavement, snow cover, wind speed) \_\_\_\_\_

Dates and times (including duration) of on-site monitoring \_\_\_\_\_

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Provide a map showing the locations of all on-site monitoring sites.

Noise Model Used \_\_\_\_\_

Run noise model using existing conditions and discuss how that information was used to calibrate future predictions.

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Provide a map or plat of the property which delineates the projected unmitigated DNL 65, 70 and 75 dba noise contours at both the ground and above ground levels. The above ground level is defined as the noise levels at the second story (approximately 15 feet above ground). If the proposed building(s) has more than two stories, the contours for the upper levels must also be provided, or documentation provided that demonstrates that there will be no change in noise levels above a certain elevation. The above ground level at the third story is approximately 27 feet above ground, with 12 feet being added for each additional story. It is noted that there may be instances where the projected unmitigated noise contours may be difficult to determine and/or depict given the presence of existing structures or other features on the site. In such circumstances, it may be appropriate to provide noise data points for the critical areas on the site before construction on the site in lieu of providing the projected unmitigated noise contours.

Provide a map or plat of the property which delineates the projected mitigated DNL 65, 70 and 75 dBA noise contours at both the ground and above ground levels. The above ground level is defined as the noise levels at the second story (approximately 15 feet above ground). If the proposed building(s) has more than two stories, the contours for the upper levels must also be provided, or documentation provided that demonstrates that there will be no change in noise levels above a certain elevation. The above ground level at the third story is approximately 27 feet above ground, with 12 feet being added for each additional story. It is noted that there may be instances where the projected mitigated noise contours may be difficult to determine and/or depict given the future barrier(s) and other structures or features on the site. In such circumstances, it may be appropriate to provide noise data points for the critical areas on the site after construction on the

site (including barrier construction) in lieu of providing the projected mitigated noise contours. Note: The projected mitigated and unmitigated noise contours may be depicted on the same map or plat provided that it can be done in such a manner which is clear and legible.

Description and Illustration of the Proposed Noise Barrier. This discussion and illustration must include the height of the proposed barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, building materials to be used in the construction of the barrier and any connections to an adjacent barrier(s). This description must also include a discussion of any future road improvements as recommended by the Comprehensive Plan and whether the proposed barrier location is impacted by such recommendations. Additional sheets and illustrations may be attached if necessary.

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Discuss How the Proposed Development Supports the Attainment of Exterior Noise Mitigation Recommendations of the Comprehensive Plan. The Comprehensive Plan recommends that new development should not expose people to an exterior noise level in excess of DNL 65 dBA for outdoor activity areas including outdoor recreation areas of homes. In addition, new residential development should not occur in areas with projected highway noise exposure exceeding DNL 75 dBA. As such, please describe how the proposed noise barrier addresses the Plan's recommendations for exterior noise mitigation. Additional sheets may be attached if necessary.

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Description and Illustration of Efforts to Mitigate the Visual Impacts of the Noise Barrier on Adjacent Properties. This description and illustration must describe/show the visual impacts on adjacent properties to include the location and design of the barrier, use of berms and landscaping. Additional sheets may be attached if necessary.

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**Noise Study Summary Information for Individual Residential Lots**

The following form must be completed and provided with any noise study which is used to satisfy the requirements of Par. 1 of Sect. 8-919 or Par. 3F of Sect. 10-104 of the Zoning Ordinance for noise barriers on a single residential lot. When appropriate, additional information may be requested by staff in order to complete their evaluation.

Tax Map Number and/or Address of Property

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Name(s) and Route Number(s) of Roads for which Noise Barrier is Proposed

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Justification for Noise Barrier. Provide written justification as to the reasons why the proposed noise barrier is needed at this location. Information pertaining to the existing on-site noise levels is highly desirable, but not required. Additional sheets may be attached if necessary.

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Description and Illustration of the Proposed Noise Barrier. This description and illustration must include the proposed height of the barrier, the proposed location of the barrier on the property, the acoustical design and structural features of the barrier, building materials to be used in the construction of the barrier and any connections to an adjacent barrier(s). Additional sheets and illustrations may be attached if necessary.

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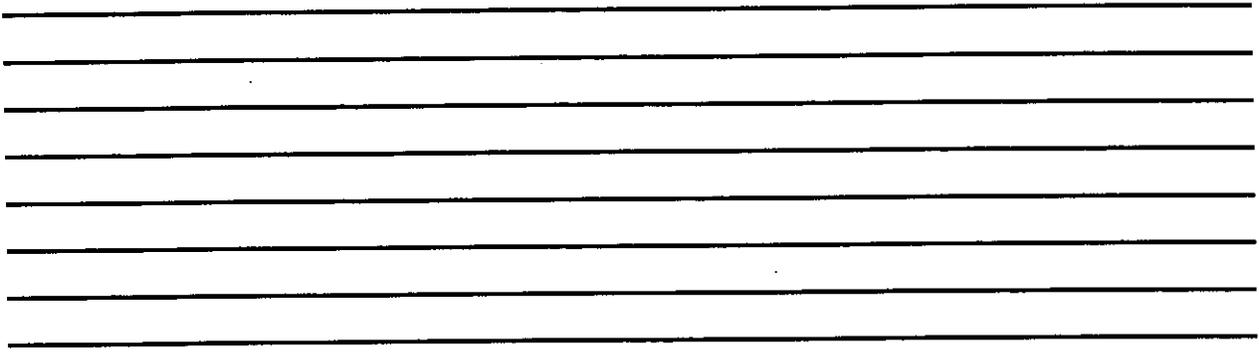
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Describe Efforts to Mitigate the Visual Impacts of the Noise Barrier on Adjacent Properties. This description must include a discussion of the visual impacts on adjacent properties to include the location and design of the barrier, use of berms and landscaping. Additional sheets and illustrations may be attached if necessary.



**SPECIAL EXCEPTION AFFIDAVIT**DATE: March 12, 2008  
(enter date affidavit is notarized)I, Lynne J. Strobel, attorney/agent, do hereby state that I am an  
(enter name of applicant or authorized agent)(check one)             applicant  
                                  applicant's authorized agent listed in Par. 1(a) below      97468cin Application No.(s): SEA 94-P-040  
(enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE: All relationships to the application listed above in BOLD print are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)**

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
RP MRP Tysons, LLC  Agents: Robert J. Murphy Charles F. McGrath James D. D'Agostino Frederick W. Rothmeijer	1133 21st Street, NW Suite 720 Washington, DC 20036	Applicant/Title Owner
Michael Vergason Landscape Architects, Ltd.  Agents: E. Michael Vergason Beata B. Corcoran Doug A. Hayes	1102 King Street, 2nd Floor Alexandria, VA 22314	Landscape Architect/Agent

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Special Exception Attachment to Par. 1(a)**

DATE: March 12, 2008  
 (enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
 (enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Gensler Architecture, Design & Planning, P.C. a/k/a M. Arthur Gensler, Jr. and Associates, Inc.	2020 K Street, NW, Suite 200 Washington, DC 20006	Architect/Agent
Agents: Kevin C. Wolcott, AIA, LEED Jeff P. Barber, AIA, LEED		
Urban Engineering & Associates, Inc. t/a Urban Ltd.	7712 Little River Turnpike Annandale, Virginia 22003	Engineers/Agent
Agent: Clayton C. Tock, PE		
M.J. Wells & Associates, LLC	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent
Agents: Martin J. Wells Jami L. Milanovich		
Cooley Godward Kronish LLP	Reston Town Center One Freedom Square 11951 Freedom Drive Reston, VA 20190	Former Attorneys/Agent*
Agents: Antonio J. Calabrese, Esquire Mark C. Looney, Esquire Colleen Gillis Snow, Esquire Jill D. Switkin, Esquire Brian J Winterhalter, Esquire Shane M. Murphy, Esquire Jeffrey A. Nein, Planner Meaghan P. Murray, Planner Molly M. Novotny, Planner Ben I. Wales, Planner Katherine D. Youngbluth, Planner Jason R. Rogers, Planner		

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

**Special Exception Attachment to Par. 1(a)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**(NOTE:** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	<b>Attorneys/Planners/Agent</b>
Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. Whisler Megan C. Shilling Elizabeth A. McKeeby		

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)**

CORPORATION INFORMATION

**NAME & ADDRESS OF CORPORATION:** (enter complete name and number, street, city, state, and zip code) RP MRP Tysons, LLC  
1133 21st Street, NW  
Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial and last name)  
Rockpoint Real Estate Fund II, LP  
MRP Tysons, LLC

(check if applicable)  There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

MRP Tysons, LLC  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

PREP Tysons, LLC  
MidAtlantic Realty Partners Tysons, LLC

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

MidAtlantic Realty Partners Tysons, LLC  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

MidAtlantic Realty Partners, LLC  
MRP Tysons Partners, LLC

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468 c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

MidAtlantic Realty Partners, LLC  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Robert J. Murphy  
Ryan K. Wade  
J. Richard Saas  
Frederick W. Rothmeijer

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

MRP Tysons Partners, LLC  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Frederick W. Rothmeijer	Robert J. Murphy
Ryan K. Wade	J. Richard Saas
J. Zachary Wade	
James D. D'Agostino	

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

PREP Tysons, LLC  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Managing Member and 100% owner:  
Parkwood Real Estate Partners, LLC

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Parkwood Real Estate Partners, LLC  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Managing Member: Keystone Partners I,  
LLC  
Non-Managing Member: Euclid Partners I,  
LP

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Keystone Partners I, LLC  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Charles A. Spaulding, III  
Richard H. Coe  
R. Barton Spaulding

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Rockpoint Real Estate Fund II GP, L.L.C.  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Rockpoint Group, L.L.C.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Rockpoint Group, L.L.C.  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Patrick K. Fox	Jonathan H. Paul
Keith B. Gelb	William H. Walton
Gregory J. Hartman	

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Parkwood Corporation  
1133 21st Street, NW, Suite 720  
Washington, DC 20036

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Morton L. Mandel  
Jack N. Mandel  
Joseph C. Mandel

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Gensler Architecture, Design & Planning, P.C. a/k/a M. Arthur Gensler, Jr. and Associates, Inc.  
2020 K Street, NW, Suite 200  
Washington, DC 20006

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Employee owned - none own 10% or more  
of any class of stock.

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Urban Engineering & Associates, Inc. t/a Urban Ltd.  
7712 Little River Turnpike  
Annandale, Virginia 22003

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
Barry B. Smith  
J. Edgar Sears, Jr.  
Brian A. Sears

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

M.J. Wells & Associates, LLC  
1420 Spring Hill Road, Suite 600  
McLean, Virginia 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

M.J. Wells & Associates, Inc., Sole Member

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

M.J. Wells & Associates, Inc.  
1420 Spring Hill Road, Suite 600  
McLean, Virginia 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

M.J. Wells & Associates, Inc. Employee  
Stock Ownership Trust. All employees are  
eligible plan participants; however, no one  
employee owns more than 1% of any class  
of stock.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Michael Vergason Landscape Architects, Ltd.  
1102 King Street, 2nd Floor  
Alexandria, VA 22314

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
E. Michael Vergason

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)  
 There are 10 or less shareholders, and all of the shareholders are listed below.  
 There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
 There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)  
David J. Bomgardner, E. Andrew Burcher    William A. Fogarty, John H. Foote    M. Catharine Puskar, John E. Rinaldi  
Thomas J. Colucci    H. Mark Goetzman    Lynne J. Strobel  
Peter M. Dolan, Jr.    Bryan H. Guidash    Garth M. Wainman  
Jay du Von    Michael D. Lubeley    Nan E. Walsh  
Jerry K. Emrich    J. Randall Minchew    Martin D. Walsh

(check if applicable)     There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)

Cooley Godward Kornish LLP  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(former attorney/agent)

(check if applicable)  The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g.

General Partner, Limited Partner, or General and Limited Partner)

Gian-Michele a Marca  
Jane K. Adams  
Maureen P. Alger  
Michael F. Armstrong  
Gordon C. Atkinson  
Michael A. Attanasio  
Jonathan P. Bach  
Celia Godwag Barenholtz  
Frederick D. Baron  
James A. Beldner

Keith J. Berets  
Laura A. Berezin  
Laura Grossfield Birger  
Russell S. Berman  
Barbara L. Borden  
Jodie M. Bourdet  
Lance W. Bridges  
Matthew J. Brigham  
Robert J. Brigham  
John P. Brockland  
James P. Brogan

Nicole C. Brookshire  
Matthew D. Brown  
Alfred L. Browne III  
Matthew T. Browne  
Robert T. Cahill  
Antonio J. Calabrese  
Linda F. Callison  
Roel C. Campos  
William Lesse Castleberry  
Lynda K. Chandler  
Ethan E. Christensen

(check if applicable)  There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(c)

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

Cooley Godward Kornish LLP (continued)  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(check if applicable) [ ] The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

- |                             |                         |                        |
|-----------------------------|-------------------------|------------------------|
| Richard E. Climan           | William E. Grauer       | Alan (nmi) Levine      |
| Samuel S. Coates            | Jonathan G. Graves      | Michael S. Levinson    |
| Alan S. Cohen               | Paul E. Gross           | Elizabeth L. Lewis     |
| Thomas A. Coll              | Kenneth L. Guernsey     | Michael R. Lincoln     |
| Joseph W. Conroy            | Patrick P. Gunn         | James C. T. Linfield   |
| Jennifer B. Coplan          | Zvi (nmi) Hahn          | David A. Lipkin        |
| Carolyn L. Craig            | John B. Hale            | Chet F. Lipton         |
| John W. Crittenden          | Andrew (nmi) Hartman    | Cliff Z. Liu           |
| Janet L. Cullum             | Amy (nmi) Hartman       | Samuel M. Livermore    |
| Nathan K. Cummings          | Bernard L. Hatcher      | Douglas P. Lobel       |
| John A. Dado                | Matthew B. Hemington    | J. Patrick Loofbourrow |
| Craig E. Dauchy             | Cathy Rae Hershcopf     | Mark C. Looney         |
| Darren K. DeStefano         | John (nmi) Hession      | Robert B. Lovett       |
| Scott D. Devereaux          | Gordon (nmi) Ho         | Andrew P. Lustig       |
| Jennifer Fonner DiNucci     | Suzanne Sowachka Hooper | Michael X. Marinelli   |
| James J. Donato             | Tami J. Howie           | John T. McKenna        |
| Michelle C. Doolin          | Mark M. Hrenya          | Daniel P. Meehan       |
| John C. Dwyer               | Christopher R. Hutter   | Beatriz (nmi) Mejia    |
| Robert L. Eisenbach, III    | Jay R. Indyke           | Thomas C. Meyers       |
| Lester J. Fagan             | Craig D. Jacoby         | Erik B. Milch          |
| Brent D. Fassett            | Eric C. Jensen          | Robert H. Miller       |
| M. Wainwright Fishburn, Jr. | Robert L. Jones         | Chadwick L. Mills      |
| Keith a. Flaum              | Barclay J. Kamb         | Brian E. Mitchell      |
| Grant P. Fondo              | Richard S. Kanowitz     | Patrick J. Mitchell    |
| Daniel W. Frank             | Jeffrey S. Karr         | Ann M. Mooney          |
| Richard H. Frank            | Scott L. Kaufman        | Gary H. Moore          |
| William S. Freeman          | Margaret H. Kavalaris   | Timothy J. Moore       |
| Steven L. Friedlander       | Sally A. Kay            | Webb B. Morrow III     |
| Thomas J. Friel, Jr.        | J. Michael Kelly        | Kevin P. Mullen        |
| Koji F. Fukumura            | Jason L. Kent           | Frederick T. Muto      |
| James F. Fulton, Jr.        | James C. Kitch          | Ross W. Nadel          |
| Phillip J. Gall             | Michael J. Klisch       | Ryan E. Naftulin       |
| William S. Galliani         | Michael H. Knight       | Stephen C. Neal        |
| Stephen D. Gardner          | Jason M. Koral          | James E. Nesland       |
| John M. Geschke             | Barbara A. Kosacz       | Alison (nmi) Newman    |
| Kathleen a. Goodhart        | Gary M. Kravetz         | William H. O'Brien     |
| Lawrence C. Gottlieb        | Kenneth J. Krisko       | Thomas D. O'Connor     |
| Shane L. Goudey             | John G. Lavoie          | Vincent P. Pangrazio   |
|                             | Shira Nadich Levin      |                        |

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

**Special Exception Attachment to Par. 1(c)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

Cooley Godward Kornish LLP (continued)  
Reston Town Center, One Freedom Square  
11951 Freedom Drive  
Reston, VA 20190

(check if applicable) [ ] The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

Mark B. Pitchford  
Michael L. Platt  
Christian E. Plaza  
Lori R. E. Ploeger  
Thomas F. Poche  
Anna B. Pope  
Marya A. Postner  
Steve M. Przesmicki  
Seth A. Rafkin  
Frank F. Rahmani  
Marc (nmi) Recht  
Thoas Z. Reicher  
Eric M. Reifschneider  
Michael G. Rhodes  
Michelle S. Rhyu  
Paul M. Ritter  
Julie M. Robinson  
Ricardo (nmi) Rodriguez  
Adam C. Rogoff  
Jane (nmi) Ross  
Richard S. Rothberg  
Adam J. Ruttenberg  
Adam L. Salassi  
Thomas R. Salley III  
Richard S. Sanders  
Glen Y. Sato  
Martin S. Schenker  
Joseph A. Scherer  
Paul H. Schwartz  
William J. Schwartz  
Brent B. Siler  
Gregory A. Smith  
Whitty (nmi) Somvichian  
Mark D. Spoto  
Wayne O. Stacy  
Neal J. Stephens  
Michael D. Stern  
Anthony M. Steigler

Steven M. Strauss  
Myron G. Sugarman  
Christopher J. Sundermeier  
Ronald R. Sussman  
C. Scott Talbot  
Mark P. Tanoury  
Philip C. Tencer  
Gregory C. Tenhoff  
Timothy S. Teter  
John H. Toole  
Robert J. Tosti  
Michael S. Tuscan  
Edward Van Gieson  
Miguel J. Vega  
Erich E. Veitenheimer III  
Aaron J. Velli  
Robert R. Vieth  
Lois K. Voelz  
Craig A. Waldman  
Kent M. Walker  
David A. Walsh  
David M. Warren  
Steven K. Weinberg  
Thomas S. Welk  
Christopher A. Westover  
Francis R. Wheeler  
Brett D. White  
Peter J. Willsey  
Nancy H. Wojtas  
Nan (nmi) Wu  
John F. Young  
Kevin J. Zimmer

Additions:  
Wendy J. Brenner  
Samuel S. Coates  
Sally A. Kay  
Jason M. Koral  
Robin J. Lee  
Cliff Z. Liu  
J. Patrick Loofbourrow  
Andrew P. Lustig  
Beatriz (nmi) Mejia  
Erik B. Milch  
Chadwick L. Mills  
Brent B. Siler  
Michael E. Tenta

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

**Special Exception Attachment to Par. 1(c)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

Euclid Partners I, L.P.  
1133 21st Street, NW  
Suite 720  
Washington, DC 20036

(check if applicable) [ ] The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

General Partner:  
Parkwood Corporation, a Delaware corporation

Limited Partners:

- |   |  |  |
|---|--|--|
| *Morton L. Mandel & Joseph C. Mandel, as Trustees under a Declaration of Trust dated August 27, 1976 f/b/o Jack N. Mandel   | Parkwood Trust Company, Trustee u/a/d 10/24/97 f/b/o Stephanie Weinberg Miller   | Parkwood Trust Company, Trustee u/a/d 3/27/00 f/b/o Morton L. Mandel's and Barbara A. Mandel's grandchildren |
| *Jack N. Mandel & Morton L. Mandel as Trustees under a Declaration of Trust dated September 27, 1976 f/b/o Joseph C. Mandel | Parkwood Trust Company, Trustee u/a/d 12/14/87 f/b/o Robert C. Beyer, as amended<br>Jack N. Mandel & Morton L. Mandel, Trustees u/a/d 12/4/78 f/b/o Timothy C. Beyer | Parkwood Trust Company, Trustee u/a/d 6/7/01 f/b/o Joseph C. Mandel's grandchildren                          |
| *Jack N. Mandel & Morton L. Mandel as Trustees under a Declaration of Trust dated September 14, 1976 f/b/o Morton L. Mandel | Parkwood Trust Company, Trustee u/a/d 12/10/99 f/b/o Alicia Jackelin Rose Mandel   | Parkwood Trust Company, Trustee u/a/d 11/16/99 f/b/o Carolyn A. Kahn   |
| Joseph C. Mandel & Morton L. Mandel, Trustees u/a/d 5/24/89 f/b/o Sheldon Mandel  | Parkwood Trust Company, Trustee u/a/d 12/10/99 f/b/o Daniela Lee Mandel  | Parkwood Trust Company, Trustee u/a/d 11/16/99 f/b/o Katie E. Dinner   |
| Parkwood Trust Company, Trustee u/a/d 10/24/97 f/b/o Penni M. Weinberg  | Parkwood Trust Company, Trustee u/a/d 12/10/99 f/b/o Wilson M. Petricig  | Parkwood Trust Company, Trustee u/a/d 12/20/99 f/b/o Bliss Emilia Rose Beyer                                 |
| Parkwood Trust Company, Trustee u/a/d 10/24/97 f/b/o Michele M. Beyer   | Parkwood Trust Company, Trustee u/a/d 12/1/99 f/b/o John James Petricig  | Parkwood Trust Company, Trustee u/a/d 5/25/01 f/b/o Eleanor J. Kahn  |
| Parkwood Trust Company, Trustee u/a/d 3/27/00 f/b/o Stacy L. Mandel   | Parkwood Trust Company, Trustee u/a/d 3/6/01 f/b/o Daniel A. Mandel  | Parkwood Trust Company, Trustee u/a/d 8/12/02 f/b/o Emily Lauren Dinner                                      |
| Parkwood Trust Company, Trustee u/a/d 9/24/01 f/b/o Amy C. Mandel, Thomas A. Mandel and Stacy L. Mandel                     | Parkwood Trust Company, Trustee u/a/d 12/19/02 f/b/o Sherilyn Leigh McDonnell  | Parkwood Trust Company, Trustee u/a/d 8/12/02 f/b/o Belle Beyer  |

\*owning 10% or more of RP MRP Tysons, LLC

(continued - see next page)

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

**Special Exception Attachment to Par. 1(c)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

Euclid Partners I, L.P. (continued)  
1133 21st Street, NW  
Suite 720  
Washington, DC 20036

(check if applicable)  The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g.,  
**General Partner, Limited Partner, or General and Limited Partner**)

Limited Partners, continued:

Parkwood Trust Company, Trustee u/a/d  
12/23/02 f/b/o the Beyer grandchildren

Parkwood Trust Company, Trustee u/a/d  
12/23/02 f/b/o the Weinberg grandchildren

Parkwood Trust Company, Trustee u/a/d  
12/20/02 f/b/o Joseph C. Mandel's Beyer  
great grandchildren

Parkwood Trust Company, Trustee u/a/d  
12/20/02 f/b/o Joseph C. Mandel's  
Weinberg great grandchildren

The Jack N. and Lilyan Mandel Foundation

The Joseph and Florence Mandel Family  
Foundation

Morton & Barbara Mandel Family  
Foundation

\*owning 10% or more of RP MRP Tysons,  
LLC

(check if applicable)  There is more partnership information and Par. 1(c) is continued further on a  
"Special Exception Attachment to Par. 1(c)" form.

**Special Exception Attachment to Par. 1(c)**

DATE: March 12, 2008  
(enter date affidavit is notarized)

97468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

Rockpoint Real Estate Fund II, L.P.  
1133 21st Street, NW  
Suite 720  
Washington, DC 20036

(check if applicable) [ ] The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

General Partner:  
Rockpoint Real Estate Fund II GP, LLC

Limited Partners:  
California State Teachers' Retirement  
System

Treasurer of the State of North Carolina

New York Common Retirement Fund

New York State Teachers' Retirement  
System

Oregon Public Employees Retirement Fund

Board of Trustees of the Leland Stanford  
Junior University

None of the above limited partners owns  
10% or more of RP MRP Tysons, LLC

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 12, 2008  
(enter date affidavit is notarized)

91468c

for Application No. (s): SEA 94-P-040  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 94-P-040  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: March 12, 2008  
(enter date affidavit is notarized)

91468c

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

None

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) [ ] There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

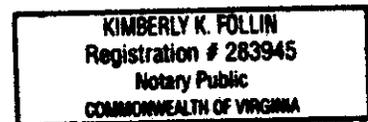
(check one) Lynne J. Strobel  
[ ] Applicant [x] Applicant's Authorized Agent

Lynne J. Strobel, attorney/agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 12 day of March 20 08, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2011



SEP 07 2007

Zoning Evaluation Division

**RP MRP Tysons, LLC  
Statement of Justification  
Special Exception Amendment**

**August 10, 2007  
Revised September 7, 2007**

## **I. Introduction**

In order to provide for the long-term future development of Fairfax County Tax Map # 29-2 ((15)) C2 (the "Property") in accordance with Fairfax County's Comprehensive Plan, RP MRP Tysons, LLC (the "Applicant" and collectively with consultants, the "Development Team"), proposes to develop the Property with a high-quality, Class-A commercial office park and four-star restaurant (the "Proposed Development"). The Proposed Development will be a landmark in Fairfax County and will fulfill its vision for a signature building at significant crossroads.

The Applicant is submitting this Special Exception Amendment to amend Special Exception SE 94-P-040, approved by the Board of Supervisors on October 31, 1994, for the exclusive purpose of developing the restaurant on the north side of the Proposed Development (the "Special Exception Amendment"). With review of the Special Exception Amendment, the Applicant is submitting its design for the Class-A commercial office building described above so that Fairfax County can be assured that the quality of design envisioned by the County has been satisfied.

Particularly with the anticipated extension of Metrorail through Tysons Corner, the Applicant believes that there is an opportunity to transform the Property into a vital employment center. Visible from the Capital Beltway ("I-495") and the Dulles Airport Access Road, the Proposed Development will enhance and update the quality of Tysons Corner. The attractive, premium office building will transform the functionality of the Property, which is currently underutilized and of no benefit to the County's tax base. This signature building and four-star restaurant will create a sense of place that facilitates the logical movement of pedestrians and cars.

## **II. Background**

The Property is 334,157 square feet in size and is located within Land Unit L of the Tysons Corner Urban Center of the Providence District in Fairfax County, Virginia. It is generally bounded on the east by Jones Branch Drive, on the west by the Capital Beltway ("I-495"), on the northwest by the Dulles Airport Access Road ("DAAR") on the north by the Gannett/USA Today headquarters and on the south by Tysons Park Place II.

The Property is part of Land Bay L-1 of the Tysons Corner Urban Center. Land Bay L-1, when combined with land Unit L-3, is planned for office use with support retail and service uses up to an average .55 FAR. However, if a rapid rail station is selected and programmed for design and construction at either Spring Hill Road and the Dulles Airport Access Road or in the vicinity of Route 123 and Tysons Boulevard, Land Bays L-1 and L-3 are planned for office use up to a combined .75 FAR. New development and/or redevelopment is advised to integrate itself with its neighboring parcels through pedestrian linkages and urban design amenities.

In conformance with the Fairfax County Comprehensive Plan, the Applicant is proposing to develop the Property with a signature office building, well integrated with its neighboring parcels. Internal and external pedestrian linkages tie the Proposed Development to the network begun to the north by the owners of the Gannett/USA Today headquarters (the "Gannett Property") and to the overall planned grid of Tysons Corner.

The Property is zoned C-3 and is one of a number of sites subject to proffered conditions associated with Rezoning RZ 88-D-005, approved by the Board of Supervisors on October 15, 1990 (the "Rezoning"). In addition, the Property is subject to the proffered conditions associated with Proffered Condition Amendment PCA 88-D-005-5, approved by the Board of Supervisors on January 6, 2003 to delete certain land area from the larger area subject to the Rezoning (the "PCA"). The Property is also subject to the development conditions associated with Special Exception SE 94-P-040, approved by the Board of Supervisors on October 31, 1994 for, among other things, an increase in building height, radio and television broadcasting facilities, microwave facilities and satellite earth stations accessory to office development (the "Special Exception").

The Applicant's Special Exception Amendment application does not request additional floor area nor building height; rather, the Proposed Development makes use of the previously approved, yet unrealized, floor area available under the Rezoning and PCA and the building heights available under the Special Exception. The Applicant respectfully submits that it enjoys a vested right to develop the Property with the high quality, Class-A commercial office park proposed and consistent with the specifications shown on the Special Exception Amendment plat. The Applicant is confident that the Fairfax County Staff, Planning Commission and Board of Supervisors will agree that the quality of design detailed in this submission meets (and exceeds) the Comprehensive Plan, Rezoning, PCA and Special Exception goals and approvals.

The proffered conditions associated with the Rezoning and those associated with the PCA, along with development conditions associated with the Special Exception, are attached hereto as Exhibit A.

### **III. Proposed Development**

The Applicant proposes to develop the Property with an approximately 537,000 square foot Class-A commercial building (the "Office Building"), a four-star restaurant (the "Restaurant") and a café with outdoor seating (the "Café") which are collectively designed to utilize, complement and support the Commonwealth's and Fairfax County's economic and aesthetic objectives.

The Office Building, contemporary in design, functionally efficient, and well-integrated into its immediate urban campus and environment, sits on the northern portion of the Property and is oriented toward Jones Branch Drive. The Restaurant, on the north side of the building, will have outdoor seating on a landscaped terrace as will the Café, adjacent to the front entry. Pedestrian paths and stairs will connect these outdoor areas and the paths will continue into the wooded hillsides on the Property. The structured parking garage is located on the south side of the

Property and is carved into the ground to minimize its visual and physical impact on the environment and adjacent properties.

#### **A. Quality Design**

The Applicant promises to deliver a superbly designed building that will respond to Tysons Corner market demands: the Office Building is a sophisticated, crystalline sculpture of angled glass and metal planes that partners with the adjacent Gannett Property but becomes even more of a landmark through its landscaped campus and its position at the heart of the region's most traveled roads. Seen from a distance, the Office Building's angled top gestures toward the sky. The planes of the building skin will create a series of veiled reflections at dusk, and at night the building glows at its northernmost prow, becoming a discernable beacon from a distance.

The Office Building sits in a landscape that is unparalleled for a building that is not owner-occupied. The original landscape architect for the Gannett Property has returned to complete the original site plan, adding to and enhancing existing streets, water features and campus plantings to create memorable experiences for those who enjoy the Office Building every day or every once in a while.

The Office Building's ground-level approach feels generous and inviting. Building occupants spill out of the ground floor Café onto the front courtyard, where an elegant entry piazza is dappled with shade from significant trees. Flanked by the tower, the entrance lobby is elevated slightly above the pond to its north, providing a graceful overlook to the water and the campus commons down a stepped landscape of fieldstone walls.

The superior building design, characterized by high-quality, tactile materials proposed for the Office Building façade, lush landscaped areas and thoughtful orientation, successfully creates the type of development desired in Tysons Corner.

#### **B. Amenities**

The Proposed Development will feature a comprehensive pedestrian and open space system with urban features, such as plazas, courtyards and parks. The Proposed Development's evolution towards a pedestrian and transit-oriented environment is the by-product of fundamental design principles that highlight superior architecture and these pedestrian connections.

Furthermore, the Proposed Development includes a four-star Restaurant, Café and fitness center, conveniently located for future employees and local residents and purposefully placed on-site so as to significantly reduce the number of vehicle trips made to and from the Proposed Development mid-day. The Proposed Development will also include valet, shuttle and concierge services for future employees.

#### **C. Integration with Adjoining Landowners**

The Proposed Development is located on the southeastern portion of the property occupied by the Gannett Property (the Gannett Property together with the Proposed Development, the

“Combined Site”). The Gannett Property successfully combines low and high-rise elements, oriented around lake and lawn. The Office Building is designed, in plan and in elevation, to be complementary to the bent planes of the Gannett Property, without being imitative: rather than occupy the highest point of the Property to stand nearly 66 feet taller than as currently designed, the Office Building sits at the southern edge of the pond and occupies the lowest remaining grade on the Property in order to balance the composition of the Combined Site.

In addition, the Proposed Development will use the successful streetscape strategies already implemented on the Gannett Property to create an attractive and safe pedestrian experience along Jones Branch Drive. The Development Team will carry the rhythm of street trees, sidewalk paving and site lighting from the Gannett Property into the Proposed Development so as to unify the network of roads and paths and promote a pedestrian network within the Combined Site. The overall impression is a fully integrated scheme, completing the original plan considered for the Property, while giving a new face to Tysons Corner.

The Proposed Development is also in proximity to the McLean Hamlet. So as to not impact the views from the McLean Hamlet, the Proposed Development stays below the view angles that are already defined by the Gannett Property and the sound barrier wall on the north side of the Dulles Airport Access Road. Moreover, the Proposed Development’s shadow encroaches upon the Gannett Property and the on-ramp to the Dulles Airport Access Road for only three hours at off-peak times during the winter-solstice and otherwise stays within the Property’s boundaries as evaluated by sun diagrams.

#### **D. Proximity to Major Road Networks and Proposed Rail Stations**

Located at the edge of the Tysons Corner area and bounded on the north by the Dulles Airport Access Road and on the east by the Capital Beltway (I-495), the Proposed Development presents itself to these major distribution networks as a recognizable landmark and gateway, places Tysons Corner as a major regional urban center more clearly on the map and promotes business, quality of life and economic well-being. Moreover, the Proposed Development is close to future planned mass transit options in Tysons Corner and therefore helps furthers Fairfax County’s transit-oriented planning effort.

#### **E. Substantial Economic Benefits to Fairfax County**

The Property was previously owned by Gannett and was used solely for recreational purposes; as such, it generated minimum employment opportunities and provided no fiscal benefit to the County. In comparison, the Proposed Development will generate a broad range of employment opportunities through its already entitled 537,000 square foot Class-A commercial Office Building, four-star Restaurant and Café; and, because of its rich landscape design, will be a visual and functional amenity for both public and private users.

The Proposed Development will be an important fiscal resource for Fairfax County, especially in light of recent budget deliberations which confirm the cooling of residential real estate values. The Property, long planned and zoned for this type of development, will help increase the

County's non-residential tax base as it faces its lowest annual revenue rate in more than a decade.

#### **IV. Summary**

The Proposed Development - a high quality, Class-A commercial office park and four-star restaurant - will enhance and update the quality of Tysons Corner and concurrently increase Fairfax County's non-residential tax base, thereby furthering the Commonwealth's and Fairfax County's aesthetic and economic objectives.

The Applicant respectfully requests favorable consideration of the Application by Staff, the Planning Commission and the Board of Supervisors.



Jill D. Switkin, Esquire  
Cooley Godward Kronish LLP

333709 v2/RE

APPENDIX 4



FAIRFAX  
COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 531  
Fairfax, Virginia 22035-0071

Tel: 703-324-3151 Fax: 703-324-3921

V I R G I N I A

November 11, 1994

Martin D. Walsh, Esquire  
Walsh, Colucci, Stackhouse,  
Emrich and Lubeley, P.C.  
2200 Clarendon Boulevard  
Thirteenth Floor  
Arlington, Virginia 22201

RE: Special Exception  
Number SE 94-P-040  
(Concurrent with PCA 88-D-005)

Dear Mr. Walsh:

At a regular meeting of the Board of Supervisors held on October 31, 1994 the Board approved Special Exception Number SE 94-P-040 in the name of Gannett Company, Incorporated, located at Tax Map 29-2 ((15)) Pt. A4; and 29-4 ((7)) 12A for an increase in building height (Paragraph 3 Section 9-601); radio and television broadcasting facilities, microwave facilities and satellite earth stations accessory to an office building (Paragraph 3 Section 9-101); a helistop as an accessory use to an office use (Paragraph 4 Section 9-401); and, a waiver of certain sign regulations (Paragraph 17 Section 9-601) of the Fairfax County by requiring conformance with the following development conditions:

1. This approval is granted for and runs with the land indicated in the application, as limited by Paragraph 4 below, and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with this application, as qualified by these development conditions.

2.

3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Gannett Special Exception Plat", prepared by Skidmore, Owings & Merrill and Dewberry & Davis and dated October 17, 1994, Sheets 1-4, and these development conditions.
4.  **Limitation on Use and Applicant.** In the event that any building on the site is not occupied by a "single user" as defined below, in addition to the requirements set forth below, prior to site plan approval, the owner/tenant of any building on the site occupied by more than a single user per building shall submit detailed site plans, landscape plans and architectural plans (including, but not limited to, building footprints, architectural design, exterior facade materials and treatments, and location, size and details of all proposed signage and telecommunications facilities) to the Planning Commission for review and recommendation and to the Board of Supervisors for review and approval based upon the applicable Special Exception standards contained in the Zoning Ordinance. The burden of such submission, review and approval for the applicant shall be the same as those for the review and approval process for a new special exception application. For the purpose of these development conditions, the term "single user" shall be defined as a user and its affiliates (defined as subsidiaries and other entities in which the user has a direct or indirect interest of at least 33 1/3%) which, along with accessory uses, occupies 85% or more of a single building.
5. **Limitation on square footage.** Development on the site shall not exceed 1,307,223 square feet, a 1.0 FAR. A maximum of fifty percent (50%) of any cellar space may be utilized for office use. It is understood that the 30.0097 acre site may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility. It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this site) may be located on the remaining 25.01 acres of the site, notwithstanding the fact that this may result in a FAR that exceeds 1.0 when calculated solely on the 25.01 acres.
6. **Substantial conformance.** The development shall be in substantial conformance with the Urban Design Guidelines and the design recommendations contained within the Land Unit Recommendations of the Tysons Corner Urban Center Plan of the Comprehensive Plan.

3.

7. **Review of site/architectural by Planning Commission.** Prior to site plan, landscape plan and architectural plan approval, such plans shall be submitted to the Planning Commission for review for conformance with the Zoning Ordinance and these Development Conditions.
8. **Height of buildings.** The maximum building height of building(s) located to the east and south of the stormwater management pond shall not exceed 300 feet. The maximum height of any penthouse in this area shall not exceed an additional 40 feet.

The maximum building height of any portion of building(s) located to the west of the stormwater management pond shall not exceed a 14 degree view angle from any property within the McLean Hamlet subdivision or 290 feet, whichever is less. Notwithstanding the above, the maximum building height of any portion of building(s) located between 75 feet and 150 feet from the DAAR right-of-way shall not exceed 75 feet. The maximum height of any penthouse in this area shall not exceed an additional 30 feet.

All penthouses shall be screened with an architectural facade similar to that provided on the building.

9. **Building materials.** The facade of any building that faces the Dulles Airport Access Road (DAAR) shall be constructed so as to prevent building glare on adjacent residential communities.
10. **Signs.** The following provisions regarding building mounted signs shall apply to any building that is occupied by a single user. If a building is not occupied by a single user, all signs associated with that building, including building mounted signs, shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.
  - a. Building mounted signs other than as permitted in paragraph 10c. below shall be permitted on a maximum of four (4) sides of any building located on the site. A maximum of one (1) sign shall be permitted on each of these four (4) sides; however, if a building has a side or sides that face onto the DAAR and/or I-495, on one (1) side of the building that faces the DAAR and on one (1) side of the building that faces I-495, a maximum of two (2) signs shall be permitted on each of those sides of the building. No more than one (1) sign shall

be permitted on any side of a building that does not face the DAAR or I-495. The maximum number of building mounted signs shall be four (4) per building; however, up to two (2) additional signs per building shall be permitted if such signs are located on a side of a building that faces the DAAR or I-495 as described above. Building mounted signs shall be only for the purpose of identification of the single user and shall be back-lit only. No sign shall identify more than one (1) business entity. The maximum area of any sign shall be determined by tracing the outer edges of the letters and logo, and shall not include the space, if any, between lines of text. The maximum size of any sign shall be 300 square feet, as qualified below. The total maximum sign area of building mounted signs per building shall be 1800 square feet, as qualified below:

- 1) Where the top of the sign is placed at a building height of 300 feet, the maximum sign area per side of a building for the two sides of the building that face the DAAR and I-495 shall not exceed an area of 600 square feet, and the maximum sign area for any of the other sides of the building shall not exceed an area of 300 square feet each. Each sign shall have a maximum letter height of 6 feet, except that a logo and the first letter of a name may be nine (9) feet tall. The maximum length of the sign shall be 50 feet.
  - 2) When the top of the sign is placed at a building height of less than 300 feet but more than 150 feet, the maximum total sign area of 1800 square feet and the maximum area of each sign of 300 square feet shall decrease by one-half of a square foot for each one (1) foot decrease of building height;
  - 3) When the top of the sign is placed at a building height of 150 feet or less, the maximum sign area per sign shall not exceed 200 square feet and the maximum total sign area per building shall not exceed 400 square feet.
- b. Notwithstanding the above, any building located west of the stormwater management pond shall be further limited to the following:

5.

- 1) A maximum of one (1) building mounted sign on any side of the building that faces the McLean Hamlet subdivision, with each such sign not to exceed 200 square feet in area, unless the applicant submits to the Planning Commission for its review and action a request to increase the area and number of such signs. Such a request shall be accompanied by information depicting and justifying the increase and shall contain sufficient graphic and written information as required by the Commission.

Upon review of such information, the Planning Commission may approve or deny the request. In no circumstance, however, may the Commission grant an increase that exceeds any of the restrictions set forth in paragraph 10a above.

- 2) A maximum of one (1) building mounted sign on any side of the building that does not face the McLean Hamlet subdivision. Each such sign shall not exceed 300 square feet in area, as modified by the proportional decrease in area based upon location on the building, as set forth in paragraphs 10a above.
- 3) A maximum of four (4) building mounted signs per building, unless an increase to a maximum of six (6) is granted pursuant to paragraph b1) above.

- c. In addition, each building on site shall be permitted to have a maximum total combined signage area of 215 square feet comprised of the following: signs located on building awnings, building mounted signs located at the first floor level, and/or freestanding signs in accordance with Paragraph 13B. of Section 12-203 the Zoning Ordinance.

Other than as permitted above, all others signs on the site shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.

Sign permits for all signs shall be obtained in accordance with the provisions of Article 12 of the Zoning Ordinance.

NOTES:

- THIS SPECIAL EXCEPTION PLAT ACCOMPANIES AN APPLICATION FOR THE FOLLOWING APPROVALS:
  - AN INCREASE IN BUILDING HEIGHT AS PROVIDED FOR IN PAR. 3 OF SECT. 9-401;
  - TRUCK AND TELEVISION TRANSMISSION FACILITIES, RECREATIVE FACILITIES AND SATELLITE GROUND STATIONS ACCESSORY TO AN OFFICE USE AS PROVIDED FOR IN PAR. 3 OF SECT. 9-411;
  - A RELIEF AS AN ACCESSORY USE TO AN OFFICE USE AS PROVIDED FOR IN PAR. 4 OF SECT. 9-401.1 AND
  - A WAIVER OF CERTAIN SIGN REGULATIONS AS PROVIDED FOR IN PAR. 17 OF SECT. 9-401.
- THE PROPERTY SHOWN IS THE SUBJECT OF THIS SPECIAL EXCEPTION APPLICATION IS IDENTIFIED BY THE PLATBOOK COUNTY RECORD MAP AS 20-1 (115) AS (PART) AND 20-4 (77) L.M.
- A FURTHER WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY AND THE NATURE OF THE APPLICANT'S INTEREST IS HAVE WILL BE FURNISHED AS A SEPARATE DOCUMENT.
- THE EXISTING INFORMATION SHOWN HEREIN IS FROM A PLAN PROVIDED BY OTHERS.
- THE TOPOGRAPHIC SHOW HEREIN IS AS A CERTAIN INTERNAL OF TWO FEET IN FIELD SURVEY AND ALSO SURVEY PROVIDED BY OTHERS.
- THE FLOORPLAN SHOWN IS LOCATED ON THE SUBJECT PROPERTY IS SUPERSEDED BY THE GRAPHIC, A RECREATIVE PROTECTION AREA (RPA) SUBJECT BELONGING TO THE STATE OF VIRGINIA, WHICH IS LOCATED ON THE MAP OF THE COUNTY OF THE CHESAPEAKE BAY PRESERVATION ORDINANCE. THERE IS NO ENVIRONMENTAL QUALITY CONTROL (EQC) LOCATED ON THE PROPERTY.
- THERE ARE SEVERAL EXISTING UTILITY DEPENDENT WITHIN A WIDTH OF TWENTY-FIVE (25) FEET OR MORE LOCATED ON THE SUBJECT PROPERTY. THEY ARE SUPERSEDED BY THE GRAPHIC AND ARE BASED ON INFORMATION AVAILABLE FROM THE RPA AND/OR OTHERS OF RECORD, NOT FROM ACTUAL FIELD LOCATIONS OR TITLE RECORDS AND SHALL REMAIN AS EXISTING LOCATIONS.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CHANGES OR IMPROVEMENTS OR MODIFICATIONS REQUIRED LOCATED ON THE SUBJECT PROPERTY.
- THERE ARE NO EXISTING STRUCTURES ON THE SUBJECT PROPERTY.
- PUBLIC UTILITIES, TO INCLUDE PUBLIC WATER AND SEWER, ARE CURRENTLY AVAILABLE AT THE SITE OR WILL BE EXTENDED BY THE UTILITY COMPANY OR DEVELOPER AS NECESSARY.
- THE BOUNDARY OF RECORDS AND DEEDS TO THE PROPERTY WILL BE LIMITED TO JONES BRANCH DRIVE AS SPECIFIC LOCATIONS TO BE DETERMINED BY FINAL RECORDS AND SITE PLAN PREPARED AND TO BE APPROVED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT).
- THE PROPOSED BUILDING(S) WILL BE LOCATED WITHIN THE BUILDABLE AREA AS DETERMINED BY THE CHESAPEAKE BAY PRESERVATION ORDINANCE. THE EXACT NUMBER, LOCATION, SHAPE AND SIZE OF THE BUILDING(S) AND THE RELATED SITE IMPROVEMENTS AND STRUCTURES WILL BE DETERMINED AT THE TIME OF FINAL RECORDS AND SITE PLAN PREPARATION, BUT IN NO INSTANCE WILL THE OVER SPACE REPRESENTED IN THE BUILDING AS DETERMINED AND THERE WILL BE NO INCREASE IN THE OVER FLOOR AREA AS REPRESENTED IN THE TABLES.
- THERE IS A NEIGHBOR FRONT YARD REQUIREMENT OF THE SUBJECT PROPERTY ADJACENT TO THE BULLERS ALBANY ACCESS ROAD (DARR) AND I-495 ROADWAY AND ALSO ADJACENT TO JONES BRANCH DRIVE. THE YARD ADJACENT TO THE DARR ROAD MUST BE NOTED TO 20-1 (115) AS (PART) AND 20-4 (77) 3 AND SIDE YARD. THE NEIGHBOR FRONT YARD REQUIREMENT SPECIFIED IN THE 0-1 ZONING IS "REQUIREMENT IS A 20' WIDE YARD, BUT NOT LESS THAN 40 FEET." THE 0-1 ZONING HAS NO REQUIREMENT FOR NEIGHBOR, HOWEVER, THE PROPOSED BUILDING(S) WILL BE LOCATED IN CLEARANCE WITH THE YARD LINE. ALL OF THE YARD ADJACENT TO THE DARR ROAD MUST BE NOTED TO 20-1 (115) AS (PART) AND 20-4 (77) 3 AND SIDE YARD. AS THERE IS NO NEIGHBOR SIDE YARD REQUIREMENT SPECIFIED IN THE 0-1 ZONING, NO SIDE YARD WILL BE PROVIDED ADJACENT TO THE ROAD LINE. THE PROPOSED BUILDING(S) WILL BE LOCATED IN STRICT ACCORDANCE WITH THESE NEIGHBOR YARD REQUIREMENTS.
- IN ADDITION TO THE NEIGHBOR YARD REQUIREMENT SPECIFIED IN THE 0-1 ZONING, THE PROPOSED PROPOSED BUILDING(S) WILL BE LOCATED IN ACCORDANCE WITH THE 75 FOOT NEIGHBOR SIDE YARD REQUIREMENT PROVIDED BY THE PROVISIONS SET FORTH IN SECT. 9-401 OF THE BOUNDING ORDINANCE. THE PROPOSED BUILDING(S) WILL BE LOCATED AS SPECIFIED IN A DEVELOPMENT CONCEPT. LATER, UPON THE NEIGHBOR FRONT YARD, A 20 FOOT NEIGHBOR SIDE YARD REQUIREMENT AS SPECIFIED IN PAR. 17 OF SECT. 9-401.1 WILL BE PROVIDED ALONG THE NEIGHBOR FRONT YARD BOUNDARY FROM THE NEIGHBOR FRONT YARD AS SHOWN ON THE GRAPHIC.
- THE FLOOR AREA(S) REPRESENTED IN THE TABLES IS OVER FLOOR AREA AS DEFINED IN THE PLATBOOK COUNTY RECORD ORDINANCE. THE FLOOR AREA SHALL BE CALCULATED IN ACCORDANCE WITH THE PLATBOOK COUNTY RECORD ORDINANCE. IT IS UNDERSTOOD THAT THE BUILDING(S) AND SIGN CELLAR SPACE(S) WHICH SHALL BE CALCULATED FOR OFFICE SPACE REQUIREMENTS AS ACCORDANCE WITH THE PROVISIONS SET FORTH IN PAR. 21 OF SECT. 9-401 OF THE BOUNDING ORDINANCE. THE USE OF THE CELLAR SPACE(S) WILL BE LIMITED TO THE STORAGE AND RELATED USES SPECIFIED IN THE BELOW: BUILDING MECHANICAL AND ELECTRICAL APPLIANCES; BUILDING PAINTS; BUILDING MATERIALS AND OFFICE SUPPLIES; COMPUTER ROOMS; AND A HALLWAY OF 50% OF THE CELLAR SPACE(S) FLOOR AREA WILL BE OCCUPIED BY OFFICE USE.
- THE NEIGHBOR BUILDING HEIGHT(S) REPRESENTED ON SHEET 4 OF THE GRAPHIC IS THE PROPOSED BUILDING HEIGHT(S) MEASURED FROM THE BUILDING FINISH FLOOR. THE FINAL BUILDING HEIGHT(S) WILL BE MEASURED FROM A FINAL GRADE IN ACCORDANCE WITH THE PROVISIONS OF THE BOUNDING ORDINANCE. THE FINAL GRADE, WHICH MAY BE HIGHER OR LOWER THAN THE EXISTING TOPOGRAPHY, WILL BE ESTABLISHED WITH FINAL RECORDS. IN ADDITION, THE BUILDING(S) WILL LIKELY HAVE A FINISHED FLOOR IN PAR TO COVER THE NEIGHBOR BUILDING HEIGHT(S) OF THE SIGN. THE SIGN AND SIGN AREA COVERAGE OF THE BUILDING(S) WILL BE COMPATIBLE WITH THE SIGN AND SIGN AREA OF THE BUILDING(S) AND WILL BE COMPATIBLE WITH THE ARCHITECTURAL CHARACTER OF THE BUILDING(S). ADDITIONALLY, A FINISHED WALL(S) MAY BE PROVIDED AND SIGN WILL NOT EXCEED MORE THAN SIX FEET ABOVE THE SIGN LEVEL(S). THE BUILDING HEIGHT(S) OF THE BUILDING(S) AND FINISHED ARE FURTHER CONTROLLED BY A DEVELOPMENT CONCEPT.
- THE NUMBER OF PARKING SPACES REPRESENTED IN THE TABLES IS BASED ON THE OVER FLOOR AREA REPRESENTATION OF THE TABLES AND THE NUMBER OF 3.4 SPACES PER 1,000 SQUARE FEET OF OVER FLOOR AREA AS SET FORTH IN ARTICLE 11 OF THE BOUNDING ORDINANCE. A FURTHER WHICH WILL BE DETERMINED AS TIME OF SITE PLAN SUBMISSION. IT IS TO BE UNDERSTOOD THAT THE FINAL NUMBER OF PARKING SPACES MAY BE INCREASED OR DECREASED FROM THE NUMBER REPRESENTED IN THE TABLES BASED ON FINAL DECISION AS LONG AS ANY ADDITIONAL SPACES DO NOT DECREASE THE OVER SPACE REPRESENTED IN THE TABLES AND AS LONG AS THE NEIGHBOR BUILDING HEIGHT(S) REPRESENTED IN THE TABLES IS NOT DECREASED. ALL PARKING SPACES WILL BE LOCATED IN A NEIGHBOR AND/OR NEIGHOR DRIVE PARKING STRUCTURE(S). ALL PARKING SPACES WILL BE LOCATED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 OF THE BOUNDING ORDINANCE.
- LANDSCAPE WHICH WILL BE PROVIDED IN ACCORDANCE WITH ARTICLE 11 OF THE BOUNDING ORDINANCE. LANDSCAPE DESIGN AND MAINTENANCE WILL BE PROVIDED FROM THE VIEW OF ADJACENT DEVELOPMENTS AND FROM THE PUBLIC STREETS BY TREES, FENCES, WALLS, LANDSCAPING OR A COMBINATION THEREOF.
- STOPPAGE IMPROVEMENT (SIP) AND BEST MANAGEMENT PRACTICE (BMP) WILL BE PROVIDED IN ACCORDANCE WITH APPLICABLE COUNTY ORDINANCES AS APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (DEM). THE EXACT SHAPE AND SIZE OF THE STOPPAGE FUND AND RELATED LOT AS REPRESENTED ON THE GRAPHIC IS SUBJECT TO CHANGE WITH FINAL RECORDS.
- OVER SPACE WILL BE PROVIDED IN TERMS OF THE NEIGHBOR FRONT YARD FOR THE 0-1 ZONING AND IT WILL BE CALCULATED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECT. 9-401 OF THE BOUNDING ORDINANCE.

- THE PROVISIONAL USE OF THE PROPOSED BUILDING(S) WILL BE OFFICE. IT IS TO BE UNDERSTOOD THAT SIGNAGE AND RELATED USES WILL INCLUDE BUT NOT BE LIMITED TO ACTIVITIES ASSOCIATED WITH COMMUNICATIONS, PHOTOGRAPHY AND THE PROVISION OF INFORMATION. AND IN ADDITION, ACCESSORY SERVICE USES WILL BE LOCATED WITHIN THE BUILDING(S) TO SUPPORT THE FEDERAL USE. THE ACCESSORY SERVICE USES MAY INCLUDE EXHIBIT FACILITIES, RECREATIVE FACILITIES, A GOLF-CARE AND/OR ELDER CARE CENTER, CONCESSIONS PROVIDING RETAIL SALES AND SERVICES AND OTHER SUCH USES AS SET FORTH IN PAR. 3 OF SECT. 9-401 OF THE BOUNDING ORDINANCE. SAID ACCESSORY SERVICE USES WILL BE SUBJECT TO THE USE LIMITATIONS SET FORTH IN SECT. 10-203 OF THE BOUNDING ORDINANCE.
- IT IS TO BE UNDERSTOOD THAT ADDITIONAL SITE FEATURES SUCH AS COURTS, TRAILS, SWIMMING POOLS, JUDGING TRAILS, PASSIVE AND ACTIVE RECREATIVE FACILITIES, WALLS AND ABOVE GRADE UTILITY AND INFRASTRUCTURE FACILITIES NOT REPRESENTED ON THE GRAPHIC MAY BE PROVIDED BUT WILL BE LOCATED IN THE TRANSITIONAL, BUFFERING ZONE AREA ADJACENT TO THE NEIGHBOR FRONT YARD.
- LANDSCAPE AND TREE SAVE AREAS WILL BE SPECIFIED AT THE TIME OF FINAL RECORDS AND SITE PLAN PREPARATION. A TRANSITIONAL BUFFERING ZONE AND BUFFERED WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECT. 10-203. LATER, AT THE TIME OF SITE PLAN SUBMISSION A NOTIFICATION MAY BE REQUESTED FROM THE CONDUCTOR OF DEM FOR THE PLACEMENT OF THE BUFFERED BUFFERED SO THAT IT CAN BE BEST LOCATED TO AVOID ANY UNDESIRABLE ELEMENTS OF THE SITE DEVELOPMENT PROGRAM.
- A FURTHER WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY AND THE NATURE OF THE APPLICANT'S INTEREST IS HAVE WILL BE FURNISHED AS A SEPARATE DOCUMENT.
- THE TOPOGRAPHIC SHOW HEREIN IS AS A CERTAIN INTERNAL OF TWO FEET IN FIELD SURVEY AND ALSO SURVEY PROVIDED BY OTHERS.
- THE FLOORPLAN SHOWN IS LOCATED ON THE SUBJECT PROPERTY IS SUPERSEDED BY THE GRAPHIC, A RECREATIVE PROTECTION AREA (RPA) SUBJECT BELONGING TO THE STATE OF VIRGINIA, WHICH IS LOCATED ON THE MAP OF THE COUNTY OF THE CHESAPEAKE BAY PRESERVATION ORDINANCE. THERE IS NO ENVIRONMENTAL QUALITY CONTROL (EQC) LOCATED ON THE PROPERTY.
- THERE ARE SEVERAL EXISTING UTILITY DEPENDENT WITHIN A WIDTH OF TWENTY-FIVE (25) FEET OR MORE LOCATED ON THE SUBJECT PROPERTY. THEY ARE SUPERSEDED BY THE GRAPHIC AND ARE BASED ON INFORMATION AVAILABLE FROM THE RPA AND/OR OTHERS OF RECORD, NOT FROM ACTUAL FIELD LOCATIONS OR TITLE RECORDS AND SHALL REMAIN AS EXISTING LOCATIONS.
- TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO CHANGES OR IMPROVEMENTS OR MODIFICATIONS REQUIRED LOCATED ON THE SUBJECT PROPERTY.
- THERE ARE NO EXISTING STRUCTURES ON THE SUBJECT PROPERTY.
- PUBLIC UTILITIES, TO INCLUDE PUBLIC WATER AND SEWER, ARE CURRENTLY AVAILABLE AT THE SITE OR WILL BE EXTENDED BY THE UTILITY COMPANY OR DEVELOPER AS NECESSARY.
- THE BOUNDARY OF RECORDS AND DEEDS TO THE PROPERTY WILL BE LIMITED TO JONES BRANCH DRIVE AS SPECIFIC LOCATIONS TO BE DETERMINED BY FINAL RECORDS AND SITE PLAN PREPARED AND TO BE APPROVED BY THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT).
- THE PROPOSED BUILDING(S) WILL BE LOCATED WITHIN THE BUILDABLE AREA AS DETERMINED BY THE CHESAPEAKE BAY PRESERVATION ORDINANCE. THE EXACT NUMBER, LOCATION, SHAPE AND SIZE OF THE BUILDING(S) AND THE RELATED SITE IMPROVEMENTS AND STRUCTURES WILL BE DETERMINED AT THE TIME OF FINAL RECORDS AND SITE PLAN PREPARATION, BUT IN NO INSTANCE WILL THE OVER SPACE REPRESENTED IN THE BUILDING AS DETERMINED AND THERE WILL BE NO INCREASE IN THE OVER FLOOR AREA AS REPRESENTED IN THE TABLES.
- THERE IS A NEIGHBOR FRONT YARD REQUIREMENT OF THE SUBJECT PROPERTY ADJACENT TO THE BULLERS ALBANY ACCESS ROAD (DARR) AND I-495 ROADWAY AND ALSO ADJACENT TO JONES BRANCH DRIVE. THE YARD ADJACENT TO THE DARR ROAD MUST BE NOTED TO 20-1 (115) AS (PART) AND 20-4 (77) 3 AND SIDE YARD. THE NEIGHBOR FRONT YARD REQUIREMENT SPECIFIED IN THE 0-1 ZONING IS "REQUIREMENT IS A 20' WIDE YARD, BUT NOT LESS THAN 40 FEET." THE 0-1 ZONING HAS NO REQUIREMENT FOR NEIGHBOR, HOWEVER, THE PROPOSED BUILDING(S) WILL BE LOCATED IN CLEARANCE WITH THE YARD LINE. ALL OF THE YARD ADJACENT TO THE DARR ROAD MUST BE NOTED TO 20-1 (115) AS (PART) AND 20-4 (77) 3 AND SIDE YARD. AS THERE IS NO NEIGHBOR SIDE YARD REQUIREMENT SPECIFIED IN THE 0-1 ZONING, NO SIDE YARD WILL BE PROVIDED ADJACENT TO THE ROAD LINE. THE PROPOSED BUILDING(S) WILL BE LOCATED IN STRICT ACCORDANCE WITH THESE NEIGHBOR YARD REQUIREMENTS.
- IN ADDITION TO THE NEIGHBOR YARD REQUIREMENT SPECIFIED IN THE 0-1 ZONING, THE PROPOSED PROPOSED BUILDING(S) WILL BE LOCATED IN ACCORDANCE WITH THE 75 FOOT NEIGHBOR SIDE YARD REQUIREMENT PROVIDED BY THE PROVISIONS SET FORTH IN SECT. 9-401 OF THE BOUNDING ORDINANCE. THE PROPOSED BUILDING(S) WILL BE LOCATED AS SPECIFIED IN A DEVELOPMENT CONCEPT. LATER, UPON THE NEIGHBOR FRONT YARD, A 20 FOOT NEIGHBOR SIDE YARD REQUIREMENT AS SPECIFIED IN PAR. 17 OF SECT. 9-401.1 WILL BE PROVIDED ALONG THE NEIGHBOR FRONT YARD BOUNDARY FROM THE NEIGHBOR FRONT YARD AS SHOWN ON THE GRAPHIC.
- THE FLOOR AREA(S) REPRESENTED IN THE TABLES IS OVER FLOOR AREA AS DEFINED IN THE PLATBOOK COUNTY RECORD ORDINANCE. THE FLOOR AREA SHALL BE CALCULATED IN ACCORDANCE WITH THE PLATBOOK COUNTY RECORD ORDINANCE. IT IS UNDERSTOOD THAT THE BUILDING(S) AND SIGN CELLAR SPACE(S) WHICH SHALL BE CALCULATED FOR OFFICE SPACE REQUIREMENTS AS ACCORDANCE WITH THE PROVISIONS SET FORTH IN PAR. 21 OF SECT. 9-401 OF THE BOUNDING ORDINANCE. THE USE OF THE CELLAR SPACE(S) WILL BE LIMITED TO THE STORAGE AND RELATED USES SPECIFIED IN THE BELOW: BUILDING MECHANICAL AND ELECTRICAL APPLIANCES; BUILDING PAINTS; BUILDING MATERIALS AND OFFICE SUPPLIES; COMPUTER ROOMS; AND A HALLWAY OF 50% OF THE CELLAR SPACE(S) FLOOR AREA WILL BE OCCUPIED BY OFFICE USE.
- THE NEIGHBOR BUILDING HEIGHT(S) REPRESENTED ON SHEET 4 OF THE GRAPHIC IS THE PROPOSED BUILDING HEIGHT(S) MEASURED FROM THE BUILDING FINISH FLOOR. THE FINAL BUILDING HEIGHT(S) WILL BE MEASURED FROM A FINAL GRADE IN ACCORDANCE WITH THE PROVISIONS OF THE BOUNDING ORDINANCE. THE FINAL GRADE, WHICH MAY BE HIGHER OR LOWER THAN THE EXISTING TOPOGRAPHY, WILL BE ESTABLISHED WITH FINAL RECORDS. IN ADDITION, THE BUILDING(S) WILL LIKELY HAVE A FINISHED FLOOR IN PAR TO COVER THE NEIGHBOR BUILDING HEIGHT(S) OF THE SIGN. THE SIGN AND SIGN AREA COVERAGE OF THE BUILDING(S) WILL BE COMPATIBLE WITH THE SIGN AND SIGN AREA OF THE BUILDING(S) AND WILL BE COMPATIBLE WITH THE ARCHITECTURAL CHARACTER OF THE BUILDING(S). ADDITIONALLY, A FINISHED WALL(S) MAY BE PROVIDED AND SIGN WILL NOT EXCEED MORE THAN SIX FEET ABOVE THE SIGN LEVEL(S). THE BUILDING HEIGHT(S) OF THE BUILDING(S) AND FINISHED ARE FURTHER CONTROLLED BY A DEVELOPMENT CONCEPT.
- THE NUMBER OF PARKING SPACES REPRESENTED IN THE TABLES IS BASED ON THE OVER FLOOR AREA REPRESENTATION OF THE TABLES AND THE NUMBER OF 3.4 SPACES PER 1,000 SQUARE FEET OF OVER FLOOR AREA AS SET FORTH IN ARTICLE 11 OF THE BOUNDING ORDINANCE. A FURTHER WHICH WILL BE DETERMINED AS TIME OF SITE PLAN SUBMISSION. IT IS TO BE UNDERSTOOD THAT THE FINAL NUMBER OF PARKING SPACES MAY BE INCREASED OR DECREASED FROM THE NUMBER REPRESENTED IN THE TABLES BASED ON FINAL DECISION AS LONG AS ANY ADDITIONAL SPACES DO NOT DECREASE THE OVER SPACE REPRESENTED IN THE TABLES AND AS LONG AS THE NEIGHBOR BUILDING HEIGHT(S) REPRESENTED IN THE TABLES IS NOT DECREASED. ALL PARKING SPACES WILL BE LOCATED IN A NEIGHBOR AND/OR NEIGHOR DRIVE PARKING STRUCTURE(S). ALL PARKING SPACES WILL BE LOCATED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 11 OF THE BOUNDING ORDINANCE.
- LANDSCAPE WHICH WILL BE PROVIDED IN ACCORDANCE WITH ARTICLE 11 OF THE BOUNDING ORDINANCE. LANDSCAPE DESIGN AND MAINTENANCE WILL BE PROVIDED FROM THE VIEW OF ADJACENT DEVELOPMENTS AND FROM THE PUBLIC STREETS BY TREES, FENCES, WALLS, LANDSCAPING OR A COMBINATION THEREOF.
- STOPPAGE IMPROVEMENT (SIP) AND BEST MANAGEMENT PRACTICE (BMP) WILL BE PROVIDED IN ACCORDANCE WITH APPLICABLE COUNTY ORDINANCES AS APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (DEM). THE EXACT SHAPE AND SIZE OF THE STOPPAGE FUND AND RELATED LOT AS REPRESENTED ON THE GRAPHIC IS SUBJECT TO CHANGE WITH FINAL RECORDS.
- OVER SPACE WILL BE PROVIDED IN TERMS OF THE NEIGHBOR FRONT YARD FOR THE 0-1 ZONING AND IT WILL BE CALCULATED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECT. 9-401 OF THE BOUNDING ORDINANCE.

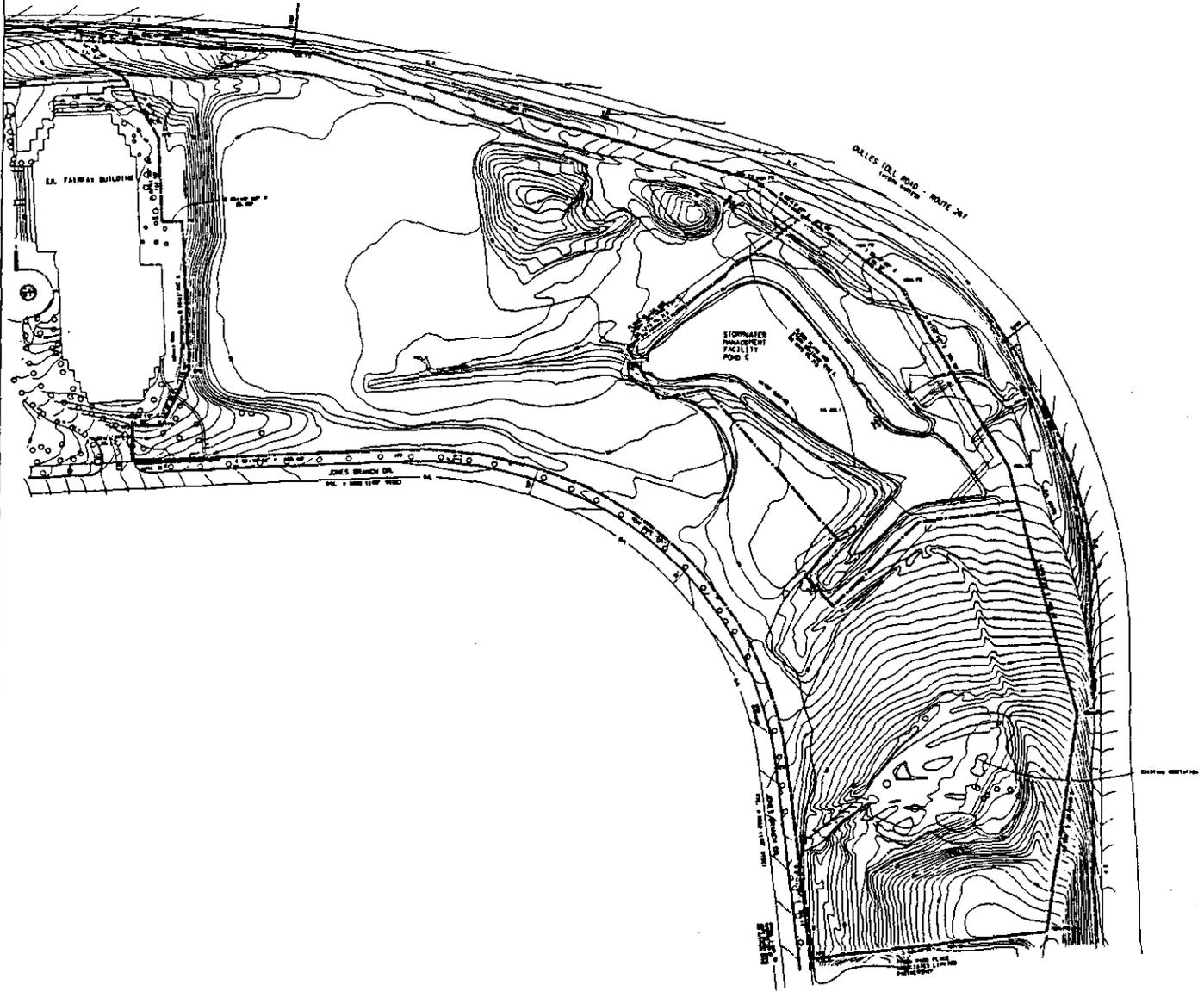
TABLE

SECTION 10-203

LAND AREA	36.007 AC
PROPOSED OVER FLOOR AREA	1,297,252 SF
FLOOR AREA RATE	35.72
PARKING SPACES PROVIDED/REQUIRED	379/379
OVER SPACE PROVIDED	(11,00) 4.38 AC
OVER SPACE REQUIRED	(21,84) 8.24 AC
NET OVER SPACE FACILITY	(10,84) 3.86 AC
TOTAL	(34,84) 12.52 AC
NEIGHBOR BUILDING HEIGHT	300 FT

• SEE SHEET 14  
• SEE PAGE 10





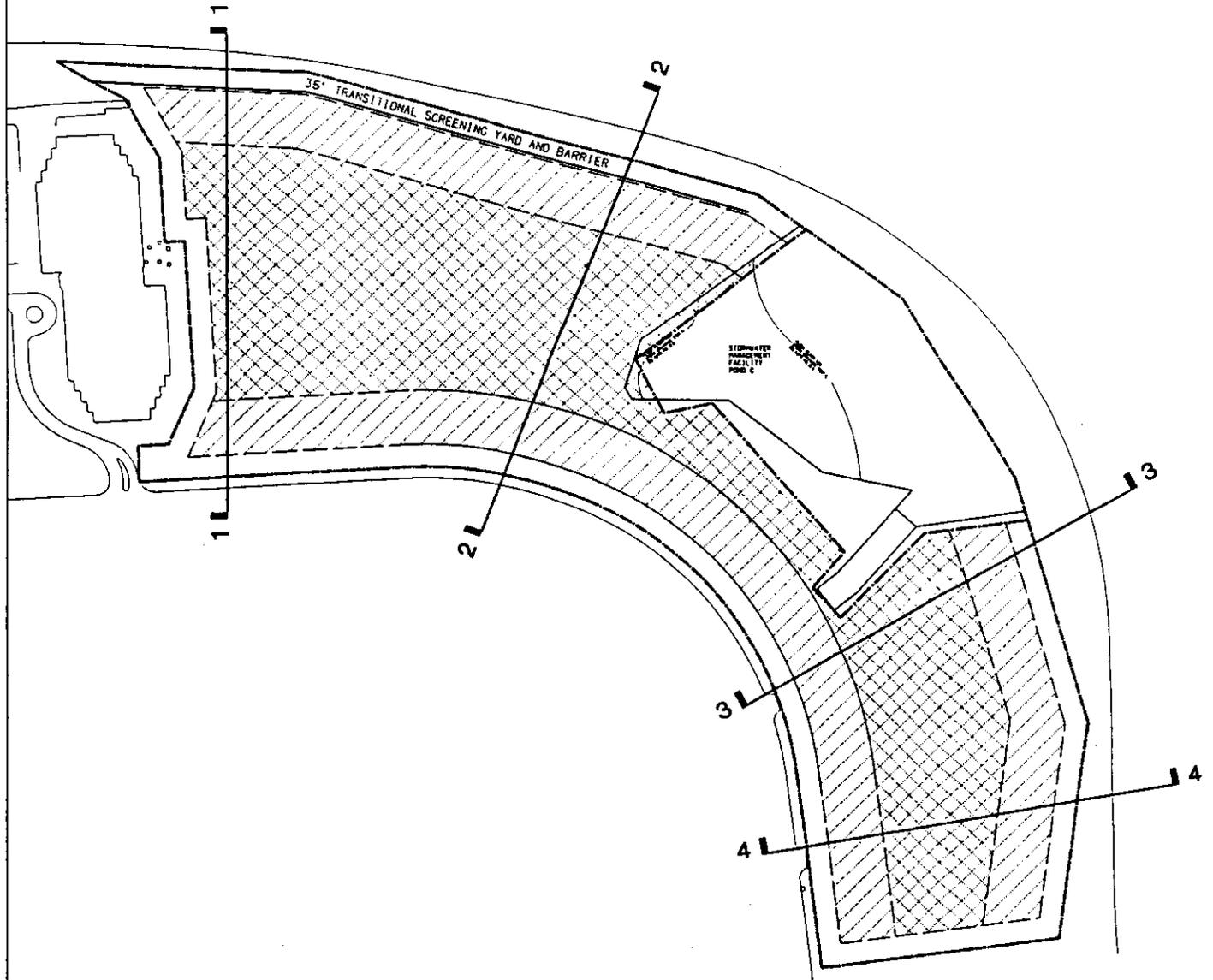
S P E C I A L E X C E P T I O N P L A T

EXISTING CONDITIONS

SHEET 2 OF 4

SKIDMORE, OWINGS & MERRILL  
DEWE, CONNER & MERRILL  
DAVIS

10-11-94



 BUILDABLE AREA WITHIN 25 DEGREE ANGLE OF BULK PLANE LIMIT

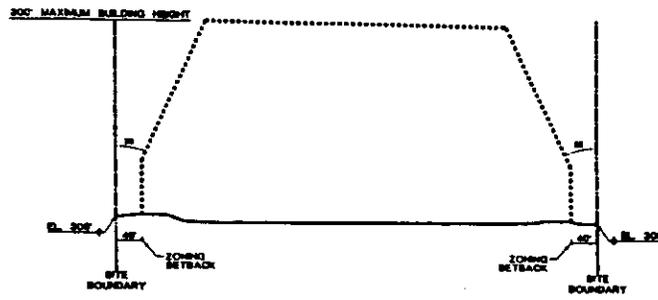
 BUILDABLE AREA TO 300' MAXIMUM HEIGHT

 LOCATION OF SECTIONS (SEE SHEET 4)

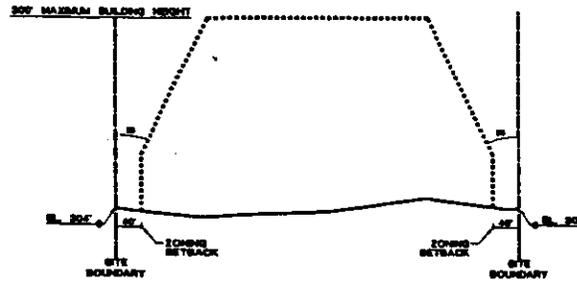
 0 50 100 200



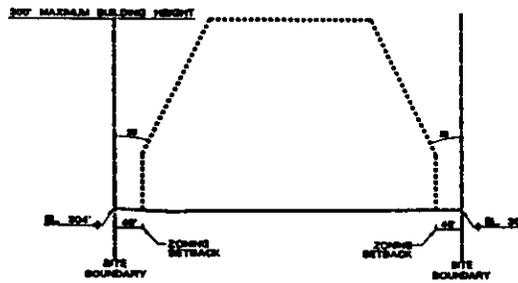
SPECIAL EXCEPTION PLAT  
 BULK PLANE & ENVELOPE LIMIT PLAN



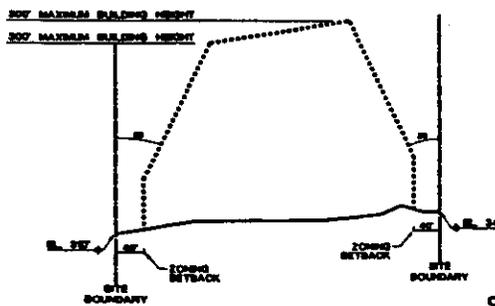
SECTION 1



SECTION 2



SECTION 3



SECTION 4



S P E C I A L E X C E P T I O N P L A T  
 B U L K P L A N E & E N V E L O P E L I M I T S E C T I O N S

APPENDIX 5



FAIRFAX  
COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 53  
Fairfax, Virginia 22035-007

Tel: 703-324-3151 Fax: 703-324-392

V I R G I N I A

October 11, 1995

Thomas F. Fleury, Vice President  
Development Services  
West\*Group, Incorporated  
1600 Anderson Road  
McLean, Virginia 22102

RE: Proffered Condition Amendment  
Number PCA 88-D-005-2  
(Concurrent with RZ 95-P-011)

Dear Mr. Fleury:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 18, 1995, approving Proffered Condition Amendment PCA 88-D-005-2 in the name of West\*Park Associates L.P., West\*Mac Associates L.P., The Association for Manufacturing Technology and Washington Hall Corp., subject to the proffers dated August 23, 1995, on subject parcels 20-4 ((7)) 1A1, 1A2, A2, A3, A4, A5, C2, C1, 1, 2, 3, 4, 5A, 6, 7B, 7A1, 8, 9, 10, 11A, 12A; 29-2 ((15)) 4B2, A4, A5; 29-1 ((14)) A, consisting of approximately 193.53 acres in Providence District.

Sincerely,

Nancy Ventrone  
Clerk to the Board of Supervisors

NV/ns

PCA 88-D-005-2  
October 11, 1995

2.

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments  
Melinda M. Artman, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Dvs., OCP  
Robert Moore, Trnsprtn.Planning Dvs., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Environmental Management  
Y. Ho Chang, Resident Engineer, VDOT  
Land Acq. & Planning Dvs., Park Authority  
Barbara J. Lippa, Deputy Executive Director, Planning Commission

"PARCEL FIVE"

DESCRIPTION OF  
LOTS 1A1, 1A2, A2, A5  
WESTPARK SUBDIVISION  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

BEGINNING AT A POINT on the northerly right-of-way of WESTPARK DRIVE, ROUTE #5061, 100 feet wide, at its intersection with the westerly right-of-way of WESTBRANCH DRIVE, ROUTE #5457, 100 feet wide.

THENCE with said northerly right-of-way of WESTPARK DRIVE the following courses and distances: N49°11'04"W 341.35 feet to a point; 1264.51 feet along the arc of a circle curving to the left having a radius of 1,546.21 feet, a delta of 46°51'26", and a chord bearing and distance of N72°36'47"W 1229.56 feet to a point 36.39 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 83°23'44", and a chord bearing and distance of N54°20'38"W 33.26 feet to a point; S84°15'54"W 10.07 feet to a point lying on the easterly right-of-way of PARK RUN DRIVE, Route #6062, 80 feet wide.

THENCE with said easterly right-of-way of PARK RUN DRIVE the following courses and distances: 649.52 feet along the arc of a circle curving to the right having a radius of 2,440.38 feet, a delta of 15°14'59", and a chord bearing and distance of N04°59'36"W 647.61 feet to a point; N02°37'55"E 340.64 feet to a point lying on the southerly right-of-way of JONES BRANCH DRIVE, Route #5062, 100 feet wide.

THENCE with said southerly right-of-way JONES BRANCH DRIVE the following courses and distances: S76°13'24"E 10.19 feet to a point; 43.50 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 99°41'26", and a chord bearing and distance of N52°28'37"E 38.22 feet to a point; 10.74 feet along the arc of a circle curving to the right having a radius of 1,988.40 feet, a delta of 00°18'34" and a chord bearing and distance of S77°31'24"E 10.74 feet to a point; S77°22'06"E 633.37 feet to a point; 609.99 feet along the arc of a circle curving to the left having a radius of 2,209.75 feet, a delta of 15°48'58", and a chord bearing and distance of S85°16'35"E 608.05 feet to a point; N86°48'56"E 448.01 feet to a point; 39.27 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 90°00'00", and a chord bearing and distance of S48°11'04"E 35.36 feet to a point lying on the westerly right-of-way of the aforementioned WESTERANCH DRIVE.

"PARCEL FOUR"

DESCRIPTION OF  
LOT 10, WESTPARK SUBDIVISION  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

BEGINNING AT A POINT on the southwesterly right-of-way of WESTPARK DRIVE, ROUTE #5061, 100 feet wide, at its intersection with the northwesterly right-of-way of WESTBRANCH DRIVE, ROUTE #5457, 100 feet wide.

THENCE with said northwesterly right-of-way of WESTBRANCH DRIVE S40°48'56"W 375.00 feet to a point on the northeasterly line of PARCEL 6, TYSONS II at the southwesterly terminus of said WESTBRANCH DRIVE.

THENCE with said northeasterly line of PARCEL 3, TYSONS II N49°11'04"W 554.32 feet to a point being the southerly corner of PARCEL B, WESTPARK SUBDIVISION.

THENCE with the easterly line of said PARCEL B, WESTPARK SUBDIVISION N30°02'41"E 383.26 feet to a point on the aforementioned southwesterly right-of-way of WESTPARK DRIVE.

THENCE with aforementioned southwesterly right-of-way of WESTPARK DRIVE the following courses and distances: 261.00 feet along the arc of a circle curving to the right having a radius of 1,446.21 feet, a delta of 10°20'25" and a chord bearing and distance of S54°21'11"E 260.65 feet to a point; S49°11'04"E 341.35 feet to a point; 39.27 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 90°00'00", and a chord bearing and distance of S04°11'04"E 35.36 feet to the point and place of beginning and CONTAINING 5.3887 ACRES OF LAND.

HUNTLEY, NYCE & ASSOCIATES, P.C.  
July 15, 1994  
29-4-07-10  
1800WP4.DES

"PARCEL TWO"

DESCRIPTION OF  
LOTS 4, 6, 7A1, 7B, 8 & 11A  
PARCELS C1 & C2  
WESTPARK SUBDIVISION  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

BEGINNING AT A POINT on the southerly right-of-way of JONES BRANCH DRIVE, ROUTE #5062, 100 feet wide, at its intersection with the easterly right-of-way of WEST BRANCH DRIVE, Route #5457, 100 feet wide.

THENCE with said southerly right-of-way and easterly right-of-way of JONES BRANCH DRIVE the following courses and distances: N86°48'56"E 422.00 feet to a point; 769.54 feet along the arc of a circle curving to the right having a radius of 553.42 feet, a delta of 86°00'00", and a chord bearing and distance of S47°01'16"E 709.02 feet to a point; S07°11'04"E 639.23 feet to a point; 276.46 feet along the arc of a circle curving to the right having a radius of 360.00 feet, a delta of 44°00'00", and a chord bearing and distance of S14°48'56"W 269.72 feet to a point; S36°48'56"W 951.64 feet to a point; 41.02 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 94°00'00", and a chord bearing and distance of S83°48'56"W 36.57 feet to a point on the northerly right-of-way of WESTPARK DRIVE, ROUTE #5061, 100 feet wide.

THENCE with the said northerly right-of-way of WESTPARK DRIVE the following courses and distances: N49°11'04"W 864.57 feet to a point; 39.27 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 90°00'00", and a chord bearing and distance of N04°11'04"W 35.36 feet to a point on the aforementioned easterly right-of-way of WESTBRANCH DRIVE.

THENCE with said easterly right-of-way of WESTBRANCH DRIVE the following courses and distances: 849.43 feet along the arc of a circle curving to the left having a radius of 1,106.11 feet, a delta of 44°00'00", and a chord bearing and distance of N18°48'56"E 828.71 feet to a point; N03°11'04"W 710.62 feet to a point; 39.27 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 90°00'00", and a chord bearing and distance of N41°48'56"E 35.36 feet to the point and place of beginning and CONTAINING 44.1939 ACRES OF LAND.

HUNTLEY, NYCE & ASSOCIATES, P.C.

July 14, 1994

29-4-07-4, 6, 7A1, 7B, 8, 11A, C1 & C2

1800WP2.DES

"PARCEL THREE"

DESCRIPTION OF  
LOTS 1, 2, 3 & 9  
WESTPARK SUBDIVISION  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

BEGINNING AT A POINT on the southwesterly right-of-way of WESTPARK DRIVE, Route #5061, 100 feet wide, at its intersection with the southeasterly right-of-way of WESTBRANCH DRIVE, Route #5457, 100 feet wide.

THENCE with said southwesterly right-of-way of WESTPARK DRIVE S49°11'04"E 1336.76 feet to a point; 318.49 feet along the arc of a circle curving to the right having a radius of 176.00 feet, a delta of 103°41'00" and a chord bearing and distance of S02°39'26"W 276.78 feet to a point; 183.74 feet along the arc of a circle curving to the left having a radius of 590.87 feet, a delta of 17°49'01" and a chord bearing and distance of S45°35'25"W 183.00 feet to a point, said point being the northeasterly corner of Parcel 3D, Tysons II.

THENCE with the northeasterly line of said PARCEL 3D, TYSONS II N49°11'04"W 1,517.53 feet to a point being the southerly most point at the southwesterly terminus of the aforementioned WESTBRANCH DRIVE.

THENCE with the southeasterly right-of-way of WESTBRANCH DRIVE the following courses and distances: N40°48'56"E 375.00 feet to a point; 39.27 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 90°00'00", and a chord bearing and distance of N85°48'56"E 35.36 feet to the point and place of beginning and CONTAINING 13.9268 ACRES OF LAND.

Huntley, Nyce & Associates

July 14, 1994

29-4-07-1,2,3&9

1800WP3.DES

"PARCEL SIX"

DESCRIPTION OF  
PARCEL A3  
WESTPARK SUBDIVISION  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

BEGINNING AT A POINT on the northerly right-of-way of WESTPARK DRIVE, ROUTE #5061, 100 feet wide, at its intersection with the westerly right-of-way of PARK RUN DRIVE, ROUTE #6062, 80 feet wide.

THENCE with the northern line of WESTPARK DRIVE the following courses and distances: S81°26'30"W 18.80 feet to a point; 471.84 feet along the arc of a circle curving to the left having a radius of 850.00 feet, a delta of 31°48'20", and a chord bearing and distance of S65°32'20"W 465.81 feet to a point; S49°38'10"W 720.17 feet to a point being the southeasterly corner of the land of TYSONS II ASSOCIATES LIMITED PARTNERSHIP.

THENCE with the southeastern corner of the land of TYSONS II ASSOCIATES LIMITED PARTNERSHIP the following courses and distances: N04°14'59"E 139.95 feet to a point; N18°54'16"E 385.81 feet to a point; N25°38'28"E 415.96 feet to a point being the southern corner of the LAND OF TYSONS II ASSOCIATES LIMITED PARTNERSHIP.

THENCE with the southern line of said LAND OF TYSONS II ASSOCIATES LIMITED PARTNERSHIP the following courses and distances: N40°06'39"E 629.87 feet to a point; S87°22'05"E 245.00 feet to a point; on the westerly right-of-way of the aforementioned PARK RUN DRIVE.

THENCE with said westerly right-of-way of PARK RUN DRIVE the following courses and distances: 661.16 feet along the arc of a circle curving to the left having a radius of 2,520.38 feet, a delta of 15°01'48", and a chord bearing and distance of S04°53'01"E 659.27 feet to a point; S84°15'54"W 10.07 feet to a point; 40.93 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 93°48'48", and a chord bearing and distance of S34°32'06"W 36.51 feet to the point and place of beginning and CONTAINING 13.5453 ACRES OF LAND.

HUNTLEY, NYCE & ASSOCIATES, P.C.

July 14, 1994

29-4-07-A3

1800WM2.DES

THENCE with said westerly right-of-way of WESTBRANCH DRIVE the following courses and distances: S03°11'04"E 710.62 feet to a point; 772.64 feet along the arc of a circle curving to the right having a radius of 1,006.11 feet, a delta of 44°00'00", and a chord bearing and distance of S18°48'56"W 753.79 feet to a point; 39.27 feet along the arc of a circle curving to the right having a radius of 25.00 feet, a delta of 90°00'00", and a chord bearing and distance of S85°48'56"W 35.36 feet to the point and place of BEGINNING AND CONTAINING 44.1580 ACRES OF LAND.

HUNTLEY, NYCE & ASSOCIATES, P.C.

July 14, 1994

29-4-07-A2, A5, 1A1 & 1A2

1800WP5.DES

THENCE running with the said easterly & northerly right-of-way of JONES  
BRANCH DRIVE the following courses and distances: N07°11'04"W 356.16 feet to  
a point; 980.77 feet along the arc of a circle curving to the left having a  
radius of 653.42 feet, a delta of 86°00'00", and a chord bearing and distance  
of N50°11'04"W 891.26 feet to a point; S86°48'56"W 1,020.01 feet to a point;  
582.39 feet along the arc of a circle curving to the right having a radius of  
2,109.75 feet, a delta of 15°48'58" and a chord bearing and distance of  
N85°16'35"W 580.54 feet to a point; N77°22'06"W 633.37 feet to a point;  
610.31 feet along the arc of a circle curving to the left having a radius of  
2,088.36 feet, a delta of 16°44'40", and a chord bearing and distance of  
N85°44'53"W 608.14 feet to a point; S85°53'13"W 514.62 feet to the point of  
BEGINNING AND CONTAINING 72.3267 ACRES OF LAND.

Huntley, Nyce & Associates, P. C.

July 14, 1994

29-2-15-A4, A5, 4B2

29-4-07-12A

1800NJBD.DES

"PARCEL ONE"

DESCRIPTION OF  
PARCELS A4 & A5  
& LOTS 4B2 & 12A  
& OUTPARCEL "A"  
WESTPARK SUBDIVISION  
PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

RECEIVED  
OFFICE OF COMPLETION PLANNING

0 1995

ZONING EVALUATION DIVISION

BEGINNING at a point on the northerly right-of-way of JONES BRANCH DRIVE, Route #5062, width 100 feet, said point being the southeastern corner of the land of the FAIRFAX COUNTY BOARD OF SUPERVISORS.

THENCE with the northerly right-of-way of JONES BRANCH DRIVE S85°53'13"W 160.44 feet to a point; N62°56'07"W 16.25 feet to a point; 30.47 feet along the arc of a circle curving to the left, having a radius of 56.00 feet, a delta of 31°10'40" and a chord bearing and distance of N78°31'27"W 30.10 feet to a point; S85°53'13"W 281.58 feet to a point; 16.40 feet along the arc of a circle curving to the right, having a radius of 44.00 feet, a delta of 21°21'31", and a chord bearing and distance of N83°26'02"W 16.31 feet to a point; N72°45'16"W 40.31 feet to a point; 54.88 feet along the arc of a circle curving to the right, having a radius of 94.00 feet, a delta of 33°26'53" and a chord bearing and distance of N56°01'50"W 54.10 feet to a point in the easterly right-of-way of SPRING HILL ROAD, Route #684, variable width.

THENCE with the easterly right-of-way of SPRING HILL ROAD 19.46 feet along the arc of a circle curving to the right, having a radius of 82.00 feet, a delta of 13°35'50" and a chord bearing and distance of N15°47'19"W 19.41 feet to a point; N52°14'30"W 8.74 feet to a point; N08°51'54"W 89.95 feet to a point; N20°16'40"E 98.16 feet to a point; N23°50'08"E 7.00 feet to a point, said point being on the southerly right-of-way of the DULLES AIRPORT ACCESS ROAD, Route #267, width varies.

THENCE running with the said southerly right-of-way of the DULLES AIRPORT ACCESS ROAD the following courses and distances: N76°12'20"E 171.49 feet to a point; N78°22'50"E to a point; N84°01'03"E 118.06 feet to a point; N84°00'58"E 247.44 feet to a point; N76°58'59"E 304.14 feet to a point; S89°44'26"E 225.50 feet to a point; N03°33'17"W 30.47 feet to a point; N86°51'34"E 541.38 feet to a point; S76°55'52"E 154.64 feet to a point; N13°30'08"E 45.06 feet to a point; N86°51'34"E 656.60 feet to a point; S78°21'05"E 199.10 feet to a point; N76°48'55"E 436.61 feet to a point; S87°20'25"E 440.51 feet to a point; S74°22'55"E 820.11 feet to a point; S54°13'22"E 216.09 feet to a point; S53°47'05"E 106.30 feet to a point; S31°09'45"E 385.90 feet to a point, said point being on the westerly right-of-way of the CAPITAL BELTWAY, Interstate 495, width varies.

THENCE departing the DULLES AIRPORT ACCESS ROAD and running with the said westerly right-of-way of the CAPITAL BELTWAY S16°03'25"E 468.45 feet to a point; S07°10'55"W 403.09 feet to a point, said point being the northeastern corner of LOT 5, WESTPARK SUBDIVISION.

THENCE departing the CAPITAL BELTWAY and running with the northerly line of the said LOT 5, WESTPARK SUBDIVISION S82°48'56"W 427.86 feet to a point, said point being on the eastern right-of-way of the aforementioned JONES BRANCH DRIVE.

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 18th day of September, 1995, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 88-D-005-2  
(CONCURRENT WITH RZ 95-P-011)

WHEREAS, West\*Park Associates L.P., West\*Mac Associates L.P., The Association For Manufacturing Technology and Washington Hall Corp. filed in proper form, an application requesting amendment to the plan of a certain parcel of land, hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. § 15.1.491(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

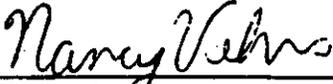
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., § 15.1491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

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, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 18th day of September, 1995.

  
\_\_\_\_\_  
Nancy Veirs  
Clerk to the Board of Supervisors

## PROFFERS

PCA 88-D-005-2

August 23, 1995

Pursuant to 15.1-491(a) of the Code of Virginia, 1950 as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffer Condition Amendment ("PCA"), Applicants West\*Mac Associates Limited Partnership, WEST\*PARK Associates Limited Partnership, Washington Hall Corporation, The Association for Manufacturing Technology, and their successors and assigns (hereinafter "Applicants") hereby proffer to the following conditions. If this PCA is approved, the proffered conditions described below supersede all previously approved proffered conditions applicable to the property. The property (hereinafter referred to as the "Subject Property") consists of approximately 193.5394 acres. The word "Applicants" shall be used when proffers relate to the Subject Property in its entirety. Any future modification(s) to these proffers which affect only a specific building or land bay may be approved by the Board of Supervisors upon application for a proffered condition amendment by the individual owner of the specific building or land bay without amending this entire proffer statement or Generalized Development Plan. The word "Applicant" shall mean the owner of any specific building or land bay.

L. Generalized Development Plan ("GDP"). The location of buildings shown on the GDP dated September 5, 1990 and revised on October 4, 1994 and August 15, 1995 shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, open space, parking, and final location of proposed buildings and parking structures shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Fairfax County Planning Commission for review for conformance with these proffers. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically defined and described below are proffered.

A. Floor Area Ratios ("FAR"). The total FAR on the 199.4813 acre Gross Tract Area (as defined below) for all uses permitted in the C-3 Zoning District by right shall not exceed 0.599 FAR or 5,200,000 of non-residential square feet. The implementation of Density Transfer from Sub Unit L-4, defined herein, is described in definition of Land Bay A. However, individual Building Sites (as defined below) within each Land Bay may exceed a 1.0 FAR.

**Definitions:**

Gross Tract Area shall be defined as the total FAR on the 189.4852 acres of land plus the 5.7961 acres of land previously dedicated to public use or right-of-way, plus the 4.2 acres of land dedicated for the Destination Station, totalling 199.4813 acres for density computation purposes.

Building Site shall be defined as the land associated with a building(s), parking and/or parking structures, open space and accessory structures as shown on the "site plan."

Land Bays shall be defined as follows (and shown on the GDP):

- o Land Bay A-1, A-2, A-3, A-4 and A-5 and collectively referred to as Land Bay A (consisting

of 108.4447 acres of land and 1.9788 acres of land of previously dedicated right-of-way, for a total of 110.4235 acres of land for density calculation purposes). It is further understood that the total gross floor area of 2,207,686 square feet attributed to this land bay shall include a maximum of 508,247 square feet transferred from Tax Map Parcel 29-4 ((7)) B (Sub Unit L-4).

Density Transfer. Pursuant to the Alternative Land Use heading in the Tysons Corner Urban Center Addendum to the Comprehensive Plan for Fairfax County (the "Plan") and Land Unit Recommendations for Land Unit L. Sub Unit L-4, the Applicant shall be entitled to transfer a maximum of 508,247 square feet of non-residential floor area from Tax Map 29-4 ((7)) B (Sub Unit L-4 of the Plan) to the portion of Sub Units L-1 and L-3 defined as the 110.4235 acre Land Bay A as described herein. Such floor area shall transfer to the 110.4235 acre Land Bay A of WEST\*PARK at the time the site plan for the residential development approved under RZ 95-P-011 is secured by the posting of a Bond and Agreement with the Director of Environmental Management. Upon the posting of such Bond and Agreement, the density shall transfer and building permits for the transferred non-residential development may be issued. Upon bonding of the residential site plan, WEST\*PARK Associates shall have a maximum total of 2,207,686 square feet of non-residential floor area associated with Land Bay A.

The exact amount of non-residential floor area to be transferred from Sub Unit L-4 to Land Bay A shall be based on the amount of gross floor area for all residential buildings, exclusive of cellars, outside balconies which do not project more than six feet beyond the exterior wall of the buildings, parking structures, above and below grade, unconditioned

breezeways and corridors, covered garages and roof top mechanical structures, but inclusive of community uses such as the clubhouse and leasing offices shown on the bonded site plan for the residential development allowed by RZ 95-P-011 subject to the following formula:

$$(698,688 \text{ square feet}) - (A \times 0.33) = B; \text{ where:}$$

- *698,688 square feet* equals the planned non-residential intensity as calculated for Sub Unit L-4 in the Plan based on a 0.8 FAR on 20.0496 acres of land, including previously dedicated Park Run Drive;
- *A* equals square feet of residential use as shown on an approved site plan;
- *0.33* equals the conversion factor in accordance with Alternative Land Use recommendations in the Comprehensive Plan which requires the non-residential intensity of the property that is to be transferred to be reduced by one-third of the approved residential square footage; and
- *B* equals non-residential square feet to be transferred to WEST\*PARK 110.4235 acre Land Bay A as defined herein.

*Illustration based on preliminary estimates of residential floor area as shown on the FDP (actual residential floor area to be determined at site plan).*

$$698,688 \text{ minus } (661,000 \times 0.33) \text{ equals } 478,355 \text{ square feet; where:}$$

- *A* equals 661,000 square feet (gross floor area proposed for residential use), and
- *B* equals 478,355 square feet, but not to exceed 508,247 square feet of non-residential intensity to be transferred to Land Bay A.

In the event the as-built site plan (a DEM prerequisite to bond release) indicates the actual

floor area of residential development is less than that shown on the initial bonded site plan, then additional density created by the difference between the initial bonded site plan and the as-built site plan may be transferred to WEST\*PARK Land Bay A. However, in no circumstance shall the total density transfer exceed 508,247 square feet nor shall the total non-residential FAR for Land Bays A, B, C, D and E (Plan reference Sub Units L-1 and L-3) exceed 5,200,000 square feet as prescribed in the "Option without Rail" Land Use recommendation for Sub Units L-1 and L-3 in the Plan.

- o Land Bay B (consisting of 1.8366 acres);
- o Land Bay C (consisting of 8.7000 acres);
- o Land Bay D-1 and D-2 (consisting of 40.4942 acres of land and 8.0173 acres for land dedicated for public use and right-of-way, for a total of 48.5115 acres of land for density calculation purposes); and
- o Land Bay E (consisting of 30.0097 acres notwithstanding that said total land area may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility). It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this land bay) may be located on the remaining +/-25 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated only on the +/-25 acres.

Sub Units L-1 and L-3 is the Tysons Corner Urban Plan definition of the area equivalent to the Gross Tract Area as defined herein.

Sub Unit L-4 is the Tysons Corner Urban Plan definition of Tax Map Parcel 29-4 ((7)) B and is further described as the residential land associated with the density transfer element of Land Bay A herein. Sub Unit L-4 is not part of the Gross Tract Area as defined herein.

**B. Bulk Regulations.**

**1. Height.**

a) With the exception of buildings in Land Bays A-5, D-1 and E, the maximum height of buildings shall not exceed 90' except as qualified by paragraph B1(c) below.

b) Buildings within Land Bays A-5, D-1 and E shall not exceed 75' in height except as qualified by paragraph B1(c) below.

c) An increase in height for any building(s) in any Land Bay may be permitted by the Board of Supervisors in accordance with the applicable provisions of the ZO.

2. Minimum Yard Requirements shall meet the provisions of the ZO Requirements for the C-3 Zoning District, unless otherwise modified or waived by the Board of Supervisors.

**C. Setbacks from the Dulles Airport Access Road (DAAR).** Land Bays A-5, D-1 and E have frontage on the DAAR and are subject to the 75' minimum distance requirements set forth in Section 2-414 of the ZO. The 75' minimum distance requirement shall be provided unless a modification or waiver is approved by the Board of Supervisors.

**D. Landscaping.** Landscaping shall be provided for all future buildings in accordance with Articles 13 and 17-105, para. 8 of the ZO and the Public Facilities Manual. Unless otherwise modified or waived by the Board of Supervisors, all landscaping shall generally conform to Sheet 6 of 6 of the GDP which represents the species and quantities of existing landscaping within the Gross Tract Area. Unless otherwise modified or waived by the Board of Supervisors and/or the Director of Environmental Management, all deciduous and ornamental trees planted shall be a minimum of 2"-2 1/2" in caliper and all evergreen trees planted shall be a minimum of 6'-8' in height at the time of

planting.

E. Transitional Screening and Barrier.

1. Part of Land Bay D-1 (Jones Branch Drive frontage, excluding Outparcel A).

Applicants shall and have provided transitional screening along the north side of Jones Branch Drive from the centerline of Park Run Drive west to the southwest property corner of Land Bay D-1 pursuant to Transitional Screening and Barrier Modification No. 9055 dated November 23, 1987 and its referenced landscape plan dated November 18, 1987 by Huntley, Nyce and Associates. The said modification amends the required transitional yard width to 10'-15' of save area with supplemental planting and waives the barrier requirements.

2. Land Bay D-1 (Dulles Airport Access Road frontage, excluding Outparcel

A). Applicants shall provide an undisturbed save area along the southern side of the DAAR right-of-way line from the northeast property corner of Land Bay D-1, west for approximately 300' to the eastern point where the existing Storm Drainage and Conservation Easement intersects the DAAR right-of-way as shown on the GDP. The save area shall be 300' in length, average 50' in width, and result in a save area not less than 15,000 square feet in area. However, the averaging of the width dimension shall not result in a width dimension less than 35'. The save area shall be deemed to meet the Transitional Screening and Barrier requirements of the ZO.

3. Land Bay D-2 (along the contiguous property line between Land Bay D-2 and

R-30 property to the west). The Private Open Space as defined and as shown on the GDP shall be deemed to meet the Transitional Screening and Barrier requirements of the ZO.

4. Land Bay A-5. Applicants shall and have provided transitional screening

along the northern property line pursuant to Transitional Screening and Barrier Modification 8266

dated June 18, 1986 associated with the Fairfax Building Site Plan 6377-SP-01. The said modification amends the required transitional yard width from 35' to 25' of undisturbed area along the DAAR as shown on the approved site plan and waives the barrier.

5. Land Bay E. A 35' transitional screening yard shall be provided along the northern property line as generally shown on page 3 of 6 of the GDP.

F. Trail Systems. In lieu of the trail system as shown on the County-wide trails plan, continuous four-foot wide concrete sidewalks along all public street frontages shall be provided with each site plan submittal and installed prior to issuance of the first non-residential use permit for any building subject to an approved site plan showing sidewalk within the Subject Property. Applicants shall coordinate sidewalk connections with adjacent properties in the locations as shown on the GDP.

G. Storm Water Management.

1. Land Bays D-1 and D-2. Part of Land Bay A-1 (Building Site 19). Storm Water Management (SWM) and Best Management Practices (BMP) have been reviewed, approved and constructed for this area pursuant to a Plan entitled West\*Mac Storm Drainage Study 6796-D-01-1 approved by DEM on March 25, 1988. Other requirements, if any, shall be in accordance with applicable County ordinances as approved by the Department of Environmental Management (DEM).

2. Land Bay E. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided in accordance with applicable County ordinances as approved or modified by DEM and/or the Board of Supervisors. The exact shape and size of existing Pond C (the "Pond") and associated area as shown on the GDP is subject to change with final engineering. The applicant shall endeavor to preserve existing vegetation between the SWM/BMP facility and the DAAR. Landscaping, utilizing native vegetation to the maximum extent possible shall be provided

around the edge of the facility, as approved by DEM and the Urban Forester. The Resource Protection Area (the "RPA"), as approved by DEM, shall be preserved on the site. No clearing and grading shall be permitted within the RPA except for that necessary to construct and maintain the SWM/BMP facility.

3. Land Bays A-1 (Part) through A-5 inclusive, B and C. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided in accordance with all applicable County Ordinances as may be approved or modified by the Director of Environmental Management. SWM/BMP facilities may be provided on a site-by-site basis at the time of individual site plan submittals, or SWM/BMP facilities may be provided as a "composite system", consisting of Ponds A, B, D, and Pond C (as referenced above), to provide SWM and BMP's for the currently undeveloped portion of the drainage area.

H. Conservation/Storm Drainage Easement. The area in Land Bay D-1 between Building 26 and Building 28 is defined by the Conservation/Storm Drainage Easement recorded at Deed Book 6927 at page 249 as generally shown on the GDP. The area shall be preserved in an undisturbed state, except minor construction as provided for in the easement document (utility crossing, trails, maintenance, etc.) which shall be installed so as to minimize disturbance. Applicants agree to identify and mark archaeological site 44FX1348 contained within the Conservation Easement. If site is to be impacted by any future construction, Applicants shall contact the Environmental and Heritage Resources Branch of the Office of Comprehensive Planning 30 days prior to commencement of construction activity to determine whether a Phase II archaeological study is necessary.

I. Limits of Clearing and Grading, Private Open Space, Storm Drainage, Conservation Easements and/or Minor Flood Plain Easements. Applicants shall use best efforts to adhere to the

delineation of land area for Limits of Clearing and Grading, Private Open Space, and Storm Drainage, Conservation and/or Minor Flood Plain Easements, all as generally shown on the GDP. The actual delineation of these land areas shall be established at time of final engineering and site plan approval. DEM may approve minor deviations from the limits of these land areas as shown on the GDP provided the Applicants provide on the building site or within the land bay and as adjacent or contiguous to the area of disturbance as possible, Applicants' choice of one of the following:

1. an area equal to the disturbed area; or
2. an area equal to 125% of the difference between the area shown on the GDP and the actual disturbed area, planted with deciduous trees 2" - 2 1/2" in caliper at time of planting, evergreens 4' - 6' in height at time of planting, ground cover and foundation plants in quantities and species approved by DEM or other re-vegetation or methods acceptable to DEM; or
3. a combination of 1 and 2 above.

J. Private Open Space. The GDP shows certain areas designated as Private Open Space within Land Bays A-1, A-2, A-3, D-1 and D-2. This Private Open Space is generally consistent with Private Open Space indicated in the Tysons Corner Master Plan as adopted by the Board of Supervisors on June 27, 1994. The Private Open Space shall be kept in a natural state and may include passive and active recreational uses, undisturbed natural areas, wooded areas, water bodies, water courses, including SWM and BMP facilities, lawn and landscaped areas and other similar or natural features designed and arranged to produce an aesthetically pleasing effect within the Land Bay(s). The Private Open Space shall be set aside for the use and enjoyment of the Applicants. The Private Open Space shall not be dedicated as public lands and shall remain in the ownership of the Applicants. Where Private Open Space and Transitional Screening and Barrier yards coincide, the

Private Open Space shall be deemed as meeting the Transitional Screening and Barrier requirements. Any area disturbed in the Private Open Space shall be replaced pursuant to Proffer I.1, except in the case where SWM/BMP's are constructed within the Private Open Space. Where SWM/BMP construction occurs, Proffer I.1 or 2 shall not be required.

**II. Treatment of Cellar Space.** Cellars, as defined in Article 20 of the Zoning Ordinance, may be used for any permitted use listed in Sect. 4-302 of the Ordinance; however, office use shall be limited to a maximum of 50 percent of the cellar space. The term "office" as defined herein shall not include "data processing centers". thus the 50 percent limitation on "office use" shall exclude any limitation on data processing center areas. Under no circumstances shall cellar space be computed as Floor Area, Gross, as defined in the Ordinance, for floor area ratio (FAR) computations, regardless of use. Cellar space shall be calculated for off-street parking requirements in accordance with the provisions set forth in Article 11, Sect. 11-102 of the Ordinance.

**III. Noise Attenuation.** Applicants agree to provide materials and construction methods which have characteristics that limit interior noise level to 50 DBA Ldn in all future buildings located north and east of Jones Branch Drive if those areas have highway noise levels greater than 70 DBA Ldn. Principal buildings constructed within the affected area may be treated with the following acoustical attributes to mitigate noise levels:

- o Exterior walls shall have a laboratory sound transmission class (STC) of at least 39.
- o Doors and windows shall have an STC rating of at least 28.
- o Adequate measures to seal and caulk surfaces will be provided.

**IV. Transportation Proffers.**

A. Destination Station. On January 11, 1991, Applicants dedicated and conveyed in fee simple to the Board of Supervisors a 4.2 acre parcel of land (hereinafter referred to as "Outparcel A") as depicted on the GDP subject to the following conditions:

1. Recordation of a restrictive covenant, which was incorporated into the Deed for Outparcel A. Said covenant limits the use of Outparcel A to a bus destination station, kiss and ride lot, or mass transit facility. Further, the covenant specifically precludes the use of the site as a general or commercial parking lot.

2. The Applicants shall provide post-development storm water detention for Outparcel A up to but not exceeding the volume of the original design computation level as indicated on 6796-DS-01-1 as approved on March 25, 1988 associated with Outparcel A.

3. As a result of the conveyance of Outparcel A to the Board of Supervisors, any necessary approvals for Outparcel A for uses described in I.1 above shall not require Applicants to file a special exception or proffered condition amendment on Subject Property.

4. Dedication of Outparcel A is be deemed to be subject to an advanced dedication and reservation of density pursuant to Paragraph 5 of Article 2-308 for 128,065 square feet (4.2 acres x 43,560 x 0.69 FAR) and such density credit is included and may be used in FAR calculations for any buildings or sites within the 199.48 acre application.

5. Provision of a 25-foot wide transitional screening yard and barrier situated entirely upon Outparcel A along the eastern side of Outparcel A to buffer the Destination Station from Land Bay D-1.

6. The extent of this obligation extends solely to the 4.2 acre site shown on the GDP inclusive of any future right-of-way or easement dedications.

7. Upon conveyance of Outparcel A, Applicant provided to Fairfax County \$100,000.00 for an architectural and engineering design of the Destination Station.

**B. Tysons Corner Area Wide Transportation Contribution.**

1. At time of building permit, Applicants shall contribute to Fairfax County \$2.85 per FAR square foot (gross floor area, excluding cellar) for each new FAR square foot shown on approved site plan, including FAR transferred from Tax Map Parcel 29-4 ((7)) B, with the following exceptions:

- o All existing buildings shall be exempt from \$2.85 payment to the extent that there is no increase in FAR square feet (gross floor area, excluding cellar) above the area shown in "Floor Area Computation" Table appearing on sheet 5 of 6 in the GDP dated September 5, 1990.
- o Building 18 as shown on the GDP, which is 139,474 FAR square feet.
- o Buildings 26, 27, 28, 29, and 30 inclusive comprising 1,460,194 gross square feet on 48.5115 acres of land area.

2. The \$2.85 per square foot, as increased by escalations to the Engineering News Record, Construction Cost Index from the date of rezoning approval, October 3, 1990, shall be paid directly to the County of Fairfax at issuance of building permits for the applicable building area and shall be used for Tysons Corner Area Wide Transportation Improvements in order of the following priorities as determined by the Board of Supervisors:

- o Destination Station on Outparcel A.

- o Additional toll lanes and toll booths on the Dulles Access Road.
  - o Metrorail or Dairail design and development.
3. Applicants shall contribute \$7,500.00 per acre in lieu of \$2.85 square feet described in IV.B.1 above for Tysons Corner Area Wide Transportation Fund improvements upon issuance of building permit for Building 30 or within five (5) years of the date of the Board's approval of this rezoning application, whichever first occurs. Said contribution shall not exceed \$101,625.00 (\$7,500.00 x 13.5 acres).

Applicants have previously paid \$232,500.00 (\$7,500.00 x 31 acres) for Buildings 26, 27, 28, 29 and Outparcel A. Therefore, Buildings 26, 27, 28, 29 and any density credit for Outparcel A (Destination Station 4.2 acres) shall be exempt from \$2.85 per square foot contribution as outlined in paragraph IV.B.1 above.

C. Signalization. Applicants shall design and escrow funds, as determined by Virginia Department of Transportation ("VDOT"), for traffic signal equipment and installation at the intersection of Park Run Drive and Jones Branch Drive and at the intersection of Park Run Drive and Westpark Drive, subject to the approval of VDOT. The traffic signal design and installation at the intersection of Park Run Drive and Jones Branch Drive was completed as of June 27, 1994. The traffic signal design and escrow at the intersection of Park Run Drive and Westpark Drive shall be provided when necessary warrants are met as determined by VDOT or at time of issuance of non-residential use permit for Building 30, or December 31, 1995, whichever is earlier.

D. Jones Branch Drive Improvements. On March 4, 1992, the Applicants dedicated 6351 square feet or 0.1458 acres of right-of-way along the property's Jones Branch Drive frontage of a sufficient width to provide an additional lane on the north side of the westbound approach of existing

Jones Branch Drive from Park Run Drive to the east side of Springhill Road/International Drive intersection. The dedication of land associated with this proffer shall be deemed to constitute an advance dedication with reservation of density pursuant to Article 2-308, Paragraph 5 of the ZO. Applicants constructed the additional lane within the dedicated right-of-way as above described and the VDOT Bond was released on September 24, 1992.

E. Transportation System Management.

1. Applicant agrees solely to provide \$30,000.00 a year for nine (9) consecutive years to partially fund a Tysons Transportation Association (TYTRAN) employed Transportation Coordinator commencing January 20, 1994 (the date of first payment) in accordance with a Final TSM Program dated October 15, 1993, and as approved by the Director of the Office of Transportation, the Applicants, and TYTRAN.

V. Contract Purchaser. Pursuant to 15.1-491(a) of the Code of Virginia, 1950 as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended), the Contract Purchaser of Land Bay E, for itself and its successors and assigns, shall be bound by these proffers if, and only if, it acquires any portion of the property.

**VI. Counterparts.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

WEST\*PARK Associates Limited Partnership (Owners of Land Bays A-1, A-2, A-3, A-4, A-5, and E)

By: Eagle Management Corporation  
General Partner

By: G.T. Halpin  
G. T. Halpin  
President

The Association for Manufacturing Technology (AMT) (Owner of Land Bay B)

By: Albert W. Moore  
Albert W. Moore  
President

West\*Mac Associates Limited Partnership (Owners of Land Bays D-1 and D-2)

By: Federal Home Loan Mortgage Corporation  
General Partner

By: Maxine B. Stokes  
Maxine B. Stokes  
Vice President, Administration  
and Corporate Properties

Washington Hall Corporation (Owner of Land Bay C)

By:

Anthony D. Kukitir *Hotaki Nishimura*

~~Anthony D. Kukitir~~  
Vice President

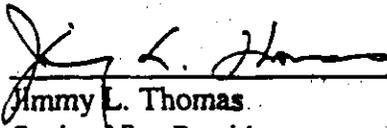
*Hotaki Nishimura*

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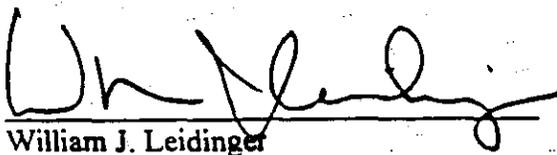
Gannett Co., Inc. (Contract Purchaser of Land Bay E)

By:

  
Jimmy L. Thomas  
Senior Vice President

Fairfax County Board of Supervisors (Owner of Outparcel A)

By:

  
William J. Leiding  
County Executive

PROFFERED CONDITION AMENDMENT /

PCA 88-D-005-02

REZONING APPLICATION

RZ 95-P-011

0-005 -02  
FILED 03/07/95

WESTPARK ASSOCIATES L.P., WESTPAC ASSO  
PROFFERED CONDITION AMENDMENT  
PROPOSED: OFFICE  
APPROX. 193.53 ACRES OF LAND; DISTRICT - PROVIDENCE  
LOCATED: S. OF DULLES AIRPORT ACCESS RD., W. OF I-495,  
N. OF WESTPARK DR. (RT. 5061) AND  
E. OF INTERNATIONAL DR. (RT. 6034)

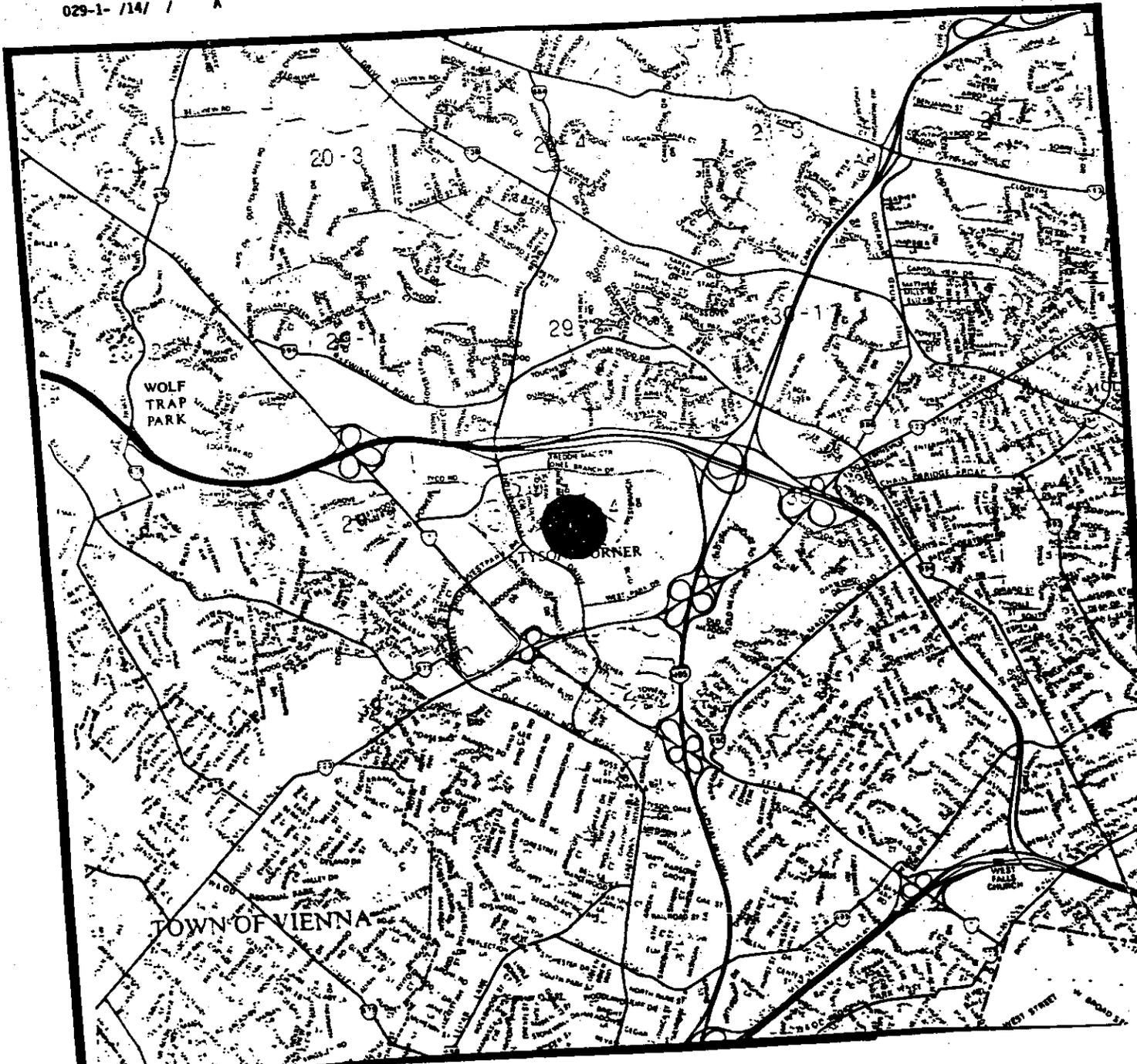
RZ 95-P-011  
FILED 03/07/95

WESTGROUP, INC.  
TO REZONE: 19.07 ACRES OF LAND; DISTRICT - PROVIDENCE  
PROPOSED: RESIDENTIAL  
LOCATED: S. WESTPARK DR., E. AND W. OF PARK RUN DRIVE,  
N. OF TYSONS BLVD.  
ZONING: C-7  
TO: PDN-30  
OVERLAY DISTRICT(S): MC SC  
029-4- /07/ / -8

MAP REF

MAP REF

ZONING:	C-3					
OVERLAY DISTRICT(S):	MC SC					
029-4- /07/ /0001-A2	.0001-A1	A2	0010		0006	
029-4- /07/ /0006-	.0007-B			C2		C1
029-4- /07/ /0011-A	.0008-	.0007-A1	.0002-	A4	.0003	A3
029-4- /07/ /	-A5	.0009-	.0005-A			
029-4- /07/ /0012-A						
029-2- /15/ /0004-B2		A4	A5			
029-1- /14/ /	A					



PROFFERED CONDITION AMENDMENT/

ZONING APPLICATION

PCA 88-D-005-02

RZ 95-P-011

J-005-02  
FILED 03/07/95

WESTPARK ASSOCIATES L.P., WESTPAC ASSO  
PROFFERED CONDITION AMENDMENT  
PROPOSED: OFFICE  
APPROX. 193.53 ACRES OF LAND; DISTRICT - PROVIDENCE  
LOCATED: S. OF DULLES AIRPORT ACCESS RD., W. OF I-495,  
N. OF WESTPARK DR. (RT. 5061) AND  
E. OF INTERNATIONAL DR. (RT. 6034)

RZ 95-P-011  
FILED 03/07/95  
PDP 95-P-011

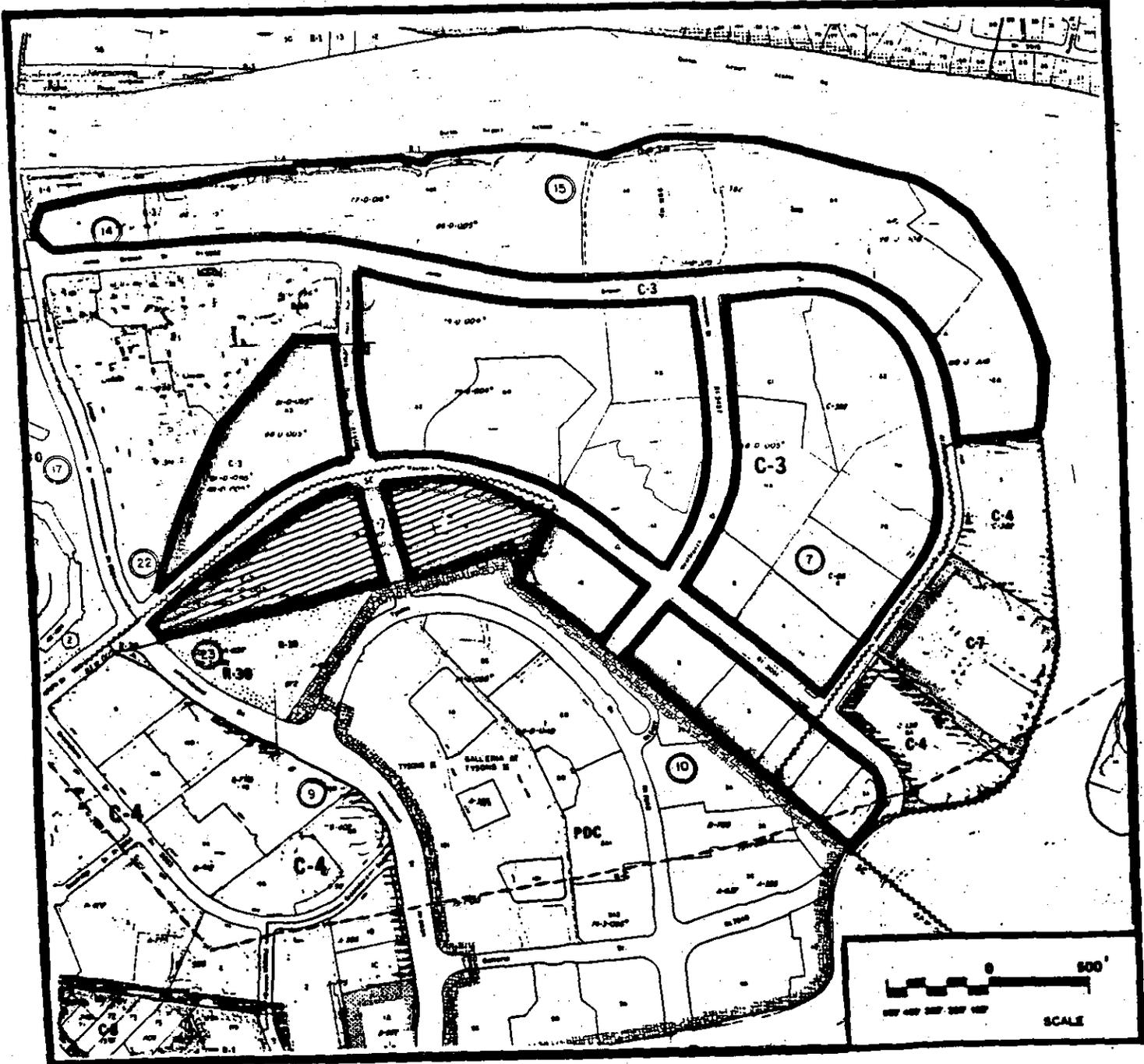
WESTGROUP, INC.  
TO REZONE: 19.07 ACRES OF LAND; DISTRICT - PROVIDENCE  
PROPOSED: RESIDENTIAL  
LOCATED: S. WESTPARK DR., E. AND W. OF PARK RUN DRIVE  
N. OF TYSONS BLVD.

ZONING: C-3  
OVERLAY DISTRICT(S): MC SC  
MAP REF 029-4- /07/ /0001-A2 .0001-A1 A2 0010 0004  
029-4- /07/ /0006- .0007-B .0007-A1 C2 C1  
029-4- /07/ /0011-A .0008- .0001- .0002- .0003  
029-4- /07/ / -A5 .0009- .0005-A A4 A3  
029-4- /07/ /0012-A  
029-2- /15/ /0004-B2 , A4 , A5  
029-1- /14/ / A

MAP REF

ZONING: C-7  
TO: PDH-30  
OVERLAY DISTRICT(S): MC SC  
029-4- /07/ / -B

 RZ 95-P-011





# FAIRFAX COUNTY

APPENDIX 6 <sup>92</sup>

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

April 20, 1999

Thomas D. Fleury, Sr. Vice President Development Services  
West\*Group Management LLC  
1600 Anderson Road  
McLean, Virginia 22102

RE: Proffered Condition Amendment Number PCA 88-D-005-3  
(Concurrent with RZ1998-PR-052; SE 98-P-051;  
SE 98-P-050; and PCA 92-P-001)

Dear Mr. Fleury:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on March 22, 1999 approving Proffered Condition Amendment PCA 88-P-005-3 in the name of West\*Group Properties, L.L.C., on subject parcels 29-4 ((7)) 1, 1A1, 1A2, 2, 3, 4, 6, 7A1, 7B, 8, 9, 10, 11A, A2, A5, C1, C2; and 29-2 ((15)) A6, subject to the proffers dated February 26, 1999, with Exhibit B now dated March 17, 1999 consisting of approximately 108.44 acres located in Providence District.

The Board also:

- Modified the transitional screening and waived the barrier requirements where the application properties are adjacent to residentially-zoned property to that shown on the General Development Plan (GDP) and as proffered.
- Waived the 75-foot setback requirement for the Dulles Access Airport Road to that shown on the GDP and as proffered.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

PCA 88-D-005-3

April 20, 1999

- 2 -

cc: **Chairman Katherine K. Hanley**  
**Supervisor - Providence 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**  
**Fred R. Beales, Supervisor Base Property, 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**

**RECEIVED**  
**DEPARTMENT OF PLANNING AND ZONING**  
**MAY 10 1999**  
**ZONING EVALUATION DIVISION**

**PROFFERS**  
**PCA 88-D-005-3**  
**February 26, 1999**

Pursuant to 15.2-2203A of the Code of Virginia 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the Applicant, WEST\*GROUP PROPERTIES LLC, its successors and assigns reaffirm Proffers dated August 23, 1995, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as follows:

**I. Generalized Development Plan ("GDP").** The location of buildings shown on the GDP dated September 5, 1990 and revised on October 4, 1994 and August 15, 1995 *and February 23, 1999* shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, open space, parking, and final location of proposed buildings and parking structures shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Fairfax County Planning Commission for review for conformance with these proffers. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically defined and described below are proffered.

**A. Floor Area Ratios ("FAR").** The total FAR on the 199.4813 acre Gross Tract Area (as defined below) for all uses permitted in the C-3 Zoning District by right shall not exceed 0.6096 FAR or 5,297,325 of non-residential square feet. The implementation of Density Transfer from Sub Unit L-4, defined herein, is described in definition of Land Bay A. However, individual Building Sites (as defined below) within each Land Bay may exceed a 1.0 FAR.

**Definitions:**

**Gross Tract Area** shall be defined as the total FAR on the 189.4852 acres of land plus the 5.7961 acres of land previously dedicated to public use or right-of-way, plus the 4.2 acres of land dedicated for the Destination Station, totaling 199.4813 acres for density computation purposes.

Building Site shall be defined as the land associated with a building(s), parking and/or parking structures, open space and accessory structures as shown on the "site plan."

Land Bays shall be defined as follows (and shown on the GDP):

- o Land Bay A-1, A-2, A-3, A-4 and A-5 and collectively referred to as Land Bay A (consisting of 108.4447 acres of land and 1.9788 acres of land of previously dedicated right-of-way, for a total of 110.4235 acres of land for density calculation purposes). It is further understood that the total gross floor area of 2,305,011 square feet attributed to this land bay *includes 503,223 square feet from Tax Map Parcel 29-4((7))B (Sub Unit L-4) as-built site plan pursuant to definition of Density Transfer as defined in Proffers dated August 23, 1995. It is further understood that the total gross floor area of 2,305,011 square feet attributed to this land bay shall include 102,349 square feet of additional floor area beyond that approved pursuant to PCA 88-D-005-2.*

Density Transfer. Pursuant to the Alternative Land Use heading in the Tysons Corner Urban Center Addendum to the Comprehensive Plan for Fairfax County (the "Plan") and Land Unit Recommendations for Land Unit L, Sub Unit L-4, the Applicant shall be entitled to transfer a maximum of 508,247 square feet of non-residential floor area from Tax Map 29-4 ((7)) B (Sub Unit L-4 of the Plan) to the portion of Sub Units L-1 and L-3 defined as the 110.4235 acre Land Bay A as described herein. Such floor area shall transfer to the 110.4235 acre Land Bay A of WEST\*PARK at the time the site plan for the residential development approved under RZ 95-P-011 is secured by the posting of a Bond and Agreement with the Director of Environmental Management. Upon the posting of such Bond and Agreement, the density shall transfer and building permits for the transferred non-residential development may be issued. Upon bonding of the residential site plan, WEST\*PARK Associates shall have a maximum total of 2,207,686 square feet of non-residential floor area associated with Land Bay A.

The exact amount of non-residential floor area to be transferred from Sub Unit L-4 to Land Bay A shall be based on the amount of gross floor area for all residential buildings, exclusive of cellars, outside balconies which do not project more than six feet beyond the exterior wall of the buildings, parking structures, above and below grade,

unconditioned breezeways and corridors, covered garages and roof top mechanical structures, but inclusive of community uses such as the clubhouse and leasing offices shown on the bonded site plan for the residential development allowed by RZ 95-P-011 subject to the following formula:

$(698,688 \text{ square feet}) - (A \times 0.33) = B$ ; where:

- 698,688 square feet equals the planned non-residential intensity as calculated for Sub Unit L-4 in the Plan based on a 0.8 FAR on 20.0496 acres of land, including previously dedicated Park Run Drive;
- A equals square feet of residential use as shown on an approved site plan;
- 0.33 equals the conversion factor in accordance with Alternative Land Use recommendations in the Comprehensive Plan which requires the non-residential intensity of the property that is to be transferred to be reduced by one-third of the approved residential square footage; and
- B equals non-residential square feet to be transferred to WEST\*PARK 110.4235 acre Land Bay A as defined herein.

**Illustration based on preliminary estimates of residential floor area as shown on the FDP (actual residential floor area to be determined at site plan).**

698,688 minus  $(661,000 \times 0.33)$  equals 478,355 square feet; where:

- A equals 661,000 square feet (gross floor area proposed for residential use), and
- B equals 478,355 square feet, but not to exceed 508,247 square feet of non-residential intensity to be transferred to Land Bay A.

In the event the as-built site plan (a DEM prerequisite to bond release) indicates the actual floor area of residential development is less than that shown on the initial bonded site plan, then additional density created by the difference between the initial bonded site plan and the as-built site plan may be transferred to WEST\*PARK Land Bay A. However, in no circumstance shall the total density transfer exceed 508,247 square feet nor shall the total non-residential FAR for Land Bays A, B, C, D and E (Plan reference Sub Units L-1 and L-3) exceed 5,200,000 square feet as prescribed in the

- "Option without Rail" Land Use recommendation for Sub Units L-1 and L-3 in the Plan.
- o Land Bay B (consisting of 1.8366 acres);
  - o Land Bay C (consisting of 8.7000 acres);
  - o Land Bay D-1 and D-2 (consisting of 40.4942 acres of land and 8.0173 acres for land dedicated for public use and right-of-way, for a total of 48.5115 acres of land for density calculation purposes); and
  - o Land Bay E (consisting of 30.0097 acres notwithstanding that said total land area may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility). It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this land bay) may be located on the remaining +/-25 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated only on the +/-25 acres.

Sub Units L-1 and L-3 is the Tysons Corner Urban Plan definition of the area equivalent to the Gross Tract Area as defined herein.

Sub Unit L-4 is the Tysons Corner Urban Plan definition of Tax Map Parcel 29-4 ((7)) B and is further described as the residential land associated with the density transfer element of Land Bay A herein. Sub Unit L-4 is not part of the Gross Tract Area as defined herein.

**I.B. Bulk Regulations - No change**

**1. Height - No change**

a) - No change

b) - No change

c) - No change

**2 - No change**

**I.C. Setbacks from the Dulles Airport Access Road (DAAR) - No change**

**I.D. Landscaping - No change**

**I.E. Transitional Screening and Barrier**

**1. No change**

2. No change

3. No change

4. No change

5. No change

**LF. Trail Systems - No change**

**I.G. Storm Water Management**

1,2,3 - No change

**LH. Conservation Storm Drainage Easement - No change**

**LI. Limits of Clearing and Grading, Private Open Space, Storm Drainage, Conservation Easements and/or Minor Flood Plain Easements - No change**

1,2,3 - No change

**LJ. Private Open Space - No change**

**II. Treatment of Cellar Space - No change**

**III. Noise Attenuation - No change**

**IV.A. Destination Station - No change**

1,2,3,4,5,6,7 - No change

**IV.B. Tysons Corner Area Wide Transportation Contribution - No change**

1,2,3 No change.

**IV.C. Signalization - No change**

**IV.D. Jones Branch Drive Improvements - No change**

**IV.E. Transportation System Management.**

*The Applicant agrees to enter into an Agreement with TYTRAN to implement a Transportation Demand Management Program ("Program") as generally described in Exhibit B (D). The Applicant's only obligation is to monitor the provisions of the Agreement for compliance with the Program and fund the Program per paragraph 4 of the Program. The Applicant may elect to terminate the Agreement with TYTRAN/RESP for noncompliance at any time during the term of this proffer pursuant to paragraph 5 of the Program and pay \$30,000 a year to FXCO/DOT/RESP for the remaining year(s) of the Program cited in paragraph 4. In this case, payment of \$30,000 a year to the County for the remaining years of the Program shall be*

*the Applicant's only obligation under this proffer. This proffer shall terminate upon final payment of \$30,000 on January 31, 2003 and notice provisions on continuation or cessation of the Program cited in paragraph 6 of the Program.*

V. Contract Purchaser - No change.

VI. Counterparts - No change.

**WEST\*GROUP PROPERTIES LLC**

  
\_\_\_\_\_  
G. T. Halpin, President

**Transportation Demand Management Program between Applicant and TYTRAN**

March 17, 1999

The Tysons Corner Urban Center Plan establishes an overall 20% mode split goal for HOV trips to and from the Tysons Corner area through Transportation Demand Management (hereinafter called "TDM") efforts and major improvements in the transit system. TYTRAN agrees to implement and operate a TDM program on behalf of the Applicant as follows:

1. The Applicant, at the initial signing of a lease or renewal of existing leases(s), shall advise each tenant with 100 employees or more that a private TDM program exists and a public TDM program exists and encourage them to participate. The "advice" shall be in the form of a paragraph which will be included in the transmittal of a signed lease or a separate letter and read as follows:

"In an attempt to reduce single occupancy vehicles in the Washington Metropolitan area, and more specifically in the Tysons Corner area, you may wish to participate in a Transportation Demand Management (TDM) program which provides your employees with a variety of transportation and commuting programs. We encourage you to contact the following organizations and participate in one of the TDM programs available to you.:

- |                 |   |
|-----------------|---|
| 1. TYTRAN       | 2. Fairfax County Department of<br>Transportation |
| Phone:          | Phone:  |
| Contact Person: | Contact Person:"                                  |

**Note: A copy of the letter shall be sent to both public and private program managers. There is no obligation for the Applicant to send advisory letters after December 31, 2003; however, the Applicant may continue to do so on a volunteer basis.**

**2. The private TDM program shall be operated by TYTRAN, its employees, contractors or agents, in the Tysons Corner area, and the program shall be consistent with the Council of Governments (hereinafter called "COG") Regional Employer Services Program (hereinafter called "RESP"), Level I at a minimum, as defined by COG and hereinafter referred to as TYTRAN/RESP. The TYTRAN/RESP will be provided to existing TYTRAN members with 100 or more employees and to other companies with 100 employees or more as they become members of TYTRAN.**

**3. The public TDM program may be operated by the Fairfax County Department of Transportation, its employees, contractors or agents and the program shall be consistent with the County Employer Services Program, hereinafter referred to as FXCO/DOT/ESP.**

**4. The Applicant shall pay TYTRAN \$30,000 a year for four (4) years commencing January 31, 2000 and ending January 31, 2003, providing TYTRAN implements and operates their TYTRAN/RESP generally described as follows:**

**A. Commencing on January 31, 2000 and for each of the four (4) remaining years of the programs, TYTRAN/RESP shall provide FXCO/DOT/ESP information on employers with 100 or more employees participating in each program, including information relating to companies with 100 or more employees added to or deleted from each program in the prior year. Copies of this information shall be provided to the Applicant.**

**B. TYTRAN/RESP shall report TDM program activities to COG, with copies to FXCO/DOT/ESP and the Applicant, utilizing the ACT Software Program, or substitute or replacement software as may be approved by DOT and/or COG.**

C. TYTRAN will attempt to schedule periodic meetings with appropriate parties at FXCO/DOT to discuss their programs and share mutually beneficial information. The Applicant shall be advised of the dates and times of scheduled meetings and receive a copy of meeting minutes within 10 days of the meeting.

D. Within 90 days of the approval of this Application by the Board of Supervisors, but no later than July 31, 1999, TYTRAN/RESP shall perform a mandatory initial survey (hereinafter called "Initial Survey") of employers with 100 or more employees located within the Subject Property, as well as all TYTRAN member companies with 100 or more employees, utilizing the Commuter Connection Regional Employer Services Program Survey. TYTRAN/RESP may supplement or add to the survey; however, no deletions shall be made. The results of the Initial Survey shall be provided to COG, with a copy to FXCO/DOT/ESP and the Applicant within 60 days of the completion of the Initial Survey, but no later than October 31, 1999. The Applicant shall reimburse TYTRAN/RESP for the printing and distribution cost of the Initial Survey, not to exceed \$5,000.

E. TYTRAN/RESP may elect to perform a voluntary Follow-up Survey three (3) years from the date of the Initial Survey described above, but no later than December 31, 2003. The Follow-up Survey will be undertaken using generally the same survey form used in the Initial Survey described above. The results of the Follow-up Survey will be sent to COG, FXCO/DOT/ESP and the Applicant within 90 days of the completion of the survey. The Applicant shall reimburse TYTRAN/RESP for the cost of printing and distributing the Follow-up Survey, not to exceed \$5,000.

No-Fault Comparison of Initial and Follow-up Survey. Any comparison between the two surveys shall be solely for the purpose of obtaining valuable statistical data and measuring TDM trends and forecasts. The data may be used by both the public and private programs to evaluate the effectiveness of their programs and evaluate any modifications to their programs that would improve results; however, under no circumstance shall the comparison of the two surveys be used

to determine compliance with this proffer.

5. Non Compliance Provision. The Applicant, at its sole discretion may terminate the Agreement with TYTRAN/RESP for their failure to implement and operate a TDM program as prescribed herein and more specifically for failure to meet reporting requirements of Paragraphs A, B, C and D above. In the event the Agreement is terminated for non-compliance, the Applicant will:

- Notify FXCO/DOT/ESP of termination and transfer relevant records in Applicant's possession, if any;
- Pay \$30,000 a year to FXCO/DOT/ESP for unpaid years remaining pursuant to paragraph 4, above;
- Agree that the County may assume all authority and responsibility for TDM activities associated with any firm that had previously participated in the TYTRAN/RESP program.

6. Continuance or Cessation Provision. The Applicant and TYTRAN/RESP may agree that TYTRAN/RESP may continue to operate the TDM Program prescribed herein after December 31, 2003; however, the following conditions will be met:

- a. TYTRAN/RESP shall notify the Applicant of its desire to continue the TDM program at levels meeting or exceeding previous year levels; and
- b. The Applicant must accept terms; and
- c. The Agreement to extend must be ratified pursuant to paragraph 7 below.

In the event, the Applicant and TYTRAN/RESP agree to cease the TDM program prescribed herein after December 31, 2003, the Applicant shall notify FXCO/DOT in writing by November 30, 2003 that the Private TDM Program shall cease effective December 31, 2003. TYTRAN shall provide the Applicant with all relevant records associated with TYTRAN/RESP and the Applicant shall in turn provide copies of the records to FXCO/DOT.

In the event of cessation of the Private TDM Program by TYTRAN/RESP, the Applicant does not object to the County assuming authority and responsibilities for TDM activities for previous TYTRAN/RESP participating employers, if said employers elect to participate in the County Public Program.

7. This TDM program may be extended or modified with the consent of the Applicant, TYTRAN and the FXCO/DOT and any extension or modification shall be in writing and signed by all three parties as evidence of consent. Any extension or modification of the TDM program shall not constitute a change to a proffer.



# County of Fairfax, Virginia

## MEMORANDUM

DATE March 10, 2008

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

**FROM:** Pamela G. Nee, Chief *PGN*  
Environment and Development Review Branch, DPZ

**SUBJECT:** Land Use Analysis and Environmental Assessment: SEA 94-P-040 RP MRP Tysons, LLC

The memorandum, prepared by Jennifer Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Special Exception Amendment (SEA) Plat dated August 10, 2007 as revised through February 29, 2008 and Proposed Development Conditions dated February 28, 2008. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted. Possible solutions to remedy identified issues are suggested.

### DESCRIPTION OF THE APPLICATION

The applicant, RP MRP Tysons, LLC, has filed a special exception amendment to develop a restaurant within an office building at a previously approved location for an office building in the Tysons Corner Urban Center. The applicant proposes to construct a 537,519 square foot, 300 foot tall office building with a 10,000 square foot restaurant and a six level above-grade structured parking garage on a 7.67 acre site. As an option, a day care facility may be located within the building. The site currently functions as a park with volleyball courts, a baseball field and forested trail. The development is proposed at 1.6 floor area ratio (FAR). The Jones Branch Connector, which will provide access to future High-Occupancy Toll (HOT) lanes on I-495, will cross the site near its southern boundary. Access to the site will be provided from two points on Jones Branch Drive and one point on the Jones Branch Connector.

### LOCATION AND CHARACTER OF THE AREA

The subject property is located in the northeastern portion of the Tysons Corner Urban Center with access provided from Jones Branch Drive. An additional point of access will be provided with the construction of the Jones Branch Connector, which will provide access to future HOT lanes on I-495. To the north is a resource protection area and stormwater management pond connected with the Gannett office complex. To the east is I-495 and the access ramp from the Dulles Airport Access Road (DAAR) to I-495. To the south is an office building and

Department of Planning and Zoning

Planning Division

12055 Government Center Parkway, Suite 730

Fairfax, Virginia 22035-5509

Phone 703-324-1380

Fax 703-324-3056

structured parking garage and to the west across Jones Branch Drive are medium-rise office buildings and surface parking.

## **COMPREHENSIVE PLAN CITATIONS:**

### **Land Use**

In the Fairfax County Comprehensive Plan, 2007 Edition, Area II, Tysons Corner Urban Center, as amended through January 27, 2003, Land Unit L, pages 117 to 119, the Plan states:

#### **“LAND UNIT L**

Land Unit L is comprised of about 250 acres, bounded by the Dulles Airport Access Road (DAAR) on the north, the Capital Beltway on the east, Land Unit N on the south and the Lincoln apartments on the west. Land Unit L contains the West\*Park development which is the largest office park in Tysons Corner. In 1993, existing land use is predominantly office use which is developed on about 65% of the land unit's acreage, the other 35% being vacant.

The portion of Land Unit L that is south of Westpark Drive is in the Tysons II Activity Center of the Core, which is composed of the Tysons II mixed-use development and this portion of the West\*Park development. The vision for this activity center is for it to develop as a large mixed-use area that integrates three major components: office, regional retail, and hotel, and allows for a fourth component of high density housing. Of the three Activity Centers in the core, the Tysons II Activity Center represents the greatest opportunity for mixed-use development with day and evening activity because of its relatively undeveloped nature. The Tysons II Activity Center also provides the greatest opportunity for creating a pedestrian and transit-oriented environment, again due to its undeveloped nature in conjunction with planned intensities. Future buildings can be sited closer to roads and to each other than currently, providing for a more urban environment that people can walk because of its relatively undeveloped nature. The Tysons II Activity Center also provide the greatest opportunity by creating a pedestrian and transit-oriented environment, again due to its undeveloped nature in conjunction with planned intensities. Future buildings can be sited closer to roads and to each other than currently, providing for a more urban environment that people can walk through easily or that can be efficiently served by transit.

The portion of Land Unit L that is north of Westpark Drive is the West Park non-core area, one of the two largest land units in Tysons Corner, the other being West Gate (Land Unit R). Both areas have developed as office parks with a predominantly campus-like setting, and the vision for both is to continue their development in predominantly office uses. Additional development in the West Park Land Unit will be primarily infill office buildings on the vacant parcels. Opportunities exist to introduce a housing component. Further opportunities exist for higher intensity development, if supported by a rail transit station.

In the event that rail is extended through Tysons Corner, a rail station may be located in proximity to the southern most portion of this land unit (i.e. Sub-unit L-3). An express bus station, the Tysons Westpark Transit Station, is already planned for a site in Sub-unit L-1 adjacent to the DAAR at the intersection of Jones Branch Drive and International Drive. Future express bus service is planned from Washington Dulles International Airport to the West Falls Church-VT/UVA Metro Station.

It is long-standing County policy that the designation of a transit station at the Tysons Westpark site on the south side of the DAAR is not justification for allowing commercial development to spill over the DAAR boundary of Tysons Corner into the residential neighborhoods of McLean. Protection of the single-family neighborhoods north of the DAAR from commercial encroachment is an important goal of the Plan for Tysons Corner. This policy not only serves to protect the neighborhoods, but also encourages higher density development to occur in a defined area, thereby facilitating transit efficiencies and related benefits of reduced congestion and improved air quality.

Guidance for evaluating development proposals for this land unit is contained in the Area-wide Recommendations, the Land Unit Recommendations and the Development Review Guidelines Sections of the Plan. Specific Guidance for uses and intensities as envisioned in the Plan are provided in the sub-unit text below. Achieving planned intensity is predicated upon successfully incorporating these recommendations and guidelines into development proposals. In addition, urban design and transportation guidelines are set forth in the Development Review Guidelines Section.

#### **SUB-UNIT L-1**

Sub-unit L-1 is planned for office use with support retail and service uses up to an average .55 FAR for Sub-units L-1 and L-3 combined. The combined sub-units should not exceed a maximum of 4,700,000 square feet of non-residential gross floor area. New development and/or redevelopment should integrate the parcels of the sub-unit through pedestrian linkages and urban design amenities.

#### **Option without Rail**

As an option, residential use is appropriate on any portion of the sub-unit. In any development proposal submitted under this option, planned nonresidential intensity can be replaced by residential use as provided under the Alternative Land Use Guidelines in the Area-wide Recommendations section.

As an option, the planned nonresidential FAR of Sub-unit L-4 may be transferred to Sub-unit L-1 and Sub-unit L-3, if a concurrent development proposal provides residential use at 20 to 30 dwelling units per acre on the entire land area within Sub-unit L-4. In this option, Sub-units L-1 and L-3 should not exceed a nonresidential maximum of 5,200,000 square feet (see the Sub-unit L-4 Option for residential use at 20 to 30 dwelling units per acre).

#### **Option with Rail**

If a rapid rail station site is selected and programmed for design and construction at Spring Hill Road and the DAAR or in the vicinity of Route 123 and Tysons Boulevard, office use up to .75 FAR is appropriate for Sub-units L-1 and L-3 combined. Higher intensities of 1.0 FAR and higher should be encouraged within Sub-unit L-3 and designed in a manner to better integrate with the Tysons II development; whereas Sub-unit L-1 should have an average

intensity up to .70 FAR. Mixed-use development with office, retail and possibly a housing component is encouraged near the transit station. Development proposals within Sub-unit L-1 under the rail option should provide for the following:

- Pedestrian circulation should be provided through interparcel connections (sidewalks and/or trails), unless there are special circumstances where buildings require higher levels of security than normally provided.
- If housing is provided, residential use could replace planned office use as provided under the Alternative Land Use Guidelines in the Area-wide Recommendations section, which indicates that a viable living environment should be created that is compatible with adjacent uses, and that provision for recreational facilities and other amenities should be made for the residents.

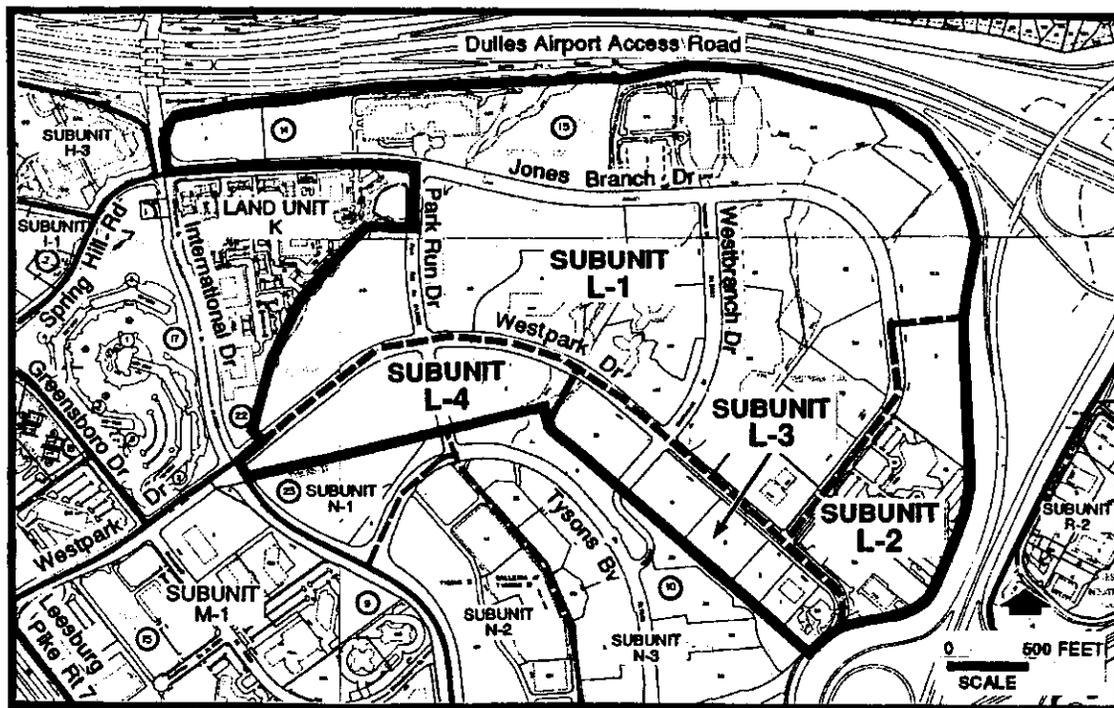


FIGURE 31

### LAND UNIT L TYSONS CORNER URBAN CENTER

**Height Limit:** Up to 75 feet north of Jones Branch Road and west of the EQC located in the vicinity of the DAAR/ Capital Beltway interchange; up to 125 feet south of Jones Branch Road; up to 150 feet in the rest of the sub-unit. Building heights at or near the top of the limit can be achieved if the result is more usable open space, improved pedestrian circulation and urban design amenities. In addition, a variety of roof-top elevations should be provided in the

sub-unit with the maximum heights used to help establish focal point(s) (see the Building Heights Map, Figure 10, and Building Height Guidelines).

If a rapid rail station site is located in proximity to this Sub-unit, maximum building heights within 1,600 feet of the station platform may increase up to 30%. All transit related height increases should be consistent with the Building Height Guidelines and the resulting height should not adversely impact the character and development of adjacent and nearby lands or neighborhoods.”

## **Environment**

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through December 3, 2007, on pages 5-8, the Plan states:

**“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.**

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements. . . .

Policy j. Regulate land use activities to protect surface and groundwater resources.

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques...

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations...

**Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.**

Policy a. Ensure that new development and redevelopment complies with the County’s Chesapeake Bay Preservation Ordinance. . . .”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through December 3, 2007, page 10:

**“Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.**

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

Policy b: Reduce noise impacts in areas of existing development.”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through December 3, 2007, on page 14, the Plan states:

**“Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.**

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way.”

Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through December 3, 2007, on page 15, the Plan states:

**“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.**

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*)
- Optimization of energy performance of structures/energy-efficient design
- Use of renewable energy resources
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies
- Reuse of existing building materials for redevelopment projects

- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris
- Use of recycled and rapidly renewable building materials
- Use of building materials and products that originate from nearby sources
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs.

- Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:
- o Development in accordance with Comprehensive Plan Options;
  - o Development involving a change in use from what would be allowed as a permitted use under existing zoning;
  - o Development at the Overlay Level; or
  - o Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range...
- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system."

## **COMPREHENSIVE PLAN MAP: Office**

### **LAND USE ANALYSIS**

The applicant is amending a previous special exception approved in 1994 for an office building to include a restaurant as an additional use. The application meets the level of intensity and building height approved under the previous special exception.

**Issue: Use** The collocation of two uses, an office and a restaurant, in the same building, as proposed by this application, meets the Comprehensive Plan guidance for the Tysons Corner Urban Center to encourage mixed uses and thus provide the opportunity for coordinated design, access and circulation. The possible option to establish a day care facility within the building is supported by the Plan too. The applicant has stated in the development conditions that the day care will be approximately 2,000 square feet and will serve employees only. An exhibit showing the location of the day care and playground has been provided.

This issue is resolved.

**Issue: Urban Design** The applicant has provided renderings, elevations and sections of the proposed building and parking structure. The building will occupy the lowest grade on the property, thus reducing the impact of the 300 foot tall building (including the mechanical penthouse) on the Tysons Corner skyline and the low density residential area located to the north of the Dulles Airport Access Road. The building is designed to complement the adjacent Gannett buildings. The parking structure will be built into the grade of the site, thus mitigating its visual impact. A development condition states that the parking structure will be constructed with high quality precast concrete, including a series of ribs, eyebrows and other architectural fenestration or details and embellishments to complement the architecture of the office building.

This issue is resolved.

**Issue: Streetscaping** The proposed development meets the Comprehensive Plan guidance for streetscaping in the Non-Core Areas of the Tysons Corner Urban Center along Jones Branch Drive and the proposed Jones Branch Connector. The proposed streetscaping on both roads includes a double row of shade trees, staggered, and planted 35-40 feet apart on center, which will serve to create a pleasant pedestrian experience.

**Issue: Pedestrian Circulation** The SEA Plat depicts a six foot wide concrete trail along the Jones Branch Drive frontage and ten foot wide trails along both sides of the Jones Branch Connector. An eight foot wide regional trail is shown along the Dulles Airport Access Road (DAAR)/I-495 frontage outside of the right-of-way. This trail provides a connection to the trail along the Jones Branch Connector and the adjacent property to the north. Five foot wide sidewalks internal to the site link the proposed building and parking structure to these sidewalks and trails.

**Issue: Transportation** The applicant has shown three phases of the proposed transportation improvements on the SEA Plat. The first phase shows the development without the Jones Branch Connector, in the event that the development is constructed before the HOT lane connection. The interim plan shows a four-lane-wide Jones Branch Connector with full streetscaping and five foot wide bike lanes on both sides of the road and the ultimate plan depicts a six-lane-wide connector road with full streetscaping and bike lanes. The applicant will implement a Transportation Demand Management Plan and reduce the number of vehicle trips generated by the proposed office building by 15 percent. A future bus shelter is shown on the Plat which will be located near the main entrance to the property from Jones Branch Drive. At least three bike racks will be installed throughout the parking structure. The application's conformance with Plan recommendations concerning transportation will be determined by staff in the Fairfax County Department of Transportation.

## ENVIRONMENTAL ANALYSIS

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed development.

**Issue: Water Quality Protection** The subject property is located in the Scotts Run watershed. A small portion of the northern area of the site is located within a Resource Protection Area (RPA) as defined by the Chesapeake Bay Preservation Ordinance. The applicant should revise *General Note #15 on the SEA Plat* to clearly reflect that a RPA exists on the subject property. While no structures will be placed within the RPA, some disturbance of the RPA will occur during construction. This disturbance should be minimized to the extent possible and no regrading should occur. The revegetation of the RPA should meet the requirements established in Fairfax County's Public Facilities Manual.

Stormwater management/best management practices (SWM/BMP) for the proposed development will be provided by an existing offsite SWM/BMP pond located in the southwest corner of I-495 and the DAAR which is designed to provide water quality and quantity benefits. The current 40.7 percent phosphorus removal rate for the pond meets the water quality requirements for a new development. If it is determined at final site plan that the pond does not meet the 40 percent phosphorus removal rate requirement, the applicant has proposed and shown on the SEA Plat two bioretention rain gardens which will result in a total 40.55 percent phosphorus removal rate. The two possible rain gardens are located near the Jones Branch Drive frontage adjacent to the main entrance to the development and behind the proposed building in the northeast corner of the site next to the regional trail. In an effort to optimize stormwater management and water quality controls on the site, it is recommended that the applicant install the proposed rain gardens regardless of the adequacy of the SWM/BMP pond. The adequacy of the proposed water quality measures is subject to review by the Department of Public Works and Environmental Services (DPWES).

**Issue: Vegetation** A significant portion of the existing vegetation will be removed with the proposed development. The applicant has provided an Illustrative Landscape Plan which depicts landscaping throughout site. An existing approximately 27 foot wide tree preservation area along the eastern boundary of the site will remain. The applicant has indicated on the SEA Plat several additional areas along the northeastern and eastern boundaries of the subject site for tree preservation. In addition, the applicant has indicated that the currently unvegetated portions of the RPA will be revegetated.

**Issue: Green Building Design** The applicant will register with the U.S. Green Building Council and apply for Leadership in Energy and Environmental Design (LEED) certification. The development will include, but is not limited to, elements such as conservation of transportation energy and potable water, reduction of the heat island effect and reduced contribution to landfill, reduction in the use of virgin materials, use of regional materials and improved indoor air quality. The applicant has also stated that a LEED-accredited professional will be a member of the design team and that a green building maintenance manual will be distributed to all tenants of the building.

**Issue: Noise** In the event that a day care facility is established within the office building with an outdoor playground, the applicant must demonstrate that noise levels for the playground will not exceed DNL 65 dBA and levels for the indoor day care facility will not exceed DNL 45 dBA. The site is located immediately adjacent to the I-495 and the access ramp from the DAAR to I-495. The applicant has provided an exhibit showing the location of the day care and playground. A development condition states that a noise study will be submitted to the County demonstrating that the noise levels for the playground will not exceed DNL 65 dBA and the levels for the day care will not exceed DNL 45 dBA. It is recommended that the applicant revise the condition to state that the noise study will be provided to both the Department of Planning and Zoning and DPWES.

## COUNTYWIDE TRAILS PLAN

The Countywide Trails Plan and Public Facilities Manual specify a six foot wide concrete trail along the application property's Jones Branch Road frontage, an eight foot wide regional trail along the Dulles Airport Access Road/I-495 frontage and a five foot wide on-road bike lane on Jones Branch Drive. Both trails are depicted on the SEA Plat. The bike lane is not provided.

PGN: JRB

### **Additional Plan Citations**

In the Fairfax County Comprehensive Plan, 2007 Edition, Area II, Tysons Corner Urban Center, as amended through January 27, 2003, Land Use, beginning on page 55, the Plan states:

#### **“Guidelines for Areas Outside the Core**

In the Land Use Concept, the areas outside the Core are designated Non-Core and Transitional Areas. These areas include retail, office, and residential uses that are generally more suburban in character. Much of the office development is in the form of suburban office parks with large open areas or wooded buffers between buildings. Surface parking predominates. Aside from a relatively small number of warehouse and distribution uses, the industrial area includes a wide variety of retail sales and service uses in warehouse-style buildings. The garden apartments and townhouses are typically suburban. Exceptions are the more urban high-rise apartments found next to the Capital Beltway and the high-intensity mixed-use development on the southern edge of Route 7, across from the Tysons Corner Center.

Development is auto-oriented, another suburban characteristic, requiring an auto trip for most activities and lunch hour errands. Sidewalks and trails are not consistently provided: some areas do not have any or the facilities are intermittent. The provision of interparcel connections is most successful in the office parks, but fails in other areas where each building has been developed in isolation from those around it. In addition, distances between different types of uses and the lack of pedestrian amenities discourage walking. The urban design challenge is to make these areas more accessible for people and to enhance the visual quality of some areas. The following guidelines and example of the streetscape design concept are intended to help meet these goals for Non-Core areas except parcels fronting Route 7. (See the Route 7 Boulevard Concept for design guidance adjacent to Route 7.)

#### **Guidelines: Improved Circulation and Parking**

- Build sidewalks and trails indicated on the Pedestrian Systems Map and proposed in the Land Unit Recommendations to ensure easy mobility between uses. When feasible, build interparcel connections for vehicles as well, to limit unnecessary trips in and out of the parcel to get to adjacent parcels.
- Encourage improved parking lot design to ensure pedestrian safety by building some pedestrian walkways between parking aisles, as well as pedestrian crosswalks to the building.
- Provide shelters at transit stops (including existing bus stops) that protect patrons from the weather, and that are safe, easy to maintain and relatively vandal-proof.

#### **Guidelines: Improving Visual Image and Identity**

All the following guidelines are encouraged:

- For multi-building complexes, establish an architectural theme utilizing similar materials and relating building elements such as materials, entries, windows, and roof lines.
- Design retail development in physically unified complexes, not as scattered buildings with separate circulation and sometimes conflicting access points. Retail development with freestanding structures should generally be discouraged, unless coordinated design, access and circulation can be provided.
- Integrate the design of parking structures with that for the buildings being served, so that the whole complex is unified.
- Improve parking lot landscaping with shade trees and other plant materials, both along the aisles and at the ends, while maintaining good visibility for drivers. Break up large parking lots into smaller lots by using planting areas as dividers.
- Incorporate plazas or courtyards at major buildings or to serve a group of buildings. Such plazas could include distinctive paving to define them, as well as seating, landscaping, lighting and water features.
- Coordinated lighting and signage plans for a given development complex are encouraged, to reinforce the complex's identity through clearly recognizable common features. In addition, a coordinated streetscape plan, including street tree types, street furniture, signage and lighting should be provided. These plans should be coordinated not only within a development, but also be compatible with adjacent properties. Signage should be designed appropriately for its location and purpose.
- Provide a well-landscaped, high-quality image both toward the primary street entrance and on any facade that can be seen from adjacent buildings or side streets. Provide color, texture and seasonal visual interest in the landscaping scheme. Select low-maintenance materials for areas not likely to receive consistent maintenance.
- Under grounding of utilities should be encouraged and should be coordinated with future roadway improvements.

Since the character of non-core areas varies the most, the design concept indicates flexibility in building placement; however, projects should provide at least the minimum streetscape and sidewalk widths. The following streetscape design concept example and illustrations provide measurable detail to ensure that basic aspects of the Non-core Concept can be implemented. The actual dimensions will vary from the example based on site specific conditions. Implementation will occur through development proposals for those aspects addressing private property and adjacent public rights-of-way, and through the Capital Improvement Program (CIP) and/or joint public/private funding efforts for segments of public rights-of-way as roadways are improved. In situations where development or redevelopment is not likely to occur, implementing the streetscape design concept may require public/private cooperation in providing funding for these improvements. The following streetscape design concept and illustrations apply to areas outside the Core, except for the areas adjacent to Route 7, Route 123, International Drive and Gallows Road, which are to be addressed by the guidance under Streetscape Design Concept for Major Roadways.

Example of Non-Core Areas Streetscape Design Concept (See Illustration, Figure 15):

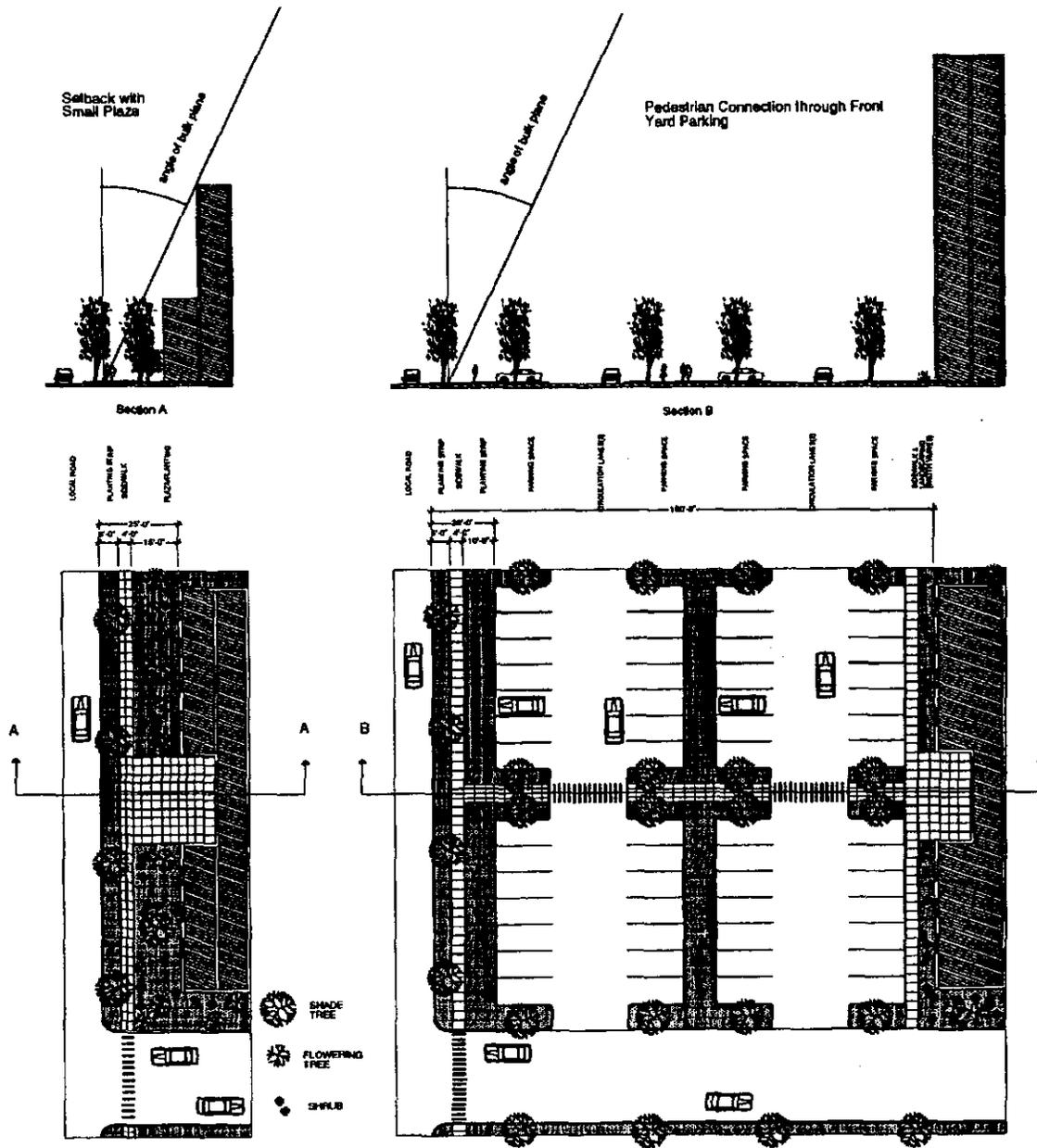
- Treatment of sidewalks with planting strip next to roadways: For continuity, a minimum 4-foot sidewalk with 6-foot planting strip should be provided next to the road. Special pavement treatments and trees in tree grates could be considered as alternatives to vegetation in the planting strip. Vegetation within planting strips should be low maintenance, and include grasses, ground cover, flowering plants, and/or ornamental shrubs. In addition, street furniture and other pedestrian amenities are encouraged to be placed within the planting strip.
- Building setbacks/angle of bulk plane: Setbacks or front yards of 25 to 40 feet would achieve the goal of bringing new buildings closer to the roadway. The lesser front yard or setback is appropriate when no parking is located in front yard. With the larger front yards (greater than 25 feet to 40 feet), a 10-foot landscape/pedestrian activity area should be provided between the sidewalk and any parking or buildings. This 10-foot area could include a variety of treatments, including but not limited to the following: a landscaped plaza with seating and lighting; formal arrangements of trees (bosques); informally grouped trees and other plantings; and any of the above with public art or a water feature. A site's design may vary from these standards when greater setbacks are needed to create a focal point through the grouping of buildings, to infill within the constraints of existing structures, or to preserve natural features (i.e. steep slopes, dense vegetation, flood plain, etc.).

To encourage the siting of buildings closer to the street, the allowable angle of bulk plane should be reduced. For example, 20 to 25 degree angles of bulk plane should be provided to ensure that portions of buildings with maximum heights are away from the front yard pedestrian areas in order to maintain the area's pedestrian scale (see Figure 15).

- Street trees for the planting strip next to the sidewalk: Major shade trees that can be walked under should be planted with spacing of 40 to 50 feet on center, using trees that are at least 3 inch caliper in size at the time of planting. The trees should be hardy and require little to no maintenance, and be resistant to disease, heat and pollution. Special pavement treatments and trees in tree grates could be considered as alternatives to vegetation in the planting strip.

When street trees and other plantings are to be located in proximity to roadways or within medians, special attention to clear zones, as well as safety and sight distance, should be observed in the design of streetscape for development proposals. Modification to the above streetscape guidance should occur when necessary to conform to applicable Virginia Department of Transportation (VDOT) requirements and guidelines.

**FIGURE 15: Illustrations of Non-Core Area Concept**  
 (NOTE: Dimensions will vary based on site specific conditions)



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

**TO:** Suzanne Lin  
Zoning Evaluation Division, DPZ

**FROM:** Sheng-Jieh Leu   
Facilities Planning Branch, DPZ

**FILE:**

**SUBJECT:** SEA 94-P-040, RP MRP Tysons. LLC

**DATE:** February 15, 2008

Please refer to Sheet 6 of 28 for the following comments:

1. Provide crosswalks at site entrances and Jones Branch connector road.
2. Identify the width and surface material of the trail proposed along the connector road frontage.
3. Provide notes on proposed trail along I-495 frontage as its width and surface material.

If you have any questions, please call me at extension 41272.



# County of Fairfax, Virginia

APPENDIX 8

## MEMORANDUM

**TO:** Regina Coyle, Director  
Zoning Evaluation Division, DPZ

**FROM:** Angela Kadar Rodeheaver, Chief  
Site Analysis Section, DOT

**FILE:** 3-5 (SE 94-P-040)

**SUBJECT:** ADDENDUM: SEA 94-P-040; RP MRP Tysons, LLC  
Land Identification Map: 29-2 ((15)) C2

**DATE:** April 10, 2008

This department has reviewed the subject request including the accompanying special exception plat dated August 10, 2007, and revised through March 14, 2008, and draft development conditions dated April 7, 2008. Our comments are noted below.

- TDM

The applicant has submitted revised TDM commitments that supersede or resolve issues identified in this department's February 27, 2008, report. We have the following comments on the revised TDM information.

1. The applicant has increased the percentage reduction to 15%. However, given the level of transit service to the site; the proximity of the HOT lanes connection, which will be open to HOV traffic at no charge; and a future rail station a short distance from the site, a minimum of 20% reduction appears to be achievable at this location.
2. There is no information on initial funds to be placed in a remedy fund or a mechanism for consistent financing of this fund. The intent of the fund is to provide additional financing of elements to implement additional TDM measures to achieve or regain compliance with TDM goals. More detailed information is necessary.
3. The penalty fund appears to provide little incentive to achieve the TDM goals. The maximum annual exposure of \$25,000 and overall cap of \$75,000 creates an easy scenario of paying for failure rather than working to create an effective TDM program.

- Property access

1. Access from the future HOT lanes connection is a concern of FCDOT and VDOT staff. We believe access as proposed by the applicant is problematic from a safety and operational standpoint and do not support it as currently configured. Since the HOT lanes connector has yet to be constructed, we also feel it is premature to recommend approval of the entrance until it can be evaluated in real world circumstances. Therefore, if the applicant is unwilling to delete the entrance entirely, we recommend that he not be allowed to seek approval of the entrance until the HOT lanes connector is complete and open to traffic.
2. Signalization
  - a. The applicant has now committed to provide a signal at the primary entry to the site from Jones Branch Drive.
  - b. The applicant has coordinated with VDOT regarding the proximity of the existing entrance to the Gannett property. While the entrances to this site and Gannett will remain, the applicant has agreed to provide area for an interparcel connection that, if constructed by Gannett, will allow them to use the proposed entrance to the subject site.
  - c. Staff recommends that a median with left turn channelization be constructed on the southbound approach to the signalized entry to preclude left turn movements at the Gannett entrance.
  - d. Staff recommends that if an entrance to the HOT lanes connection is approved by VDOT that the applicant commit to signalizing the intersection if it meets warrants within 5 years of the approval of the entrance.
3. The applicant has not addressed staff's concern about left turn movements from the secondary entrance to Jones Branch Drive. They have not committed to construct a median treatment on Jones Branch Drive.

- Jones Branch Drive Improvements

The plat shows a continuous right-turn lane on the frontage of the site. A notation on the plat indicates that this improvement is to be constructed by Fluor TransUrban. Right turn access to site entrances are typically constructed by the developer.

- Bicycle amenities

The applicant has adequately addressed this issue.

- Bus Shelter

The applicant has adequately addressed this issue.

- Tysons Fund

A contribution to the Tysons Transportation Fund with construction of the proposed building is expected in conformance with proffers previously approved for the site.



# COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.  
COMMISSIONER

## DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway  
Chantilly, VA 20151  
(703) 383-VDOT (8368)

November 5, 2007

Ms. Regina Coyle  
Director of Zoning Evaluation  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5511

Re: SEA 94-P-40, RP MRP Tysons, LLC  
Tax Map No.: 029-2 /015/C2

Dear Ms. Coyle,

This office has reviewed the Special Exception Amendment Plat relative to the above-mentioned application and we offer the following comment.

1. We would recommend the northern entrance be aligned with the existing entrance across the street.

For any additional information please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "T. B. Walker", written over a horizontal line.

Thomas B. Walker  
Senior Transportation Engineer

cc: Ms. A. Rodeheaver



# County of Fairfax, Virginia

APPENDIX 9

## MEMORANDUM

April 2, 2008

**TO:** Suzanne Lin, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II  
Forest Conservation Branch, DPWES 

**SUBJECT:** 7940 Jones Branch Drive; SEA 94-P-040

**RE:** Request for assistance dated March 20, 2008

I have reviewed the Special Exception Amendment (SEA) 94-P-040 stamped "Received, Department of Planning and Zoning, March 18, 2008". Urban Forest Management Division (UFMD) comments on the SEA stamped "Received, Department of Planning and Zoning, February 29, 2008" have been addressed. There are no additional UFMD comments and recommendations for this application.

Please contact me at 703-324-1770 if you have any questions.

TLN/  
UFMID #: 130723

cc: RA File  
DPZ File





# County of Fairfax, Virginia

## MEMORANDUM

March 12, 2008

**TO:** Suzanne Lin, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II  
Forest Conservation Branch, DPWES

**SUBJECT:** 7940 Jones Branch Drive, SEA 94-P-040

**RE:** Request for assistance dated March 5, 2008

This review is based on the Special Exception Amendment (SEA) 94-P-040 stamped "Received, Department of Planning and Zoning, February 29, 2008," and the draft development conditions revised on February 28, 2008. A site visit was conducted on October 4, 2007, as part of a review of the SEA stamped "Received, Department of Planning and Zoning, September 19, 2007."

General Comment: Comments on the previously submitted SEA were provided to you in my memos dated October 18, 2007, November 28, 2007, and February 12, 2008. Additional comments are provided to address the proposed landscaping and tree cover requirements on the SEA and the draft developed conditions revised on February 28, 2008.

- 1. Comment:** The areas of existing vegetation proposed for preservation and to be used toward the tree cover requirements have been shaded, however, the 16,322 square feet being claimed as "existing tree preservation area" and the 13,750 square feet being claimed as "proposed tree preservation area" under the Tree Cover Canopy Provided calculations are still unclear.

**Recommendation:** In addition to shading the areas proposed for preservation, all areas of existing vegetation proposed for preservation and to be used toward the tree cover requirements should be labeled indicating the amount of tree cover claimed for each area.

- 2. Comment:** RPA encroachment calculations have been provided, however, the planting of 78 shrubs in lieu of the required overstory and understory trees does not appear to be in conformance with 118-3-3(f) of the CBPO.

**Recommendation:** RPA encroachment calculations should be provided in conformance with 118-3-3(f) of the CBPO and should contain the required overstory and understory



trees or documentation should be provided stating the planting of 78 shrubs in lieu of the required overstory and understory plantings was approved by the stormwater engineers of the Environmental and Facilities Review Division.

- 3. Comment:** The "On Structure Planting Detail" shown on sheet 10 of the SEA references structural soil as a planting medium. It is unclear why structural soil is proposed in this environment.

**Recommendation:** Structural soil is a soil aggregate used to support pavement such as a sidewalk. Planting soil should be provided for this environment as it does not appear structural soil is necessary inside these deck planters.

- 4. Comment:** The "On Structure Planting Detail" shown on sheet 10 of the SEA does not include the dimensions and soil volume of the planting areas.

**Recommendation:** The dimensions and calculations detailing how the minimum planting area requirements will be met should be provided.

- 5. Comment:** Several trees at the western portion of the site adjacent to Jones Branch Drive are proposed to be planted inside the existing 15' wide FCWA easement and several trees at the northwest corner of the site appear to be planted inside the existing 25' storm drain easement. Proposed development condition #5 states "The Applicant may shift the location of the trees contiguous to Jones Branch Drive if requested to do so by the Fairfax County Water Authority so as to not be located within proposed or existing water line or storm drainage easements." This proposed development condition does not address the issue of permission from the owner of the easement to plant inside the easement. In addition, the Fairfax County Water Authority only governs FCWA easements while the Maintenance and Stormwater Management Division is responsible for the storm drainage easements.

**Recommendation:** All proposed landscaping for the entire site located inside proposed or existing easements should be relocated outside of said easements and at least 5' away from storm drainage easements containing pipes. If trees are shown to be planted within an existing or proposed public utility easement, a letter of permission from the owner of the easement(s) should be provided on the SEA.

- 6. Comment:** Several trees located in various locations throughout the site are proposed to be planted within four feet of a restrictive barrier.

**Recommendation:** All trees should be planted no closer than 4' from a restrictive barrier.

- 7. Comment:** There is a note on sheet 8 which states "Bioretention #1 See Sheet 13 for the Details." There are no details on sheet 13 for Bioretention #1.

**Recommendation:** The note should be changed to reference the correct page number for the bioretention detail.

7940 Jones Branch Drive  
SEA 94-P-040  
March 12, 2008  
Page 3 of 3

Please contact me at 703-324-1770 if you have any questions.

TLN/  
UFMID #: 130723

cc: RA File  
DPZ File



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** March 4, 2008

**TO:** Suzanne Lin, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:**  Jeremiah Stonefield, Chief, Stormwater and Geotechnical Section  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Special Exception Amendment Application, SEA 94-P-040, 7940 Jones Branch Drive, Special Exception Amendment Plat dated February 29, 2007 (Plat), Tax Map #029-2-15-0000-A7 (Property), Providence District

We have reviewed the referenced submission and offer the following comments related to stormwater management:

### Chesapeake Bay Preservation Ordinance (CBPO)

There is a small area of this site which is overlain by 1993 mapped Resource Protection Area (RPA). The Plat is showing disturbance within the RPA for the removal of the existing volleyball courts. Redevelopment in the RPA is an allowed use subject to the approval of Water Quality Impact Assessment (WQIA), CBPO 118-2-1(b). The WQIA is subject to administrative approval of the Director, DPWES, once the Board of Supervisors completes action on the subject SEA application. Based on the submission from the applicant, it appears that the WQIA may be favorably considered. A vegetated buffer, meeting the criteria of CBPO Section 118-3-3(f), will be required as a condition of the administrative approval.

The applicant is required to incorporate best management practices into the development plan which achieve a 40% phosphorus removal efficiency, as the proposed improvements are considered 'development' under the CBPO. The Plat indicates that an existing off-site pond, adjacent to the site, and two rain gardens will provide water quality control for the proposed development.

### Floodplain

There are no regulated floodplains designated on the Property.

### Downstream Drainage Complaints

There are no unresolved downstream complaints on file along the site outfall, within the extent of review, for this Property.

### Stormwater Detention

The Plat indicates that the increase in impervious area will be controlled by the existing off-site pond. A modification of PFM 6-0301.3 to allow the use of the off-site detention facility is required. The request is subject to administrative approval of the Director, DPWES, once the



Suzanne Lin, Staff Coordinator  
SEA 94-P-040  
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Board of Supervisors completes action on the subject SEA application. Based on the submission from the applicant, it appears that the request may be favorably considered.

Site Outfall

The site plan for the proposed development must comply with the requirements for adequate outfalls, PFM 6-0202, 0203 and 0204.

Please contact me at 4-1720 if you have any questions or require further clarification.

cc: Steve Aitcheson, Director, Stormwater Planning Division, DPWES  
Zoning Application file (24989-ZONAV-001-D-1)



# FAIRFAX COUNTY PARK AUTHORITY

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## M E M O R A N D U M



**TO:** Regina M. Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, Manager  
Park Planning Branch

**DATE:** December 5, 2007

**SUBJECT:** SEA 94-P-040, RP MRP Tysons, LLC  
Tax Map Number: 29-2 ((15)) C2

### BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated November 20, 2007 for the above referenced application. The Development Plan proposes 527,519 square feet of commercial space and 10,000 square feet of retail uses in one building on a 7.67 acre parcel. All of the floor area proposed was previously approved with proffered conditions (RZ 88-D-005) and subsequent applications (PCA 88-D-005-5 & SE 94-P-040).

### COMPREHENSIVE PLAN CITATIONS

#### 1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 6, p. 8)

**“Objective 6: Ensure the mitigation of adverse impacts to park and recreation facilities and service levels caused by growth and land development through the provision of proffers, conditions, contributions, commitments, and land dedication.”**

“Policy b: To implement Policy a. above, residential land development should include provisions for contributions, or dedication, to the Park Authority of usable parkland and facilities, public trails, development of recreational facilities on private open space, and/or provision of improvements at existing nearby park facilities.”

“Policy c: Non-residential development should offset significant impacts of work force growth on the parks and recreation system.”

**2. Urban Park Development (The Policy Plan, Parks and Recreation, Park Classification System, Local Parks, p. 10-11)**

“In urban areas, urban-scale local parks are appropriate. These publicly accessible urban parks should include facilities that are pedestrian-oriented and provide visual enhancement, a sense of identity, opportunities for social interactions, enjoyment of outdoor open space and performing and visual arts. Urban parks are generally integrated into mixed use developments or major employment centers in areas of the County that are planned or developed at an urban scale. Areas in the County that are generally appropriate for urban parks include Tysons Corner Urban Center, Transit Station Areas, Suburban Centers, Community Business Centers and identified “Town Centers” or mixed-use activity centers. Urban parks can be administered by private land owners, Fairfax County Park Authority, or through joint public and private sector agreements for public benefit.

Primary elements of urban-scale local parks are ease of non-motorized access and a location that complements, or is integrated with, surrounding uses. Features may include urban style plazas, mini-parks, water features and trail connections, oriented to pedestrian and/or bicycle use by employees and residents. Park architectural characteristics reflect the built environment. Short-term, informal activities and programmed events during lunch hours and after-work hours are intended to foster social interactions among users, provide leisure opportunities, and create a visual identity to strengthen sense of place and orientation. In urban areas, park size is typically less than five acres and often under ½ acre. Service area is generally within a 5-10 minute walking distance from nearby offices, retail and residences. Well-conceived and executed design is critical to the viability of this type of park. To be successful urban parks need high visibility, easy access, lots of pedestrian traffic, immediacy of casual food service, access to basic utilities, landscaped vegetated areas, ample seating, high quality materials, a focal point or identity, regular custodial maintenance, and an inviting and safe atmosphere.”

**3. Open Space/Parks/Recreation Area-wide Guidelines (Comprehensive Plan, Area II, Tysons Corner Urban Center, p. 75-76)**

1. “Safe and aesthetically pleasing walkways should be considered a high priority for recreation as well as for transportation purposes.
2. “A variety of outdoor recreation opportunities should be co-located with the pedestrian system including:
  - “Designated circuit walking/running courses. These courses should be ...”
  - “Recreation “nodes” ideally should be located throughout Tysons Corner for access by lunchtime users. Facilities of limited size might include...”
  - “Within the core, larger urban plazas should be developed as focal points for use during lunch and after-work activities, including...”

- "Pocket parks, plazas and courtyards should be encouraged to create quiet places for passive activities."  
The above outdoor recreation opportunities can best be successfully implemented when land owners coordinate their provision of open space."
- 3. "Year-round indoor recreation facilities are also appropriate in an urban setting, including, but not limited to, health and sports clubs..."
- 4. ....
- 5. The residential growth of Tysons Corner will generate an increasing demand for athletic fields and other traditional outdoor recreation facilities. Since the high cost and limited availability of land severely constrain provision of such facilities within the Urban Center, other approaches will need to be explored to meet increased demand for facilities at Spring Hill District Park and other park and school sites that serve Tysons Corner.

## **ANALYSIS AND RECOMMENDATIONS**

### **Recreational Impact of Proposed Development:**

The proposed development property currently supports a trail system, diamond athletic field, and open green space. This has been a welcome interim use of the property for the community and is an example of coordination between the community and private landholders to provide temporary recreation facilities for community use in an urban area.

### **Onsite Facilities:**

The Tyson Corner Area Design Guidelines and the Park and Recreation element of the Policy Plan support the concept of integrating urban-scale public open spaces into proposed developments. Features such as plazas, gathering places, amphitheater/performance spaces, special landscaping, fountains, sculpture and street furniture are appropriate to be integrated into these sites and surrounding areas.

The revised plan includes an integrated trails network circling the property and open plaza as an outdoor gathering space. The plaza area, combined with the adjacent open space to the west of the property, create a larger open space. These features, plus the inclusion of a fitness center is in keeping with the Comprehensive Plan Area-wide recommendations. However, the removal of seven acres of open space, and associated interim recreational facilities, will exacerbate the existing shortage of park land and outdoor recreational facilities in the Tysons Corner area.

FCPA Reviewer: Scott Sizer  
DPZ Coordinator: Suzanne Lin

cc: Chron Binder  
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## COMMERCIAL DISTRICT REGULATIONS

### **PART 3 4-300 C-3 OFFICE DISTRICT**

#### **4-301 Purpose and Intent**

The C-3 District is established to provide areas where predominantly non-retail commercial uses may be located such as offices and financial institutions; and otherwise to implement the stated purpose and intent of this Ordinance.

#### **4-302 Permitted Uses**

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Churches, chapels, temples, synagogues and other such places of worship.
3. Commercial swimming pools, tennis courts and similar courts, indoor.
4. Cultural centers, museums.
5. Eating establishments, limited by the provisions of Sect. 305 below.
6. Financial institutions.
7. Funeral homes.
8. Health clubs.
9. Mobile and land based telecommunication facilities, subject to the provisions of Sect. 2-514.
10. New vehicle storage, limited by the provisions of Sect. 305.
11. Nursery schools and child care centers.
12. Offices, to include the display and sales of scientific, electronic or medical equipment of a type not customarily retailed to the general public.
13. Private schools of general education, private schools of special education.
14. Public uses.
15. Quasi-public athletic fields and related facilities, limited by the provisions of Sect. 305 below.
16. Telecommunication facilities.

#### **4-303 Special Permit Uses**

For specific Group uses, regulations and standards, refer to Article 8.

1. Group 4 - Community Uses, limited to:

## FAIRFAX COUNTY ZONING ORDINANCE

- A. Swimming clubs and tennis clubs/courts
- 2. Group 5 - Commercial Recreation Uses, limited to:
  - A. Bowling alleys
  - B. Commercial swimming pools, tennis courts and similar courts, outdoor
  - C. Indoor archery ranges, fencing and other similar indoor recreational uses
  - D. Miniature golf courses, indoor
  - E. Skating facilities, indoor
- 3. Group 7 - Older Structures, limited to:
  - A. Restaurants
  - B. Rooming houses
- 4. Group 8 - Temporary Uses.

### 4-304

#### **Special Exception Uses**

For specific Category uses, regulations and standards, refer to Article 9.

- 1. Category 1 - Light Public Utility Uses.
- 2. Category 3 - Quasi-Public Uses, limited to:
  - A. Colleges, universities
  - B. Conference centers and retreat houses, operated by a religious or nonprofit organization
  - C. Congregate living facilities
  - D. Independent living facilities
  - E. Medical care facilities
  - F. Private clubs and public benefit associations
  - G. Quasi-public parks, playgrounds, athletic fields and related facilities
  - H. Alternate uses of public facilities
  - I. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls

## COMMERCIAL DISTRICT REGULATIONS

3. Category 4 - Transportation Facilities, limited to:
  - A. Electrically-powered regional rail transit facilities
  - B. Helistops
  - C. WMATA non-rail transit facilities
4. Category 5 - Commercial and Industrial Uses of Special Impact, limited to:
  - A. Commercial off-street parking in Metro Station areas as a temporary use
  - B. Drive-in financial institutions
  - C. Eating establishments
  - D. Establishments for scientific research and development to include assembly, integration and testing of experimental prototype products as an incidental use
  - E. Golf courses, country clubs
  - F. Hotels, motels
  - G. Parking, commercial off-street, as a principal use
  - H. Service stations
  - I. Theaters
  - J. Vehicle sale, rental and ancillary service establishments, limited by the provisions of Sect. 9-518

### **4-305 Use Limitations**

1. All business, service, storage, and display of goods shall be conducted within a completely enclosed building, except outdoor seating provided in association with an eating establishment, those permitted uses, accessory uses set forth in Part 1 of Article 10, and special permit and special exception uses which by their nature must be conducted outside a building.
2. Nursery schools and child care centers shall be subject to the standards set forth in Sect. 9-309.
3. All refuse shall be contained in completely enclosed facilities.
4. All uses shall comply with the performance standards set forth in Article 14.
5. Eating establishments shall be permitted by right only when such use is located in a building which has a gross floor area of at least 100,000 square feet and is designed to contain at least one or more other uses permitted by right. Eating establishments which

## FAIRFAX COUNTY ZONING ORDINANCE

do not meet these limitations may be allowed by special exception in accordance with the provisions of Article 9.

6. Quasi-public athletic fields and related facilities shall be permitted by right in accordance with the following:
  - A. Such use is not specifically precluded or regulated by any applicable proffered condition, development condition, special permit or special exception condition;
  - B. Such use shall be permitted on an interim basis for a period not to exceed five (5) years, provided, however, that upon request by the property owner, subsequent extensions of up to five (5) years each may be approved by the Board;
  - C. No structure or field shall be located within 100 feet of any adjoining property which is in an R district;
  - D. The use of lighting or loudspeakers for the athletic field or facility shall not be permitted;
  - E. Notwithstanding the provisions of Article 13, transitional screening shall not be required unless determined necessary by the Director;
  - F. Parking to accommodate such use shall be provided on-site. In the event such use is to be located on-site with another use, the Director may allow existing off-street parking to serve such use provided the hours of operation of the two uses do not coincide; and
  - G. There shall be sign which identifies the athletic field as an interim use of the site. No such sign shall exceed thirty-two (32) square feet in area or be less than ten (10) square feet in area, exceed eight (8) feet in height or be located closer than five (5) feet to any street line.
7. New vehicle storage shall be permitted by right in accordance with the following:
  - A. When located within a parking structure that is accessory to another use, and provided that the spaces devoted to a new vehicle storage are in excess of the minimum number of off-street parking spaces required in accordance with Article 11 for the use to which the structure is accessory. The owner shall submit a parking tabulation in accordance with Article 17 that demonstrates that such excess parking spaces are available for new vehicle storage.
  - B. The layout of the new vehicle storage shall not hinder the internal vehicle circulation within the parking structure, and there shall be no mechanical parking lift devices or fencing associated with the new vehicle storage.
  - C. There shall be no signs identifying the use and/or the associated vehicle, sale, rental and ancillary service establishment.
  - D. Notwithstanding the provisions of Article 13, transitional screening shall not be required.

## COMMERCIAL DISTRICT REGULATIONS

### **4-306 Lot Size Requirements**

1. Minimum lot area: 20,000 sq. ft.
2. Minimum lot width: 100 feet
3. The minimum lot size requirements presented in Par. 1 and 2 above may be waived by the Board in accordance with the provisions of Sect. 9-610.

### **4-307 Bulk Regulations**

1. Maximum building height: 90 feet, subject to increase as may be permitted by the Board in accordance with the provisions of Sect. 9-607
2. Minimum yard requirements
  - A. Front yard: Controlled by a 25° angle of bulk plane, but not less than 40 feet
  - B. Side yard: No Requirement
  - C. Rear yard: Controlled by a 20° angle of bulk plane, but not less than 25 feet
3. Maximum floor area ratio: 1.00
4. Refer to Sect. 13-301 for provisions that may qualify the minimum yard requirements set forth above.

### **4-308 Open Space**

15% of the gross area shall be landscaped open space

### **4-309 Additional Regulations**

1. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.
2. Refer to Article 11 for off-street parking, loading and private street requirements.
3. Refer to Article 12 for regulations on signs.
4. Refer to Article 13 for landscaping and screening requirements.
5. Refer to Article 17 for uses and developments which are subject to site plan provisions.

## FAIRFAX COUNTY ZONING ORDINANCE

- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
  - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
  - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
  - (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

### **9-005 Establishment of Categories**

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

### **9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

## SPECIAL EXCEPTIONS

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

**9-007**

### **Conditions and Restrictions**

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

**9-008**

### **Time Limitations, Extensions, Renewals**

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it may be periodically renewed by the Board. The procedure of granting an extension or renewal shall be as presented in Sections 012 and 014 below.

## FAIRFAX COUNTY ZONING ORDINANCE

alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.

- B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.
  - C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.
- 3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
  - 4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.
  - 5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.
  - 6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres.
  - 7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to provide needed information to the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests shall show the location, size, height and number of all signs, as well as the information to be displayed on the signs.

**9-309**

### **Additional Standards for Child Care Centers and Nursery Schools**

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed.
  - For the purpose of this provision, usable outdoor recreation area shall be limited to:
    - A. That area not covered by buildings or required off-street parking spaces.
    - B. That area outside the limits of the minimum required front yard, unless specifically approved by the Board in commercial and industrial districts only.

**SPECIAL EXCEPTIONS**

- C. Only that area which is developable for active outdoor recreation purposes.
  - D. An area which occupies no more than eighty (80) percent of the combined total areas of the required rear and side yards.
2. All such uses shall be located so as to have direct access to an existing or programmed public street of sufficient right-of-way and cross-section width to accommodate pedestrian and vehicular traffic to and from the use as determined by the Director. To assist in making this determination, each applicant, at the time of application, shall provide an estimate of the maximum expected trip generation, the distribution of these trips by mode and time of day, and the expected service area of the facility. As a general guideline, the size of the use in relation to the appropriate street type should be as follows, subject to whatever modification and conditions the Board deems to be necessary or advisable:

<b>Number of Persons</b>	<b>Street Type</b>
1-75	Local
76-660	Collector
660 or more	Arterial

- 3. All such uses shall be located so as to permit the pick-up and delivery of all persons on the site.
- 4. Such use shall be subject to the regulations of Chapter 30 of The Code or Title 63.1, Chapter 10 of the Code of Virginia.

**9-310 Additional Standards for Private Schools of General Education and Private Schools of Special Education**

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
  - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades K-3 that may use the space at any one time, and
  - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades 4-12 that may use the space at any one time.

Such usable outdoor recreation area shall be delineated on a plat submitted at the time the application is filed.

For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the required front yard.
- C. Only that area which is developable for active outdoor recreation purposes.

## ACCESSORY USES, ACCESSORY SERVICE USES AND HOME OCCUPATIONS

recycling storage containers. In addition, no containers shall be located in any required parking space, driveway, parking aisle, open space or landscaped area.

12. The following regulations shall apply to the location of all freestanding structures or uses except those specifically set forth in other paragraphs of this Section:
  - A. For purposes of determining height, the height of an accessory structure shall be measured in accordance with Par. 4 of Sect. 10-103 above.
  - B. An accessory structure or use, which does not exceed seven (7) feet in height, may be located in any part of any side or rear yard, except as qualified in Sect. 2-505.
  - C. No accessory structure or use, except a statue, basketball standard or flagpole, shall be located (a) in any minimum required front yard on any lot or (b) in any front yard on any lot containing 36,000 square feet or less. When located in a front yard, basketball standards shall not be located closer than fifteen (15) feet to a front lot line and twelve (12) feet to a side lot line, and shall not be used between the hours of 8:00 PM and 8:00 AM.
  - D. No accessory structure or use which exceeds seven (7) feet in height shall be located in any minimum required side yard.
  - E. No accessory structure or use which exceeds seven (7) feet in height shall be located closer than a distance equal to its height to the rear lot line or located closer than a distance equal to the minimum required side yard to the side lot line.
  - F. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure or use which exceeds seven (7) feet in height shall be located:
    - (1) Nearer to any part of the rear lot line that adjoins the side yard on the lot to the rear than a distance equal to the minimum required side yard on such lot to the rear, or
    - (2) Nearer to the side street line than a distance equal to the minimum required front yard on the lot to the rear.
13. Except as may be qualified by Sect. 2-505, conventional television antennas and satellite dish antennas designed to receive television or video programming with a diameter or diagonal measurement of 39 inches (one meter) or less shall be permitted in any yard on any lot.
14. Except for lighting fixtures mounted on poles that are associated with outdoor recreation/sports facilities playing fields/courts and as noted below, the mounting height of lighting fixtures on light poles shall not exceed a maximum height of forty (40) feet as measured from the ground level or the surface on which the light pole is mounted to the bottom of the lighting fixture. Light poles mounted on the top of parking decks or parking structures shall not exceed a maximum height of twenty (20) feet as measured from the top of the pole to the surface on which the pole is mounted. Light poles shall be located in accordance with the following:

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		