



FAIRFAX COUNTY

APPLICATIONS FILED: April 28, 1995
PLANNING COMMISSION: September 28, 1995
BOARD OF SUPERVISORS: October 16, 1995
Time: (3:30PM)

V I R G I N I A

September 20, 1995

STAFF REPORT

APPLICATIONS PCA 84-D-049/FDPA 84-D-049

PROVIDENCE DISTRICT

APPLICANT: Tysons II Land Company, L.L.C.

PRESENT ZONING: PDC, HC, SC

REQUEST: Proffered Condition Amendment to amend proffers and Conceptual Development Plan, and Final Development Plan Amendment for RZ 84-D-049 to allow additional principal and secondary uses and increases in building height in Sectors II, III and IV of the Tysons II development.

PARCEL(S): 29-4 ((10)) 3A, 3B, 3C, 3D, 4A, 4B, 5A, 5B, 5C, 6, and B

ACREAGE: 41.09 acres

DENSITY/FAR: 1.00 FAR

OPEN SPACE: 30%

COMP PLAN: Mixed Use

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 84-D-049 subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends that the Planning Commission approve FDPA 84-D-049 subject to Board of Supervisors approval of PCA 84-D-049, execution of proffers consistent with those contained in Appendix 1, and subject to the proposed conditions contained in Appendix 2.

KG/207

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

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

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



Reasonable accommodation is available upon 7 days advance notice.
For information call (703) 324-1334.

PROFFERED CONDITION AMENDMENT /

FINAL DEVELOPMENT PLAN AMENDMENT

PCA 84-D-049

FDPA 84-D-049

PCA 84-D-049
FILED 04/28/95

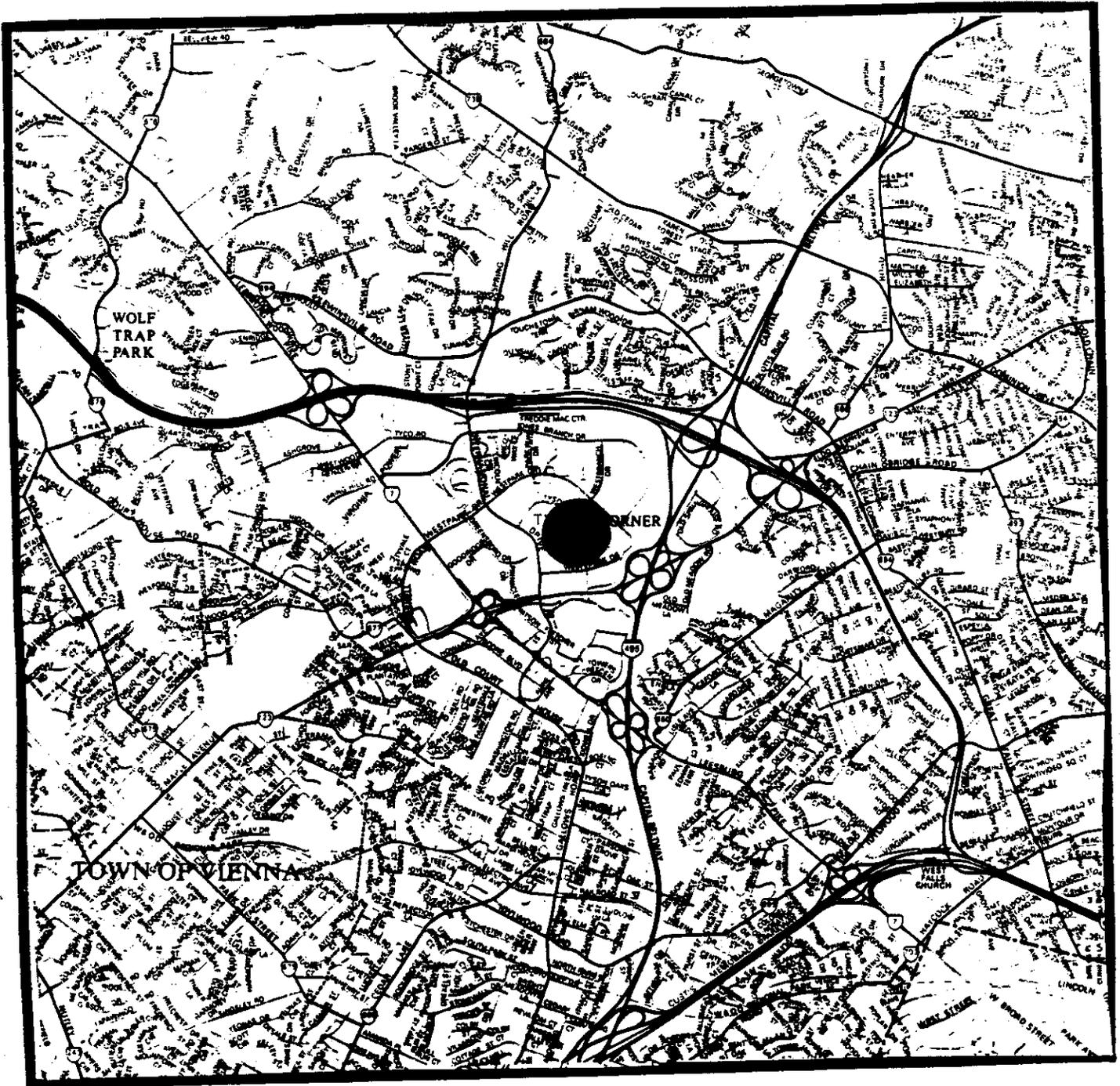
TYSONS II LAND COMPANY, L.L.C.
PROFFERED CONDITION AMENDMENT
PROPOSED: MIXED-USE DEVELOPMENT
APPROX. 41.09 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: N.E. QUAD. OF THE INTER. OF CHAIN BRIDGE
RD. AND INTER. DR. THE N.E. & S.E. QUAD.
OF INTER. TYSONS BLVD. & GALLERIA DR.

FDPA 84-D-049
FILED 08/31/95

TYSONS II DEVELOPMENT CO. LTD. P.T.S.H.P.
FINAL DEVELOPMENT PLAN AMENDMENT
PROPOSED: PLANNED, MIXED-USE DEVELOPMENT
APPROX. 41.09 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: N.E. INTERSECTION OF CHAIN BRIDGE RD. (RT.
123) AND INTERNATIONAL DR. (RT. 4034)

ZONING: PDC
OVERLAY DISTRICT(S): HC SC
MAP REF 029-4- /10/ /0003-A ,0003-B ,0003-C ,0003-D ,0004 A MAP REF
029-4- /10/ /0004-B ,0005-A ,0005-B ,0005-C ,0006
029-4- /10/ / -B

ZONING: PDC
OVERLAY DISTRICT(S): HC SC
029-4- /10/ /0003-A ,0003-B ,0003-C ,0003-D ,0004 A
029-4- /10/ /0004-B ,0005-A ,0005-B ,0005-C ,0006
029-4- /10/ / -B



PROFFERED CONDITION AMENDMENT /

FINAL DEVELOPMENT PLAN AMENDMENT

PCA 84-D-049

FDPA 84-D-049

PCA 84-D-049
FILED 04/28/95

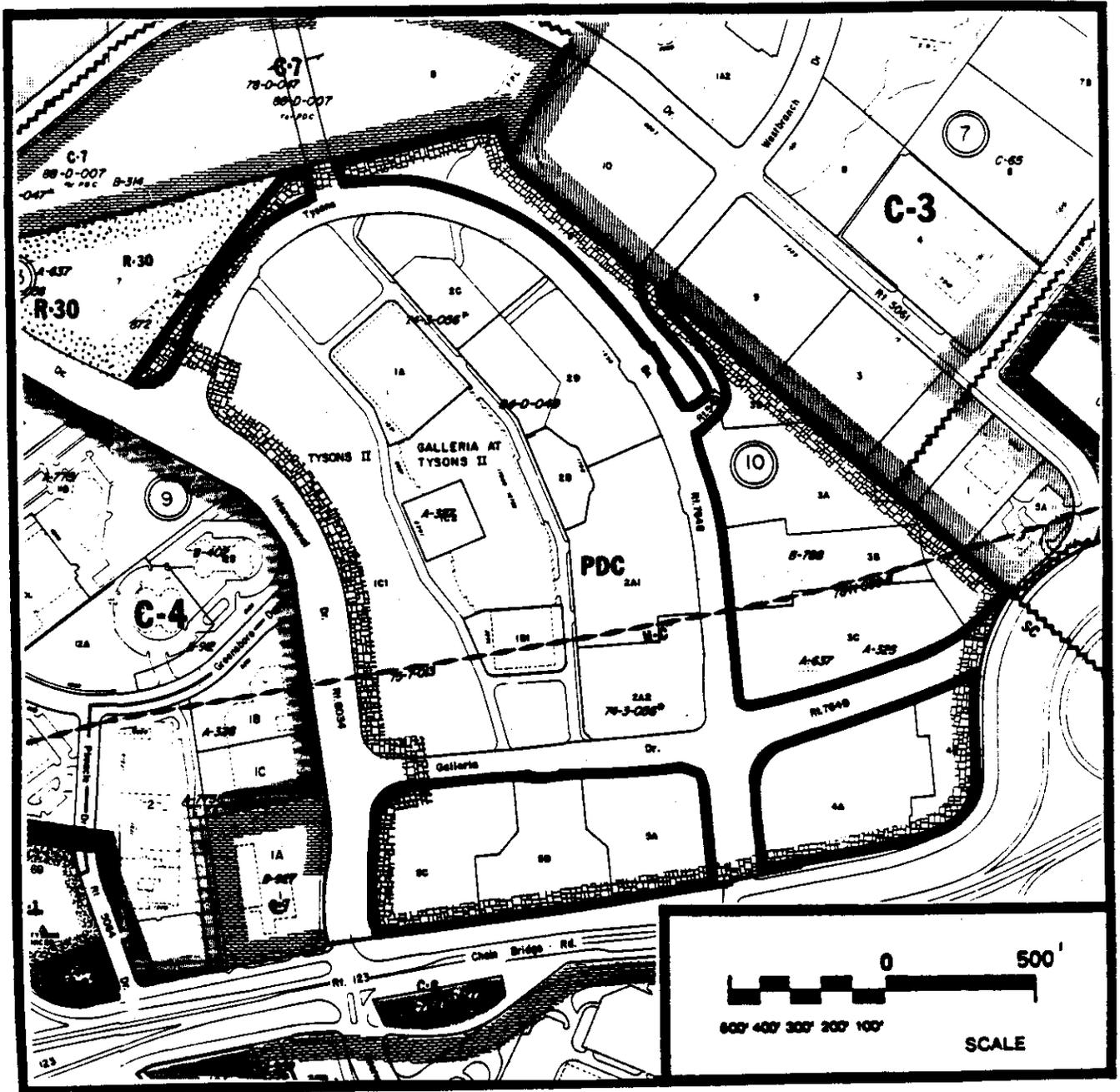
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029-4- /10/ / -B



Notes

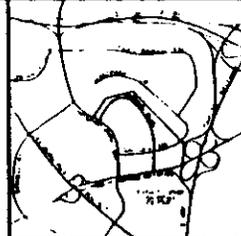
1. THE PROPOSED PLAN IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA.
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AS A LATER DATE, THE APPLICANT MAY WISH TO MAKE CHANGES TO THE PROPOSED PLAN AS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA.

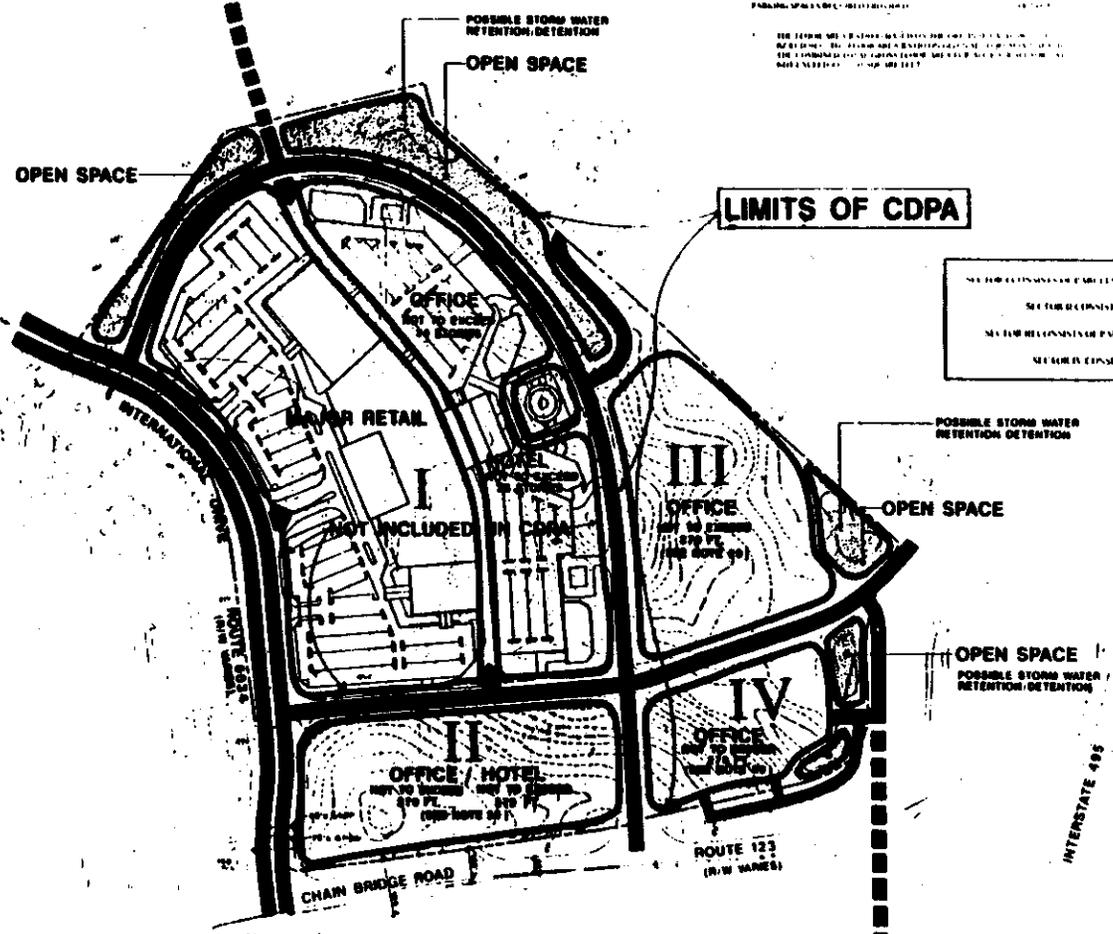
22. AN APPROPRIATE DEVELOPMENT IS BEING CONSIDERED AT THIS TIME.
23. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO OBSTACLES TO THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY. HOWEVER, THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA.
24. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO OBSTACLES TO THE PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY. HOWEVER, THE PROPOSED DEVELOPMENT IS SUBJECT TO THE REVIEW AND APPROVAL OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA.

Tabulation

NO. OF UNITS: 100
 GROSS AREA: 100,000 SQ. FT.
 GROSS VOLUME: 1,000,000 CU. FT.
 MAXIMUM HEIGHT: 100 FT.
 MAXIMUM SETBACK: 10 FT.
 MAXIMUM FRONT YARD SETBACK: 10 FT.
 MAXIMUM SIDE YARD SETBACK: 10 FT.
 MAXIMUM REAR YARD SETBACK: 10 FT.



Locality Map
 1/1/2000



LIMITS OF CDPA

NO. OF UNITS: 100
 GROSS AREA: 100,000 SQ. FT.
 GROSS VOLUME: 1,000,000 CU. FT.
 MAXIMUM HEIGHT: 100 FT.
 MAXIMUM SETBACK: 10 FT.
 MAXIMUM FRONT YARD SETBACK: 10 FT.
 MAXIMUM SIDE YARD SETBACK: 10 FT.
 MAXIMUM REAR YARD SETBACK: 10 FT.



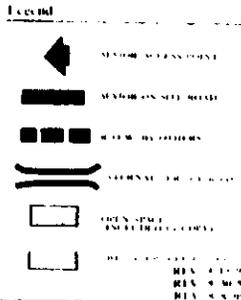
POSSIBLE STORM WATER RETENTION/DETENTION

OPEN SPACE

OPEN SPACE
 POSSIBLE STORM WATER RETENTION/DETENTION

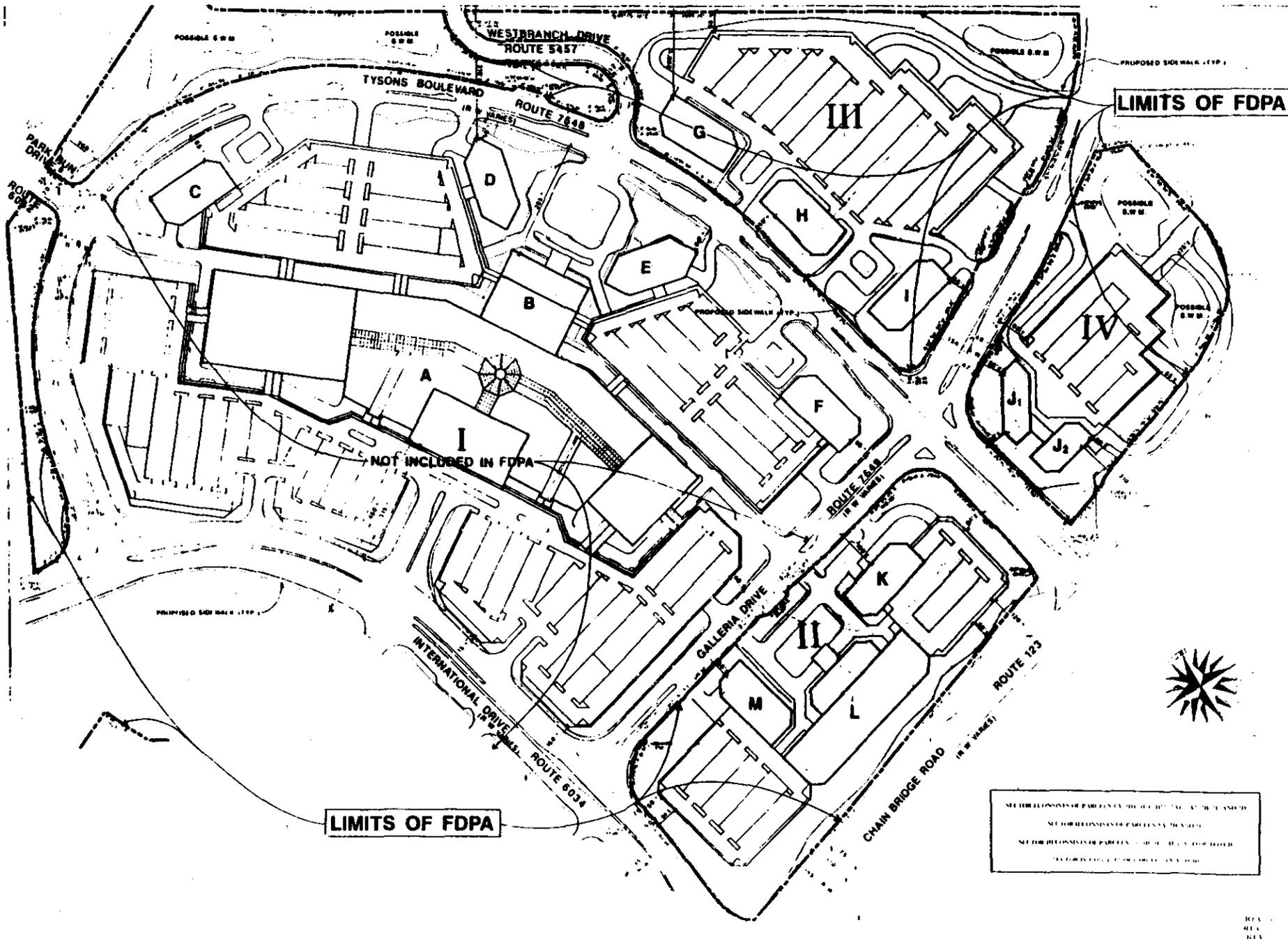
INTERSTATE 495

CAPITAL BELTWAY



PRINTED
 SEP 13 2000
 Dewberry & Davis

Dewberry & Davis
 APPLICATION NO. CDPA 02-001-01
 FAIRFAX COUNTY, VIRGINIA
 CONCEPTUAL DEVELOPMENT PLAN AMENDMENT
TYSONS II
 PROVIDER DISTRICT



SEE FOR BEGINSINS OF PARCELS BY THE DEVELOPER AS SHOWN ON
 SEE FOR BEGINSINS OF PARCELS BY THE DEVELOPER
 SEE FOR BEGINSINS OF PARCELS BY THE DEVELOPER
 SEE FOR BEGINSINS OF PARCELS BY THE DEVELOPER

Dewberry & Davis

CIVIL DEVELOPMENT PLANS AND SPECIFICATIONS
TYSONS II
 PROVISIONAL DISTRICT

REVISIONS
 NO. DATE
 1 11/14/00

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

DESCRIPTION OF THE APPLICATION

The applicant, Tysons II Land Company, L.L.C., requests approval of a Proffered Condition Amendment application, PCA 84-D-049, to amend the proffers and Conceptual Development Plan approved with the rezoning of the Tysons II mixed use development in 1984 in order to allow additional principal and secondary uses. The PCA relates to Sectors II, III and IV of the approved development only. Sector I is currently developed with a shopping center. The applicant also requests approval of an amendment to the Final Development Plan (FDPA 84-D-049) for these Sectors.

The application property is zoned PDC (Planned Development Commercial), and lies within the HC (Highway Corridor) and SC (Sign Control) Overlay Districts. No change is proposed to the present zoning district of the application property.

Reductions of the submitted Conceptual Development Plan Amendment (CDPA) and Final Development Plan Amendment (FDPA) are presented on the previous 3 pages.

The applicants' draft proffers are presented in Appendix 1. Staff's proposed development conditions are presented in Appendix 2. The applicant's affidavit and statement of justification are presented in Appendices 3 and 4, respectively.

All PDC Districts must comply with the Zoning District Regulations specified in Section 6-100 of the Zoning Ordinance, and the General and Design Standards contained in Sections 16-101 and 16-102, among other Zoning Ordinance provisions. Copies of Sections 6-100, 16-101 and 16-102 are attached in Appendix 5.

LOCATION AND CHARACTER

The application property is located within the heart of the high intensity Tysons Corner Urban Center, which contains regional-serving retail commercial, office and hotel uses as primary uses and a variety of related uses. The property is part of the Tysons II development approved under RZ 84-D-049 and lies generally north of Route 123 and along the east and north sides of Tysons Boulevard. Adjacent properties to the north are Lot 7, which is zoned R-30 and is currently under development with multiple family residential units, and Lot B, which is presently zoned C-7 and is the subject of a pending rezoning application (RZ 95-P-011) to PDH-30 for multiple family residential units. To the east lies the West*Park commercial office development, which is zoned C-3 and approved for an FAR up to 0.54 under RZ 88-D-005 and is partially developed. Under PCA 88-D-005-2, also currently pending, this FAR is proposed to be increased to 0.599. Across Route 123 to the south of the application property is the existing Tysons Corner Regional Shopping Center which is zoned C-7. The

application property loops around the existing Galleria at Tysons II shopping center, which is located north of Galleria Drive, and west and south of Tysons Boulevard, and which is part of the same PDC Zoning District as the application property. Farther to the west, across International Drive, properties are zoned C-7 and C-4 and are developed in hotel and office uses.

BACKGROUND

On October 15, 1984, the Board of Supervisors approved RZ 84-D-049 to rezone 106.84 acres of land from the C-7 District to the PDC District. The approval permitted a floor area ratio (FAR) of 1.00 on the property, or a total of 4,653,741 square feet of commercial development (i.e. office, retail and hotel).

Copies of the Clerk's letter, approved proffers, and the Conceptual and Final Development Plans are attached as Appendix 15.

COMPREHENSIVE PLAN PROVISION

The property is located in the Tysons Corner Urban Center portion of the McLean Planning District in Area II. The Comprehensive Plan provides the following guidance on land use and intensity for the subject property.

On page 108 of the Addendum to the Comprehensive Plan, September 12, 1994, Tysons Corner Urban Center, under the heading "LAND UNIT RECOMMENDATIONS", the Plan states:

"Sub-unit N-3 is part of the Tysons II development (i.e., Sub-units N-2 and N-3) which is approved up to 1.0 FAR. Sub-unit N-3 is planned for mixed use development with office, hotel, support retail, and other support service uses (such as day care); total development in the sub-unit is planned for 3,650,000 nonresidential square feet. This area offers significant opportunities to provide urban design amenities and better integrate development in this land unit....

Height Limit: Up to 270 feet. Building heights should vary within the sub-unit between 150 and 270 feet..."

The Comprehensive Plan also provides the following text that establishes guidelines for evaluating the quality of the development proposal.

On pages 16-17 of the Addendum to the Comprehensive Plan, September 12, 1994, Tysons Corner Urban Center, under the heading "DEVELOPMENT REVIEW GUIDELINES", the Plan states:

"URBAN DESIGN....

Through redevelopment and new development on vacant sites, there are many opportunities to implement the vision for future development of Tysons Corner through coordinated development incorporating high quality urban design....

....design issues should be evaluated on all development proposals in Tysons Corner which involve new development or redevelopment that increase intensity/density or increase height or substantially change the design of a previously approved development commitment; and this evaluation should include the following:

- a. A development proposal that presents high quality architectural design and streetscape that provides a character and scale compatible with adjacent development and the surrounding community. The general placement of buildings and parking should be consistent with the guidelines in the Urban Design Section of the Tysons Corner Plan.
- b. Building heights that are consistent with the Height Guidelines and Map in the Urban Design Section of the Tysons Corner Plan.
- c. On-site pedestrian connections and interconnecting pedestrian ways to neighboring rights-of-way and/or properties consistent with the concept for the Open Space and Pedestrian System Map (Figure 11), and/or as otherwise defined in the guidelines for Pedestrian and Transit Oriented Design or as mentioned in the specific land unit text. Additional pedestrian connections beyond those on the Open Space and Pedestrian System Map are encouraged. Providing fewer connections than those on the map is discouraged, unless there is evidence that those connections are not needed because another circulation pattern would serve the same users as well or better. Where the proposed use requires a high security environment, the property owner should provide an alternative pedestrian system that meets the needs of the user and still facilitates the general goal of an integrated pedestrian system for Tysons Corner.
- d. The approximate location and character of plazas, courtyards, or other open spaces (including natural features) relating to a single building or shared by a complex of buildings.
- e. The approximate location and character of special features such as bicycle trails, outdoor recreation facilities, ponds, and public parks.
- f. Proposals, if any, for seating, lighting, or special paving.
- g. A depiction of the proposed development's relationship to, compatibility and integration with actual or potential development of surrounding areas, through the provision of pedestrian linkages, open space, and other urban design amenities including plazas and courtyards."

On page 24 of the Addendum to the Comprehensive Plan, September 12, 1994, Tysons Corner Urban Center, under the heading "LAND USE", the Plan states:

"Core Area...."Tyson's II Activity Center (Land Unit N and Subunits L3 and L4)

....The Plan recommends that this activity center develop as a large multiple 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, the Tyson's II area represents the greatest opportunity for mixed use development with day and evening activity because of the relatively large portion of vacant land. The office and the shopping mall already draw workers and shoppers to the area from morning through the evening. Business persons are drawn to the hotel and meeting facilities. Housing would provide for a resident population as well.

The Tyson's II Activity Center also provides the greatest opportunity for creating a pedestrian and transit-oriented environment, again due to its currently undeveloped nature. Future buildings can be sited closer to roads and to each other to provide for a more concentrated built environment that people can walk through easily or that can be efficiently served by transit...."

The Plan recommends a mixture of uses for the Tyson's Corner Urban Center core, including office use, which is proposed as an option to be added to the recommended hotel use. The Plan, however, emphasizes the importance of designing a high quality, pedestrian-oriented development. The proposed support retail and service uses are appropriate in these sections but they should be physically integrated into primary office or hotel uses. They should not be developed as free-standing, auto-oriented uses.

The building height in the Plan that applies to Section II is a maximum of 270 feet. This proposal shows the maximum building height to be 290 feet. This will have to be adjusted to conform with the guidance of the Plan.

Design, landscaping and streetscape treatment are a primary part of the Plan recommendations for the core of Tyson's Corner that relate to providing high quality development. These elements will have to be shown on a future detailed development plan before development of the proposed uses can be found in harmony with the Plan guidelines.

The Comprehensive Plan map shows that the property is planned for mixed use.

STAFF ANALYSIS**Description of the Revised Proffers**

The draft proffer statement submitted with PCA 84-D-049 is presented in Appendix 1. The draft PCA proffers reaffirm the proffers dated August 17, 1984, and approved with the original rezoning RZ 84-D-049, and propose the following changes related to Sectors II, III and IV:

1. Replacement of Sheet 3 of the original CDP with the CDPA dated February 13, 1995, as revised through September 13, 1995 (submitted with the present application as will be discussed below)(Proffer #1);
2. Replacement of Sheet 5 of the original FDP with the Final Development Plan Amendment dated February 13, 1995, as revised through September 13, 1995, pertaining to the parcels which contain Buildings G, H, I, J1, J2, K, L, M (submitted with the present application as will be discussed below)(Proffer #1);
3. Replacement of Sheet 6 of the original FDP (Option B) with the Final Development Plan Amendment dated February 13, 1995, as revised through September 13, 1995, pertaining to the parcels which contain Buildings G, H, I, J1, J2, K, L, M (submitted with the present application as will be discussed below)(Proffer #1);
4. Stipulation that principal and secondary uses shall be permitted as identified on the FDPA and that such uses shall not result in any freestanding buildings beyond that shown on the FDPA and that the primary use of any parcel shall be as set forth in the Building Schedule on the FDPA. (Proffer #4).

It is noted that the other sheets of the originally approved CDP and FDP, relating to pedestrian circulation, landscaping and design, remain unchanged.

Description of the Development Plans

Conceptual Development Plan Amendment (CDPA)

The submitted CDPA was prepared by Dewberry & Davis and is dated April 4, 1995, as revised through September 13, 1995. The CDPA replaces Sheet 3 of the originally approved CDP as it relates to Sectors II, III and IV of the approved Tysons II development. The CDPA graphic shows two changes: the addition of principal and secondary uses as may be permitted on an FDPA and an increase in the maximum building height in each sector up to 270 feet.

The CDPA lists tabulations for the overall Tysons II development: total permitted floor area = 4,653,741 square feet; maximum FAR = 1.0; open space = 30%.

Final Development Plan Amendment (FDPA)

The FDPA was prepared by Dewberry & Davis and is dated April 4, 1995, as revised through September 13, 1995. It is presented on two sheets. The FDPA replaces Sheets 5 and 6 of the originally approved FDP as they relate to Sectors II, III and IV of the Tysons II development. Sheet 1 shows the same building locations and footprints for Buildings G, H, I, J1, J2, K, L and M as the approved FDP. Sheet 2 contains the FDPA notes and tabulations. The tabulations list the currently approved floor area for Sectors II, III and IV, 2,088,000 square feet, which is not proposed to be changed. The distribution of floor area among the three sectors is also listed and is not proposed to be changed.

The "Building Schedule" tabulation shown on the FDPA is presented below. It shows the primary use of each building and proposed building heights. The primary use of Building L, which was shown as a 450 room hotel on the approved CDP, is changed to office or 450 room hotel. Maximum building heights for Sectors II, III and IV are proposed to be increased to 270 feet.

FDPA Building Schedule and Heights

<u>Sector</u>	<u>Bldg.</u>	<u>Primary Use</u>	<u>Number of Stories</u>	<u>Existing FDP Max. Height*</u>	<u>Proposed Max. Height</u>
III	G	Office	20	206 ft.	270 ft.
	H	Office	20	206 ft.	270 ft.
	I	Office	20	206 ft.	270 ft.
IV	J1	Office	20	206 ft.	270 ft.
	J2	Office	20	131 ft.	270 ft.
II	K	Office or 300 Room Hotel	20	225 ft.	270 ft.
	L	Office or 450 Room Hotel	20	229 ft.	270 ft.
	M	Office	20	201 ft.	270 ft.

* Based on elevations shown on currently approved FDP.

Note 20 on the FDPA indicates that the primary use of Sectors II, III and IV will be office, but requests the right to establish all principal and secondary uses permitted in the PDC District, with certain exclusions. Note 20 is presented below.

The primary use(s) on Parcels A, B, C, D, E and F are/will be a regional shopping center, a hotel and offices. The primary use(s) on Parcels G, H, I, J1, J2, K, L and M will be offices. However, the applicant reserves the right to establish all principal and secondary uses as set forth in Sects. 6-202 and 6-203 of the Zoning Ordinance except the following:

- A. Affordable dwelling units developments.
- B. Amusement arcades.
- C. Automobile-oriented uses.
- D. Car washes.
- E. Dormitories, fraternity/sorority houses, rooming/boarding houses or other residence halls.
- F. Dwellings.
- G. Exposition halls and facilities.
- H. Golf courses, commercials.
- I. Golf driving ranges.
- J. Housing for the elderly.
- K. Indoor firing ranges, archery ranges, fencing and other similar indoor recreation uses.

- L. Institutions providing housing and general care for the indigent, orphans and the like.
- M. Marinas, docks and boating facilities, commercial.
- N. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds.
- O. Miniature golf courses.
- P. Repair service establishments.
- Q. Service stations
- R. Vehicle light service establishments.
- S. Veterinary hospitals.
- T. Transportation facilities (except WMATA facilities and rail stations)

Skating facilities, cultural centers, museums and similar facilities and WMATA facilities and rail stations shall be permitted uses subject to the submission and approval of a FDPA as to the location of said facilities only.

Land Use

The applicant proposes that office continue to be the primary use of Sectors II, III and IV of the Tysons II development, while reserving the right to establish additional principal and secondary uses permitted in the PDC District, subject to limitations specified in the draft proffers, that is, that such uses shall not result in any freestanding buildings beyond those shown on the FDPA and that the primary use of any parcel shall be as set forth on the FDPA.

An analysis of the land uses which would be permitted in the PDC District, as proposed by the applicant, is attached in Appendix 5. In addition to offices, business service and supply service establishments, eating establishments, establishments for scientific research, development and training, personal service establishments, public uses, and theatres would be permitted as principal uses. A number of secondary uses would also be permitted: accessory uses, bank teller machines, commercial and industrial uses of special impact, drive-in banks, fast food restaurants, quick service food stores, billiard and pool halls, bowling alleys, commercial swimming pools, tennis courts and similar courts, health clubs, skating facilities, community uses, institutional uses, light public utility uses, commercial off-street parking, quasi-public uses and transportation facilities.

The mix of land uses proposed by the applicant is generally consistent with the Comprehensive Plan. According to the Plan, these uses should be secondary uses or limited principal uses and should be integrated into office or hotel structures. The applicant's proffers that these uses shall not result in any additional freestanding buildings and that the primary use of buildings shall be office or hotel would address this issue. The proffers also limit retail uses to the first two floors or cellar of any building.

The proposed maximum building heights are consistent with the building height limits of 270 feet recommended by the Plan.

Transportation

As indicated in comments by the Office of Transportation presented in Appendix 7, there are no transportation issues related to the submitted applications.

Environment

Comments by the Environment and Development Review Branch of OCP are presented in Appendix 8.

Much of the "Open Space" area shown on the development plan is devoid of tree cover. Providing additional tree cover in these areas would reduce erosion, provide a much needed water quality function for this area, and provide an aesthetic enhancement to the area as a whole. The applicant should develop a landscaping plan in cooperation with staff from the Urban Foresters Office in DEM. This issue is addressed in the proposed development conditions.

Public Facilities

As indicated in Appendices 9 through 14, there are no sanitary sewer, water, schools, fire and rescue, or Park Authority issues related to the submitted applications.

Zoning Ordinance Provisions

With the exception of the proposed additional principal and secondary uses and building height, the submitted PCA and FDPA applications do not propose any fundamental changes to the currently approved PDC zoning which remains in conformance with the PDC Zoning District General and Design Standards.

The additional principal and secondary uses, as proposed by the applicant, are consistent with the Comprehensive Plan recommendation for mixed use development. These potential uses will be integrated into the previously approved design and layout of the PDC District and will not adversely affect adjacent developments. The potential uses are compatible with the primary uses of Sectors II, III and IV of Tysons II, office and hotel, and would create multiple on-site opportunities which will minimize trip generation impacts.

The proposed building heights are consistent with the Comprehensive Plan. The applicant has also committed in FDPA Note #17 that building heights and setbacks will meet a 25 degree angle of bulk plane along all peripheral boundaries of the PDC District, which is equivalent to the front yard setback of the most comparable conventional district (C-3) in compliance with the first Design Standard specified in Sect. 16-102 of the Zoning Ordinance.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

In staff's evaluation, the applications, with the implementation of the proposed development conditions, would be in conformance with the Comprehensive Plan and would satisfy the general and design standards specified in the Zoning Ordinance for the PDC District.

Recommendations

Staff recommends approval of PCA 84-D-049 subject to the execution of proffers consistent with those contained in Appendix 1.

Staff recommends that the Planning Commission approve FDPA 84-D-049 subject to Board of Supervisors approval of PCA 84-D-049, execution of proffers consistent with those contained in Appendix 1, and subject to the proposed conditions contained in Appendix 2.

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

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

APPENDICES

1. Draft Proffers
2. Proposed FDP Development Conditions
3. Affidavit
4. Statement of Justification
5. PDC Zoning Ordinance Provisions
6. Comprehensive Plan
7. Transportation
8. Environmental
9. Sanitary Sewer
10. Water Service
11. Storm Drainage
12. Fire and Rescue
13. Park Authority
14. Previous Zoning Approvals
15. Glossary of Terms

Tyson's II Land Company, L.L.C.
 PCA 84-D-049
 Tax Map 29-4((10)) 3A, 3B, 3C, 3D,
 4A, 4B, 5A, 5B, 5C, 6 & B

PROFFER STATEMENT

February 15, 1995
 August 8, 1995 (revised)
 August 30, 1995 (revised)
 September 13, 1995 (revised)
 September 14, 1995 (revised)

On October 15, 1984, the Board of Supervisors of Fairfax County rezoned 106.83520 acres which was the subject of Rezoning 84-D-049 to the PDC District and adopted proffers dated August 17, 1984 as revised through October 15, 1984 ("Proffers"). A copy of the Proffers is attached as Exhibit A. The Board also approved the Conceptual Development Plan for Tysons II which accompanied the rezoning application ("Approved CDP"). On October 4, 1984, the Planning Commission approved the Final Development Plan as revised through October 4, 1984 ("Approved FDP").

The proffers dated August 17, 1984, as revised October 15, 1984, are reaffirmed and shall remain in full force and effect, except as follows:

1. The Approved CDP and Approved FDP shall remain in effect, except that Sheet 3 shall be replaced by the Conceptual Development Plan Amendment dated February 13, 1995, as revised through September 13, 1995 ("CDPA") for Sectors II, III, and IV; the parking tabulation shown on Sheet 4 as it applies to Sectors II, III and IV shall be replaced by Note 7 of the CDPA and Note 7 of the Final Development Plan Amendment dated February 13, 1995, as revised through September 13, 1995 ("FDPA"); Sheet 5 shall be replaced by the FDPA for the Parcels which include buildings G, H, I, J1, J2, K, L, and M; and Sheet 6 shall be modified by the FDPA, pertaining to the Parcels which include buildings G, H, I, J1, J2, K, L, and M.

2. If an amendment to any portion of this FDPA becomes necessary at a later date, the applicant reserves the right to submit only that portion which is affected by the amendment for review and approval by the Planning Commission.

3. Proffer #12 is deleted as it applies to Sectors II, III, and IV and the Parcels which include buildings G, H, I, J1, J2, K, L, and M and replaced with the following:

12. Development of the property which is the subject of this application shall be in

accordance with the conditions set forth in Proffers dated August 17, 1984, as revised through October 15, 1984, and dated February 15, 1995 as revised through September 13, 1995.

4. The principal and secondary uses which shall be permitted are identified on the FDPA. Such principal and secondary uses shall not result in any additional free-standing buildings beyond what is shown on the FDPA and the primary use of any parcel shall be as set forth in the Building Schedule on the FDPA.

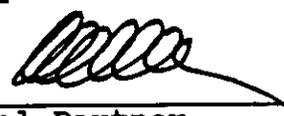
5. Retail sales establishments shall be limited to the first two floors of any buildings within the FDPA. The cellar space of any buildings within the FDPA may have retail sales establishments selling convenience merchandise.

6. The last sentence of Proffer #13 is deleted as it applies to Sectors II, III, and IV and the Parcels which include buildings G, H, I, J1, J2, K, L, and M and replaced with the following:

The total number of offstreet parking spaces for each Sector at build-out shall be that number required pursuant to Note 7 on the CDPA and Note 7 on the FDPA.

TYSONS II LAND COMPANY, L.L.C.

By: Lerner Enterprises Limited Partnership,
a Maryland limited partnership,
its manager

By: 
General Partner

TYSONS II PROPERTY OWNERS ASSOCIATION

By: 
Its: Treasurer

PROPOSED DEVELOPMENT CONDITIONS

September 20, 1995

FOPA 84-D-049

If it is the intent of the Planning Commissions to approve Final Development Plan Amendment FOPA 84-D-049 on property located at Tax Map Parcels 29-4 ((10)) 3A, 3B, 3C, 3D, 4A, 4B, 5A, 5B, 5C, 6 and B, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions:

1. Landscaping shall be provided in the open space areas shown on the FOPA located north of Tysons Boulevard (Tax Map Parcels B and 6) in conformance with FDP 84-D-049 (Sheet 5) subject to the approval of the Urban Forestry Branch of DEM. Landscaping in the remainder of the FOPA land area shall be provided in accordance with the original rezoning proffers, and conceptual and final development plans.

REZONING AFFIDAVIT

APPENDIX 3

DATE: August 29, 1995
 (enter date affidavit is notarized)

I, Benjamin F. Tompkins, 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 95-182a

in Application No(s): PCA 84-D-049
 (enter County-assigned application number(s), e.g. RZ 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.)

NAME (enter first name, middle initial & last name)	ADDRESS (enter number, street, city, state & zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Tysons II Land Company, L.L.C.	11501 Huff Court North Bethesda, MD 20895	Applicant/Owner (Tax Map 29-4 (3A,3B,3C,4A,5A,5B,5C))
Peter Rosen		Agent
Tysons II Property Owners Association	c/o Lerner Enterprises 11501 Huff Court North Bethesda, MD 20895	Owner (Portion) (Tax Map 29-4 (3D,4B,6 and B))
Benjamin F. Tompkins		Attorney/Agent
Dewberry & Davis	8401 Arlington Boulevard Fairfax, VA 22031	Engineers
Philip Yates		Agent
Hazel & Thomas, P.C.	3110 Fairview Park Drive Suite 1400	Attorneys/Agents
Benjamin F. Tompkins		Agent
Grayson P. Hanes	Falls Church, VA 22042	Agent
Robert A. Lawrence		Agent
Jonathan P. Rak & Thomas W. Smith, III		Agents
Peggy Keyes, Planner		Agent

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

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

NOTE: This form is also for Final Development Plans not submitted in conjunction with Conceptual Development Plans.

for Application No(s):

PCA 84-D-049

(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, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include sole proprietorships herein.)

CORPORATION INFORMATION

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

Tysons II Property Owners Association
c/o Lerner Enterprises

*THIS IS A VIRGINIA NON STOCK CORPORATI

11501 Huff Court, North Bethesda, MD 20895

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 & last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

- Theodore N. Lerner - President, Director
Robert K. Tannenbaum - Vice President, Director
Mark Lerner - Treasurer
Edward Cohen - Secretary

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

** All listings which include partnerships or corporations 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 the stock. 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.

DATE: August 29, 1995

(enter date affidavit is notarized)

95-182a

for Application No(s): PCA 84-D-049

(enter County-assigned application number(s))

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

Hazel & Thomas, P.C.
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042

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.

NAME OF THE SHAREHOLDERS: (enter first name, middle initial & last name)

William G. Thomas

NAME OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

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.

NAME OF THE SHAREHOLDERS: (enter first name, middle initial & last name)

NAME OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

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

DATE: August 29, 1995
(enter date affidavit is notarized)

95-182a

for Application No(s): PCA 84-0-049
(enter County-assigned application number(s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
Lerner Enterprises Limited Partnership
11501 Huff Court
North Bethesda, MD 20895

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

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

Theodore N. Lerner	General
Annette M. Lerner	General
Mark D. Lerner	General
Debra Lerner Cohen	General
Marla Lerner Tanenbaum	General
Jacob Schwalb Trustee	Limited
Joel N. Simon Trustee	Limited
Juno Geller Datlow Trustee	Limited
Trustees of the Annette M. Lerner Children's Trust u/t/a dated 6/16/67	Limited
Trustees of the Theodore N. Lerner Children's Trust u/t/a dated 12/7/67	Limited
Beneficiaries of the Annette M. Lerner & Theodore N. Lerner Children's Trusts:	
Mark D. Lerner	
Debra Lerner Cohen	
Marla Lerner Tanenbaum	

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

DATE: August 29, 1995
(enter date affidavit is notarized)

95-182a

for Application No(s): PCA 84-D-049
(enter County-assigned application number(s))

2. That no member of the Fairfax County Board of Supervisors or 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 line below.)

None

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

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors or 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 \$200 or more, with any of those listed in Par. 1 above.

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

None

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

4. That the information contained in this affidavit is complete 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: Tyson's II Land Company, L.P.C.

By: *Benjamin F. Tompkins*
(check one) [] Applicant [X] Applicant's Authorized Agent

Benjamin F. Tompkins, Attorney/Agent
(type or print first name, middle initial, last name & title of signer)

Subscribed and sworn to before me this 29th day of August, 19 95, in the state of Virginia.

My commission expires: 7/31/99

Veronica M. Spivey
Notary Public

TYSONS II
WRITTEN STATEMENT OF JUSTIFICATION
FEBRUARY, 1995
REVISED APRIL 13, 1995

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JQ 17 1995
ZONING EVALUATION DIVISION

PROFFER CONDITION AMENDMENT

The Tysons II property was rezoned with proffers on October 15, 1984, to the Planned Development Commercial (PDC) District. The proffers provide that the Floor Area Ratio (FAR) for the entire property is 1.0 and that the development of the property shall be in conformance with the Conceptual Development Plan (CDP) and the Final Development Plan (FDP) which were submitted with the PDC zoning application. The approved FDP shows a retail mall, two hotels and ten office buildings. In addition, the FDP shows for each structure the proposed use, a general footprint, the number of floors and the gross square footage. The approved CDP provides for 4,653,741 gross square feet of development. The CDP identifies four development sectors with the proposed uses noted for each sector.

The purpose of the Proffer Condition Amendment (PCA) is to amend the references to the previously approved CDP and FDP as stated in the proffers dated October 15, 1984. As part of the PCA, a CDPA is being submitted to replace the CDP approved with the original rezoning in 1984 as to Sectors II, III, and IV, as such sectors are shown on the original CDP. Reference to the FDP in the proffers would be deleted.

An FDP Amendment (FDPA) is submitted as part of this application. The approved FDP shows a proposed hotel on Parcel 5B; the FDPA provides for the option of a hotel or office.

In addition, for parcels 3A, 3B, 3C, 4A, 5A, 5B, and 5C, on the FDPA additional uses are shown. These uses include the principal and secondary uses as identified in the PDC District for the purposes of providing support retail and service uses.

The FDPA is an extension of the goal and objective outlined in the Tysons Corner Urban Center Plan (Plan). According to the Plan, the "pattern of development [proposed] reinforces the planning policy that has shaped Tysons Corner over the last three decades. The fundamental policy has been to establish a major core area and to provide well-defined transitional areas."

Tyson II is identified as a principal element of the major core area with its own distinctive character in terms of "land use mix, pattern and planned future development. While a greater emphasis will be placed on mixed use development throughout the core...the Tysons II area has the greatest potential to become a day and evening activity center with a more evenly balanced mix of office, retail, hotel and residential development."

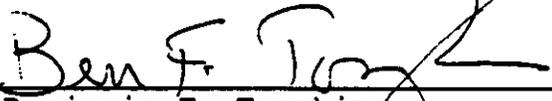
The Plan recommends that this activity center develop as a large multiple use area that integrates three major components: office, regional retail, hotel and allows for a fourth component of high density housing. The Tysons II area represents a great opportunity for a truly mixed-use development with day and evening activities because of the relatively large portion of vacant land. The office and the shopping mall already attract employees and shoppers to the area from morning through the evening. Business people utilize the hotel and meeting facilities.

The benefit of providing for a variety of those principal and secondary uses identified in the PDC District is that the community itself becomes more viable and dynamic. There is no longer dependence on a limited number of uses which due to market forces can preclude or limit the use or viability of the property. Tysons II, with the option of a wide array of uses, can become a comprehensive mixed-use development.

Mixed-use development provides the opportunity of sharing facilities and amenities among the different uses which would otherwise have to be provided for each use, such as parking facilities, and site amenities.

One of the most important benefits of expanding the potential uses to foster mixed-use development would be the potential reduction of peak-hour traffic. A principal goal and objective outlined in the Plan is to reduce peak hour vehicle trips. For example, peak hour traffic can be reduced by providing on-site those secondary uses and services which would eliminate the necessity of office workers going off-site during the work day.

In regard to amending the current FDP to allow office as an option to the hotel use on Parcel 5B, market conditions have not been conducive to providing additional hotel space on the subject property. There is a hotel presently on site and a number of other hotels close by which should be sufficient to handle the needs of this area.



Benjamin F. Tompkins

April 13, 1995

Date

ARTICLE 16

DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

No application shall be approved for a planned development under the provisions of Article 6 unless the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character and intensity of use and public facilities. Residential planned developments shall not exceed the density permitted by the adopted comprehensive plan, except as expressly permitted under applicable density bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purposes of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish standards by which to evaluate good design. To satisfy this necessity, the following design standards are set forth for general application in all planned developments.

1. In order to complement development on adjacent properties, at all peripheral lot lines the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities.

4. Within planned developments, particular emphasis shall be placed on the provision of recreational amenities and a comprehensive system of pedestrian, bicycle and/or bridle paths which shall be carefully coordinated with the provision of open spaces, public facilities, vehicular access routes and mass transportation facilities.

PART 2

6-200 PDC PLANNED DEVELOPMENT COMMERCIAL DISTRICT

6-201

Purpose and Intent

The PDC District is established to encourage the innovative and creative design of commercial development. The district regulations are designed to accommodate preferred high density land uses which could produce detrimental effects on neighboring properties if not strictly controlled as to location and design; to insure high standards in the lay-out, design and construction of commercial developments; and otherwise to implement the stated purpose and intent of this Ordinance.

To these ends, rezoning to and development under this district will be permitted only in accordance with a development plan prepared and approved in accordance with the provisions of Article 16.

6-202

Principal Uses Permitted

The following principal uses shall be permitted subject to the approval of a final development plan prepared in accordance with the provisions of Article 16, and subject to the use limitations set forth in Sect. 206 below.

1. Business service and supply service establishments.
2. Eating establishments.
3. Establishments for scientific research, development and training where assembly, integration and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development and training.
- ~~4. Exposition halls and facilities to house cultural or civic events or conventions of political, industrial, fraternal or similar associations, with a minimum gross floor area of 100,000 square feet.~~
5. Financial institutions.
6. Hotels, motels.
7. Offices.
8. Personal service establishments.
9. Public uses.
- ~~10. Repair service establishments.~~
11. Retail sales establishments.
12. Theatres.

6-203

Secondary Uses Permitted

The following secondary uses shall be permitted only in a PDC District which contains one or more principal uses; only when such uses are presented on an approved final development plan prepared in accordance with the provisions of Article 16; and subject to the use limitations set forth in Sect. 206 below.

1. Accessory uses, accessory service uses and home occupations as permitted by Article 10.
- ~~2. Affordable dwelling unit developments.~~
3. Bank teller machines, unmanned, located within a multiple family dwelling.
4. Commercial and industrial uses of special impact (Category 5), limited to:
 - ~~A. Amusement arcades~~
 - ~~B. Automobile-oriented uses~~
 - ~~C. Car washes~~

FAIRFAX COUNTY ZONING ORDINANCE

- D. Drive-in banks
 - E. Fast food restaurants
 - ~~F. Marinas, docks and boating facilities, commercial~~
 - G. Quick-service food stores
 - ~~H. Service stations~~
5. Commercial recreation uses (Group 5), limited to:
- A. Billiard and pool halls
 - B. Bowling alleys
 - C. Commercial swimming pools, tennis courts and similar courts
 - D. Health clubs
 - ~~E. Indoor firing ranges, archery ranges, fencing and other similar indoor recreational uses~~
 - ~~F. Miniature golf courses~~
 - G. Skating facilities
 - H. Any other similar commercial recreation use
6. Community uses (Group 4).
7. Dwellings.
8. Institutional uses (Group 3).
9. Light public utility uses (Category 1).
- ~~10. Outdoor recreation uses (Group 6), limited to:~~
- ~~A. Golf courses, commercial~~
 - ~~B. Golf driving ranges~~
11. Parking, commercial off-street, as a principal use.
12. Quasi-public uses (Category 3), limited to:
- A. Alternate uses of public facilities
 - B. Child care centers and nursery schools which have an enrollment of 100 or more students daily
 - C. Churches, chapels, temples, synagogues and other such places of worship with a child care center, nursery school or private school of general or special education which has an enrollment of 100 or more students daily
 - D. Colleges, universities
 - E. Conference centers and retreat houses, operated by a religious or nonprofit organization
 - F. Cultural centers, museums and similar facilities
 - ~~G. Dormitories, fraternity/sorority houses, rooming/boarding houses, or other residence halls~~
 - ~~H. Housing for the elderly~~
 - ~~I. Institutions providing housing and general care for the indigent, orphans and the like~~

- ~~J. Medical care facilities, except nursing facilities which have a capacity of less than fifty (50) beds~~
 - K. Private clubs and public benefit associations
 - L. Private schools of general education which have an enrollment of 100 or more students daily
 - M. Private schools of special education which have an enrollment of 100 or more students daily
 - N. Quasi-public parks, playgrounds, athletic fields and related facilities
13. Transportation facilities (Category 4), limited to:
- A. ~~Bus or~~ railroad stations
 - ~~B. Heliports~~
 - ~~C. Helistops~~
 - D. WMATA facilities
- ~~14. Veterinary hospitals.~~

6-204

Special Permit Uses

For specific Group uses, regulations and standards, refer to Article 8.

- 1. Group 8 - Temporary Uses.
- 2. Group 9 - Uses Requiring Special Regulation, limited to:
 - A. Accessory dwelling units

6-205

Special Exception Uses

- 1. Subject to the use limitations presented in Sect. 206 below, any use presented in Sect. 203 above as a Group or Category use may be permitted with the approval of a special exception when such use is not specifically designated on an approved final development plan.
- 2. 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. Fast food restaurants

6-206

Use Limitations

- 1. All development shall conform to the standards set forth in Part 1 of Article 16.
- 2. All uses shall comply with the performance standards set forth in Article 14.
- 3. When a use presented in Sect. 203 above as a Group or Category use is being considered for approval on a final development plan, the standards set forth in Articles 8 or 9 shall be used as a guide.

When a use presented in Sect. 203 above as a Group or Category use is being considered for approval as a special exception use, pursuant to Sect. 205 above, the use shall be subject to the provisions of Article 9 and the special permit standards of Article 8, if applicable. Provided that such use is in substantial conformance with the approved conceptual development plan and any imposed development conditions or proffered conditions and is not specifically precluded by the approved final development plan, no final development plan amendment shall be required.

In either of the above, all Category 3 and Group 3 medical care facility uses shall be subject to the review procedures presented in Part 3 of Article 9.

FAIRFAX COUNTY ZONING ORDINANCE

4. All uses permitted pursuant to the approval of a final development plan shall be in substantial conformance with the approved final development plan as provided for in Sect. 16-403.
5. Secondary uses shall be permitted only in a PDC District which contains one or more principal uses. Unless modified by the Board in conjunction with the approval of a conceptual development plan in order to further implementation of the adopted comprehensive plan, the gross floor area devoted to dwellings as a secondary use shall not exceed fifty (50) percent of the gross floor area of all principal uses in the development, except that the floor area for affordable and market rate dwelling units which comprise the increased density pursuant to Part 8 of Article 2 shall be excluded from this limitation. The gross floor area of all other secondary uses shall not exceed twenty-five (25) percent of the gross floor area of all principal uses in the development.
 The floor area for dwellings shall be determined in accordance with the gross floor area definition except the following features shall not be deemed gross floor area: balconies, porches, decks, breezeways, stoops and stairs which may be roofed but which have at least one open side; or breezeways which may be roofed but which have two (2) open ends. An open side or open end shall have no more than fifty (50) percent of the total area between the side(s), roof and floor enclosed with railings, walls, or architectural features.
6. Secondary uses shall be designed to serve primarily the needs of the residents and occupants of the planned development in which they are located. Such uses shall be designed so as to maintain and protect the character of adjacent properties, and shall be conducted entirely within an enclosed building, with no outside display, except those uses which by their nature must be conducted outside a building.
7. Service stations shall be permitted only under the following conditions:
 - A. Located in a commercial center consisting of not less than three (3) commercial establishments, such commercial establishments to be other than automobile-related.
 - B. In connection with such service stations, there shall be no vehicle or tool rental; no outside storage or display of goods offered for sale; and no more than two (2) vehicles that are wrecked, inoperable or abandoned may be temporarily stored outdoors for a period in excess of seventy-two (72) hours, and in no event shall any one such vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
8. Signs shall be permitted only in accordance with the provisions of Article 12, and off-street parking and loading facilities and private streets shall be provided in conformance with the provisions of Article 11.
9. Notwithstanding the provisions of Par. 5 and 6 above, housing for the elderly as a secondary use need not be designed to serve primarily the needs of the residents and occupants of the planned development in which located but shall be designed so as to maintain and protect the character of adjacent properties. The gross floor area devoted to housing for the elderly as a secondary use shall not exceed fifty (50) percent of the gross floor area of all uses in the development.
10. Fast food restaurants shall be permitted only in accordance with the following:
 - A. Fast food restaurants may be permitted as a secondary use when shown on an approved final development plan, and provided such use

is located in a nonresidential structure containing at least one (1) other permitted principal or secondary use, in accordance with the following:

- (1) Such fast food restaurants shall be oriented to cater primarily to occupants and/or employees in the structure in which located, or of that structure and adjacent structures in the same building complex which are accessible via a clearly designated pedestrian circulation system; and
- (2) Such use(s) shall comprise not more than fifteen (15) percent of the gross floor area of the structure.

B. Fast food restaurants not permitted under the provisions of Par. A above may be permitted as a secondary use by special exception, in accordance with the following:

- (1) The structure containing the fast food restaurant shall be designed as an integral component of a building complex, and shall be reviewed for compatibility with the approved PDC development; and
- (2) The fast food restaurant shall be safely and conveniently accessible from surrounding uses via a clearly defined pedestrian circulation system which minimizes points of conflict between vehicular and pedestrian traffic. Pedestrian ways shall be prominently identified through design features such as, but not limited to, the use of special pavement treatments for walkways and crosswalks, and/or the use of consistent and distinctive landscaping. Vehicular access to the use shall be provided via the internal circulation system of the building complex, and no separate entrance to the use shall be permitted from any thoroughfare intended to carry through traffic.

11. Veterinary hospitals shall be within a completely enclosed building, such building being adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other property in the area.

6-207

Lot Size Requirements

1. **Minimum district size:** No land shall be classified in the PDC District unless the Board finds that the proposed development meets at least one (1) of the following conditions:

- A. The proposed development will yield a minimum of 100,000 square feet of gross floor area.
- B. The proposed development will be a logical extension of an existing P District, in which case it must yield a minimum of 40,000 square feet of gross floor area.
- C. The proposed development is located within an area designated as a Community Business Center in the adopted comprehensive plan, and a final development plan is submitted and approved concurrently with the conceptual development plan for the proposed development. The conceptual and final development plan shall specify the uses and gross floor area for the proposed development and shall provide site and building designs that will complement existing and planned development by incorporating high standards of urban design, to include provision for any specific urban design plans for the area and for pedestrian movement and access.

FAIRFAX COUNTY ZONING ORDINANCE

2. **Minimum lot area:** No requirement for each use or building, provided that a privacy yard, having a minimum area of 200 square feet, shall be provided on each single family attached dwelling unit lot, unless waived by the Board in conjunction with the approval of a development plan.
3. **Minimum lot width:** No requirement for each use or building.

6-208

Bulk Regulations

1. **Maximum building height:** Controlled by the standards set forth in Part 1 of Article 16.
2. **Minimum yard requirements:** Controlled by the standards set forth in Part 1 of Article 16.
3. **Maximum floor area ratio:** 1.5, which may be increased by the Board, in its sole discretion, up to a maximum of 2.5 in accordance with and when the conceptual and final development plans include one or more of the following:
 - A. More open space than the minimum required by Sect. 209 below - Not more than 2% for each additional 1% of the gross area provided in open space.
 - B. Unique design features and amenities within the planned development which require unusually high development costs and which achieve an especially attractive and desirable development, such as, but not limited to, terraces, sculpture, reflecting pools and fountains - As determined by the Board in each instance, but not to exceed 35%.
 - C. Below-surface off-street parking facilities - Not more than 5% for each 20% of the required number of parking spaces to be provided.
 - D. Above-surface off-street parking facilities within an enclosed building or structure - Not more than 3% for each 20% of the required number of parking spaces to be provided.

6-209

Open Space

1. 15% of the gross area shall be open space.
2. In a PDC development where dwelling units are proposed as a secondary use, as part of the open space to be provided in accordance with the provisions of Par. 1 above, there shall be a requirement to provide developed recreational facilities for the enjoyment of the residents of the dwelling units. Such requirement shall be based on a minimum expenditure of \$300.00 per dwelling unit for such facilities, and either the facilities shall be provided by the developer in conformance with the approved final development plan, or the cash shall be provided for such facilities in conformance with the provisions of Sect. 2-704. In the administration of this provision, credit shall be considered where there is a plan to provide common recreational facilities for the residents of the dwelling units and the occupants of the principal uses. Notwithstanding the above, in affordable dwelling unit developments, the requirement for \$300.00 per dwelling unit shall not apply to affordable dwelling units.

6-210

Additional Regulations

1. Refer to Article 16 for standards and development plan requirements for all planned developments.
2. Refer to Article 2, General Regulations, for provisions which may qualify or supplement the regulations presented above.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment & Development Review Branch, OCP

FILE NO.: ZONING 2160

SUBJECT: Comprehensive Plan Land Use Analysis ADDENDUM for:
PCA 84-D-049
(Tysons II Development Co.)

DATE: 29 August 1995

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the application and the development plans dated April 12, 1995 and August 10, 1995.

This proposal would allow business service and supply service establishments; eating establishments; establishments for scientific research, development and training; personal service establishments; public uses; and theatres. These uses, according to the Plan, should be secondary uses or limited principle uses and should be integrated into office or hotel structures.

This proposal also would permit miniature golf courses and other similar commercial recreation use; and outdoor recreation uses, including commercial golf courses and golf driving ranges. These uses would not conform with the uses contained in the Plan for this site and area.

BGD:SEM

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment & Development Review Branch, OCP

FILE NO.: ZONING 2160

SUBJECT: Comprehensive Plan Land Use Analysis for:
PCA 84-D-049
Tysons II Development Co.

DATE: 7 July 1995

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the application and the development plan dated April 12, 1995. The application requests a change in the final development plan to add office use as an option on Section II and to add support retail and service uses to Sections II, III, and IV. This proposal refers to the previously approved conceptual and final development plans and a detailed development plan is not provided. Approval of this application would not result in any change in the approved floor area ratio (FAR) of 1.0. The extent to which the proposed use, intensity, and the development plan are consistent with the Plan guidance is noted.

CHARACTER OF THE SURROUNDING AREA:

The site is located in the heart of the high intensity Tysons Corner Urban Center, which contains regional-serving retail commercial, office and hotel uses as primary uses and a variety of related uses.

COMPREHENSIVE PLAN CITATIONS:

The 41.0-acre property is located in the Tysons Corner Urban Center portion of the McLean Planning District in Area II. The Comprehensive Plan text and/or map provides the following guidance on land use and intensity for the subject property:

On page 108 of the Addendum to the Comprehensive Plan, September 12, 1994, Tysons Corner Urban Center, under the heading "LAND UNIT RECOMMENDATIONS", the Plan states:

"Sub-unit N-3 is part of the Tysons II development (i.e., Sub-units N-2 and N-3) which is approved up to 1.0 FAR. Sub-unit N-3 is planned for mixed use development with office, hotel, support retail, and other support service uses (such as day care); total development in the sub-unit is planned for 3,650,000 nonresidential square feet. This area offers significant opportunities to provide urban design amenities and better integrate development in this land unit....

Height Limit: Up to 270 feet. Building heights should vary within the sub-unit between 150 and 270 feet..."

The Comprehensive Plan map shows that the property is planned for mixed use.

Analysis:

The mix and intensity of uses proposed is consistent with the Plan. However, the Plan recommends a height limit of 270 feet. The development plan proposes up to 290 feet. The application will need to be amended to the 270 foot height limit to be fully consistent with Plan guidance.

The Comprehensive Plan also provides the following text that establishes guidelines for evaluating the quality of the development proposal:

On pages 16-17 of the Addendum to the Comprehensive Plan, September 12, 1994, Tysons Corner Urban Center, under the heading "DEVELOPMENT REVIEW GUIDELINES", the Plan states:

"URBAN DESIGN....

Through redevelopment and new development on vacant sites, there are many opportunities to implement the vision for future development of Tysons Corner through coordinated development incorporating high quality urban design....

....design issues should be evaluated on all development proposals in Tysons Corner which involve new development or redevelopment that increase intensity/density or increase height or substantially change the design of a previously approved development commitment; and this evaluation should include the following:

- a. A development proposal that presents high quality architectural design and streetscape that provides a character and scale compatible with adjacent development and the surrounding community. The general placement of buildings and parking should be consistent with the guidelines in the Urban Design Section of the Tysons Corner Plan.

- b. Building heights that are consistent with the Height Guidelines and Map in the Urban Design Section of the Tysons Corner Plan.
- c. On-site pedestrian connections and interconnecting pedestrian ways to neighboring rights-of-way and/or properties consistent with the concept for the Open Space and Pedestrian System Map (Figure 11), and/or as otherwise defined in the guidelines for Pedestrian and Transit Oriented Design or as mentioned in the specific land unit text. Additional pedestrian connections beyond those on the Open Space and Pedestrian System Map are encouraged. Providing fewer connections than those on the map is discouraged, unless there is evidence that those connections are not needed because another circulation pattern would serve the same users as well or better. Where the proposed use requires a high security environment, the property owner should provide an alternative pedestrian system that meets the needs of the user and still facilitates the general goal of an integrated pedestrian system for Tysons Corner.
- d. The approximate location and character of plazas, courtyards, or other open spaces (including natural features) relating to a single building or shared by a complex of buildings.
- e. The approximate location and character of special features such as bicycle trails, outdoor recreation facilities, ponds, and public parks.
- f. Proposals, if any, for seating, lighting, or special paving.
- g. A depiction of the proposed development's relationship to, compatibility and integration with actual or potential development of surrounding areas, through the provision of pedestrian linkages, open space, and other urban design amenities including plazas and courtyards."

Analysis:

The recommendations in the Development Review Guidelines section of the Plan apply to new development or redevelopment that increases the intensity or density or increases the height or substantially changes the design of a previously approved development commitment. This application does not involve any of these situations. When and if the previously approved building footprints are proposed for change because of the change in use proposed in this application, then such an application will be evaluated under the development review criteria found on page 16 and 17.

On page 24 of the Addendum to the Comprehensive Plan, September 12, 1994, Tysons Corner Urban Center, under the heading "LAND USE", the Plan states:

"Core Area....

Tysons II Activity Center (Land Unit N and Subunits L3 and L4)

....The Plan recommends that this activity center develop as a large multiple 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, the Tysons II area represents the greatest opportunity for mixed use development with day and evening activity because of the relatively large portion of vacant land. The office and the shopping mall already draw workers and shoppers to the area from morning through the evening. Business persons are drawn to the hotel and meeting facilities. Housing would provide for a resident population as well.

The Tysons II Activity Center also provides the greatest opportunity for creating a pedestrian and transit-oriented environment, again due to its currently undeveloped nature. Future buildings can be sited closer to roads and to each other to provide for a more concentrated built environment that people can walk through easily or that can be efficiently served by transit...."

Analysis:

The Plan recommends a mixture of uses for the Tysons Corner Urban Center core, including office use, which is proposed as an option to be added to the recommended hotel use. The Plan, however, emphasizes the importance of designing a high quality, pedestrian-oriented development. The proposed support retail and service uses are appropriate in these sections but they should be physically intergrated into primary office or hotel uses. They should not be developed as free-standing, auto-oriented uses.

The building height in the Plan that applies to Section II is a maximum of 270 feet. This proposal shows the maximum building height to be 290 feet. This will have to be adjusted to conform with the guidance of the Plan.

Design, landscaping and streetscape treatment are a primary part of the Plan recommendations for the core of Tysons Corner that relate to providing high quality development. These

Barbara A. Byron
PCA 84-D-049
Page Five

elements will have to be shown on a future detailed development plan before development of the proposed uses can be found in harmony with the Plan guidelines.

Conclusion: The application is consistent with the use and density/intensity guidance of the Comprehensive Plan; however, the application has not satisfied one or more evaluation criteria or Plan policies that apply to this property.

BGD:SEM

FAIRFAX COUNTY, VIRGINIA

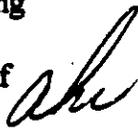
MEMORANDUM

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

AUG 30 1995

ZONING EVALUATION DIVISION

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section
Office of Transportation

FILE: 3-4 (RZ 84-D-049)

SUBJECT: Transportation Impact

REFERENCE: FDPA 84-D-049-1 & CDPA 84-D-049-1 & PCA 84-D-049;
Tyson II Development Co.
Land Identification Map: 29-4 ((10)) 3A, 3B, 3C, 3D, 4A, 4B,
5A, 5B, 5C, 6, B

DATE: August 29, 1995

Transmitted herewith are the comments of the Office of Transportation with respect to the referenced application. These comments are based on plans made available to this Office dated August 8, 1995.

The proposed application would not create any significant additional impacts on the surrounding public street system. Therefore, this Office would not object to the approval of the subject application.

AKR/akr/kal/n:akr/rz840049

cc: John Winfield, Deputy Director, Design Review, Department of Environmental Management

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, OCP

FROM: *Bruce G. Douglas*
Bruce G. Douglas, Chief
Environment and Development Review Branch, OCP

FILE NO.: ZONING 2206

SUBJECT: ENVIRONMENTAL ASSESSMENT for: PCA 84-D-049
Tysons II

DATE: 13 July 1995

This memorandum, prepared by John Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns including a description of potential impacts that may result from the proposed development as depicted on the development plan dated 04/12/95. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

On page 93 of the 1990 Policy Plan, under the heading "Environmental Resources", the Comprehensive Plan states:

"Objective 11: 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 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."

Barbara A. Byron
PCA 84-D-049
Page Two

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

Tree Cover/Landscaping

Much of the "Open Space" area shown on the development plan is, for the most part, devoid of tree cover. Providing additional tree cover in these areas would reduce erosion, provide a much needed water quality function for this area, and provide an aesthetic enhancement to the area as a whole. The applicant should develop a landscaping plan in cooperation with staff from the Urban Foresters Office in DEM.

BGD:JRB

29-4-/10/ /3A,4A,5A THRU 5C,6B
41.09
PDC

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
JUN 13 1995
ZONING EVALUATION DIVISION

TO: Staff Coordinator
Zoning Evaluation Division, OCP
DATE: June 9, 1995

FROM: Gilbert Osei-Kwadwo, Engineer III (Tel: 324-5025)
System Engineering & Monitoring Division, DPW

SUBJECT: Sanitary Sewer Analysis, Rezoning Application PDC 84-D-049

The following information is submitted in response to your request for a sanitary sewer analysis for subject rezoning application:

1. The application property is located in the Scotts Run (E1) Watershed. It would be sewerred into the Blue Plains Treatment Plant.
2. Based upon current and committed flow, excess capacity is available at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established in accordance with the context of the Blue Plains Agreement of 1984. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An Ex. 8 inch pipe line located in easement and on the property is adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

Sewer Network	Existing Use + Application		Existing Use + Application + Previous Rezoning		Existing Use + Application + Comp Plan	
	Adeq.	Inadeq.	Adeq.	Inadeq.	Adeq.	Inadeq.
Collector	X	_____	X	_____	X	_____
Submain	X	_____	X	_____	X	_____
Main/Trunk	X	_____	X	_____	X	_____
Interceptor	_____	_____	_____	_____	_____	_____
Outfall	_____	_____	_____	_____	_____	_____

5. Other Pertinent information or comments: _____

FAIRFAX COUNTY WATER AUTHORITY

8560 Arlington Boulevard - P. O. Box 1500
Merrifield, Virginia 22116-0815
(703) 698-5600

MEMORANDUM

May 31, 1995

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUN 02 1995

ZONING EVALUATION DIVISION

TO: Staff Coordinator (Tel. 324-1250)
Zoning Evaluation Division-Suite 800
12055 Government Center Parkway
Fairfax, VA 22035-5505

FROM: Planning Branch (Tel. 698-5600 ext. 384)
Engineering and Construction Division

SUBJECT: Water Service Analysis, Rezoning Application PCA 84-D-049

The following information is submitted in response to your request for a water service analysis for the subject rezoning application:

1. The application property is located within the franchise area of the Fairfax County Water Authority.
2. Adequate water service is available at the site from existing 12-inch mains located at the property. See enclosed property map.
3. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary to accommodate water quality concerns.
4. Preferred Condition Amendent also includes property in the City of Falls Church Water Service Area. See enclosed property map.

Attachment

PROFFERED CONDITION AMENDMENT

PCA 84-D-049

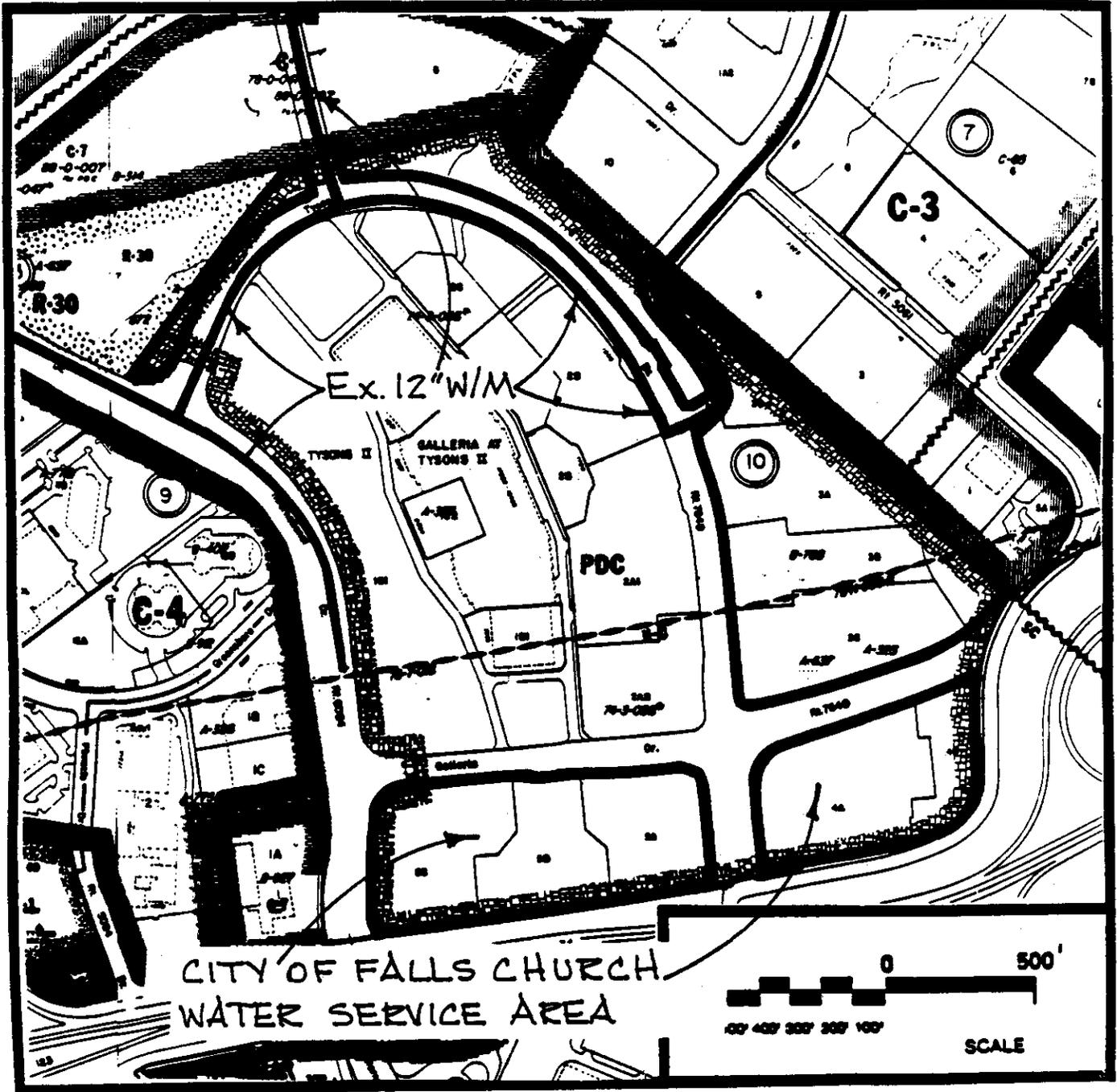
PCA 84-D-049
FILED 04/28/95

TYSONS II DEVELOPMENT CO. LTD. PTSHP.
PROFFERED CONDITION AMENDMENT
PROPOSED: PLANNED, MIXED-USE DEVELOPMENT
APPROX. 41.09 ACRES OF LAND; DISTRICT - PROVIDENCE
LOCATED: N.E. INTERSECTION OF CHAIN BRIDGE RD.(RT.
123) AND INTERNATIONAL DR.(RT.
6034)

ZONING: PDC
OVERLAY DISTRICT(S): HC SC

MAP REF

029-4- /10/ /0003-A	,0003-B	,0003-C	,0003-D	,0004 A
029-4- /10/ /0004-B	,0005-A	,0005-B	,0005-C	,0006
029-4- /10/ /	-B			



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

DATE: 6-12-95

FROM: John W. Koenig, Director
Utilities Planning and Design Division
Department of Public Works

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUN 15 1995

ZONING EVALUATION DIVISION

SUBJECT: Rezoning Application Review

Name of Applicant/Application: TYSONS II DEVELOP. CO LTD PT SHPApplication Number: BA-D-049Type of Application: PCA

Information Provided

Application: YESDevelopment Plan: YESOther: STATEMENT OF JUSTIFICATIONDate Received in UP&DD: 5-11-95Date Due Back to OCP: 6-6-95

Site Information

- o Location: 29-A-0010 - 3A-D, 4A-B, 5A-C, 6, 0000-B
- o Area of Site: 41.09 ACRES
- o Rezoned from: PDC
- o Watershed/Segment: SCOTTS RUN / CAPITAL / DULLES

1. Drainage

- o Master Drainage Plans: SC231 - STREAMBANK STABILIZATION IS 5000 FT DOWNSTREAM FROM SITE. SC232 STREAMBANK STABILIZATION IS 3000 FT DOWNSTREAM FROM SITE, AND SC234 STREAMBANK STABILIZATION IS 2000 FT. DOWNSTREAM FROM SITE.
- o UP&DD Ongoing County Drainage Projects: SC231 IS COMPLETE; SC234 "THE COLONIES" IS IN DESIGN.
- o UP&DD Drainage Complaint Files:

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Any downstream drainage complaints on file pertaining to the outfall for this property?
If yes, Describe:		_____ _____
- o Other Drainage Information: APPLICANT INTENDS TO PROVIDE STORM WATER MANAGEMENT ONSITE AS EITHER WET OR EXTENDED DRY FACILITIES.

II. Trails:

Yes No

Any Trail projects pending funding approval on this property?

If yes, Describe: _____

Yes No

Any funded trail projects affected by this rezoning?

If yes, Describe: _____

III. School Sidewalk Program:

Yes No

Any sidewalk projects pending funding approval or on the School Sidewalk Program priority list for this property?

If yes, Describe: _____

Yes No

Any funded sidewalk projects affected by this rezoning?

If yes, Describe: _____

IV. Sanitary Sewer Extension and Improvement (E&I) Program:

Yes No

Any existing residential properties adjacent to or draining through this property that are without sanitary sewer facilities?

If yes, Describe: _____

Yes No

Any ongoing E&I projects affected by this rezoning?

If yes, Describe: _____

V. Other UP&DD Projects or Programs:

Yes No

Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this rezoning?

If yes, Describe: _____

Other Program Information: _____

Application Name/Number: TYSONS II DEVELOP. CO. LTD PTHP/PCA 84-D-049

***** UTILITIES PLANNING AND DESIGN DIVISION, DPW, RECOMMENDATIONS *****

Note: The UP&DD recommendations are based on the UP&DD involvement in the below listed programs and are not intended to constitute total County input for these general topics.

DRAINAGE RECOMMENDATIONS: NONE

TRAILS RECOMMENDATIONS: NONE

SCHOOL SIDEWALK RECOMMENDATIONS: NONE

SANITARY SEWER E&I RECOMMENDATIONS:

YES NOT REQUIRED

Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works during the normal Department of Environmental Management plan review and approval process.

Other E&I recommendations: NONE

OTHER UP&DD PROJECT/PROGRAM RECOMMENDATIONS: NONE

UP&DD Internal Sign Off by: Fred Rose
Planning Support Branch (Ren-Kirkpatrick)
Public Improvements Branch (Walt Wozniak)
Stormwater Management Branch (Bill Henry)

JWK/crt(1631E)

- cc: Gordon Lawrence, Coordinator, Office of Safety, Ex. Co. Public Schools (cc only if SW Recommendation made)
- cc: Jerry Jackson, Chief, System Analysis Section, Office of Waste Management, DPW
- cc: Bruce Douglas, Chief, Environmental and Heritage Resources Branch, Office of Comprehensive Planning
- cc: David Marshall, Chief, Public Facilities and Services Branch, Office of Comprehensive Planning

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

May 30, 1995

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

JUN 01 1995

ZONING EVALUATION DIVISION

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Christine Anderson (246-3868) *CA*
Emergency Response Planner
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis
Proffered Condition Amendment PCA 84-D-049

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject Proffered Condition Amendment:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #29 Tysons Corner.
2. After construction programmed for FY 1995, this property will be serviced by the fire station planned for the _____ area.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility, however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility; however, a station location study is currently underway, which may impact this rezoning positively.

**Fairfax
County
Park
Authority**

**MEMORANDUM**

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

AUG 31 1995

ZONING EVALUATION DIVISION

TO: Barbara Byron, Director
Zoning Evaluation Division - OCP

FROM: Lynn Tadlock, Director
Planning and Development Division

SUBJECT: Tysons Galleria
CSPA 84-D-049
Loc: 29-4((10))1C1

DATE: August 24, 1995

The Fairfax County Park Authority (FCPA) staff has reviewed the above referenced plan(s). Based upon that review, staff has determined that the plan bears no adverse impact on the Fairfax County Park Authority.

cc: Dorothea L. Stefen, Plan Review - FCPA

DLS/dls



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
 FAIRFAX, VIRGINIA 22030



November 12, 1984

Mr. John T. Hazel
 Hazel, Beckhorn and Hanes
 4084 University Drive
 Fairfax, Virginia 22030

Re: Rezoning Application
 Number RZ 84-D-049

Dear Mr. Hazel:

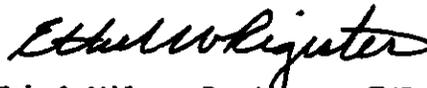
Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 15, 1984, granting Rezoning Application RZ 84-D-049 in the name of H-L Land Improvement Venture, to rezone certain property in the Dranesville District from the C-7 District to the PDC District on subject parcels 29-4 ((1)) Part 11 consisting of approximately 106.84 acres.

The Board of Supervisors approved the Conceptual Development Plan, subject to the Development Conditions proffered by the applicant dated August 17, 1984, as revised September 20, 1984, and as further revised October 4, 1984, October 10, 1984 and October 15, 1984, and orally revised at that day's hearing, and further subject to the development conditions noted in Appendix One, with the following modifications: (1) Delete Development Conditions numbers One, Two, three, Four and Five; (2) Add a new Development Condition Number One, to read as follows: "The Highway Design plan dated September 20, 1984, which was filed with and made a part of RZ 84-D-049, is accepted subject to approval of this plan and details therein by the Virginia Department of Highways and Transportation (VDH&T)"; and (3) Add the parking language, as follows: "It is understood that the parking reductions approved in Paragraph 13 of the proffers are for only those office uses which require 4.5 parking spaces per 1,000 net square feet. No non-residential use permits shall be approved for those office uses which require 4.5 parking spaces per 1,000 net square feet, unless specifically approved by the Board of Supervisors."

RZ 84-D-049
November 12, 1984

In addition, the Board of Supervisors approved the parking reduction sought by the applicant, pursuant to the provisions set forth in Article 11 of the Zoning Ordinance.

Very truly yours,



Ethel Wilcox Register, CMC
Clerk to the Board of Supervisors

EWR:mg

cc: Samuel A. Patteson, Jr.
Supervisor of Assessments
Gilbert R. Knowlton, Deputy
Zoning Administrator
Richard D. Faubion, Acting Division Director
Zoning Evaluation Division
Fred R. Beales, Supervisor
Base Property Mapping/Overlay
Ted Austell, III
Executive Assistant to the County Executive

A. Approved @

H-L Land Improvement Venture
RZ 84-D-049
Tax Map Parcel 29-4-((1))-pt. of 11

PROFFER

August 17, 1984

Revised September 20, 1984

Revised October 4, 1984

Revised October 10, 1984

Revised October 15, 1984

In the event the Board of Supervisors of Fairfax County, at the hearing scheduled for October 15, 1984, (1) shall rezone the 106.83520 acres which are the subject of Rezoning Application 84-D-049 to the PDC District, (2) approve the accompanying Conceptual Development Plan for Tysons II, and (3) the Planning Commission shall approve the pending Final Development Plan for Tysons II, as revised through October 4, 1984, to permit 4,653,741 square feet of commercial development (i.e., office, retail, and hotel), development of the referenced property shall be subject to the following terms and conditions:

1. Applicant shall proceed forthwith to design and construct the following road improvements generally as shown on the referenced Final Development Plan and the Highway Design Plan dated September 20, 1984, filed with and made a part of this application.

A. International Drive shall be constructed as a six (6) lane road (with turning lanes) between Chain Bridge Road (Route 123) and Westpark Drive, subject to availability without cost to Applicant of rights-of-way, grading, drainage, and utility easements from adjacent property owners. Contributions which may have been made, committed, or bonded, to the County by adjacent owners/developers or others in lieu of construction of portions of International Drive shall either be transferred to, or if monies are paid to Applicant for International Drive improvements pursuant to said commitments, a like amount shall be paid to the County by Applicant for other highway improvements in the immediate vicinity of International Drive.

NOTE: Estimated value of right-of-way necessary for this highway improvement at cost is \$2,230,000.00. Estimated construction cost is \$1,920,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant shall fund all of the construction costs, including engineering and design costs.

B. An eastbound lane and a westbound lane shall be constructed on Route 123 between the western portion of the interchange of I-495/Route 123 and the eastern portion of the interchange of Route 7/Route 123, resulting in a six-lane divided highway with turning lanes.

NOTE: Estimated construction cost is \$2,605,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant shall fund all of the construction costs, including engineering and design costs.

C. Route 123/I-495 Interchange:

- (i) A ramp shall be constructed providing access from northbound I-495 to westbound Route 123 providing said ramp shall be constructed entirely within the existing right-of-way, or within right-of-way acquired by others.

NOTE: Estimated construction cost is \$575,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant shall fund all of the construction costs, including engineering and design costs.

- (ii) The extension of the westbound Route 123 lane provided in 1.B shall be constructed to connect the aforesaid ramp (1.C.(i)) with the Route 123 improvements provided in 1.B.

The extension of the eastbound Route 123 lane shall be constructed to connect the improvements provided in 1.B. above with the ramp between eastbound Route 123 and northbound I-495.

In no event shall the additional west and eastbound lanes of Route 123 provided in this paragraph (1.C.(ii)) be required if relocation of I-495 bridge piers is a prerequisite to construction of the two additional lanes. Nothing contained in this paragraph (1.C.(ii)) shall be construed to relieve the Applicant of the obligation to provide the road improvements set forth in paragraph 1.B.

NOTE: Estimated construction cost is \$685,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant shall fund all of the construction costs, including engineering and design costs.

- (iii) Plans shall be prepared for improvements required by paragraph 1.C.(i) and 1.C.(ii) and submitted to appropriate governmental authority for approval on or before March 15, 1985. In the event appropriate governmental approvals for those improvements required in 1.C.(i) or 1.C.(ii), or either of same, shall not be approved and necessary permits issued

by December 31, 1987, the obligation of Applicant to construct improvements for which permits are not approved shall, at the option of Applicant, terminate.

At such time as permits providing for the construction of the improvements required in paragraphs 1.C.(i) or 1.C.(ii), or both, shall be issued, construction shall be commenced by Applicant pursuant to this provision within sixty days after receipt of said permits.

- (iv) In the event neither of the improvements provided in paragraphs 1.C.(i) and 1.C.(ii), is approved by appropriate governmental authority, then and only in that event, a contribution of \$7,500.00 per acre of the site/area (a total for the entire site of \$801,264.00) for transportation improvements in the Tysons Quadrangle shall be made to Fairfax County at time of site plan approval. This contribution may be made pro rata based on the acreage of site plans as each site plan is approved and bonded.

It is the intent of this paragraph that in the event either the ramp provided in paragraph 1.C.(i) or the additional lanes provided in 1.C.(ii) is constructed at Applicant's cost, there shall be no requirement for the aforesaid acreage contribution.

D. A four-lane road known as Tysons Boulevard shall be constructed between International Drive and Route 123, with turning lanes at each major intersection (i.e., International Drive, Westpark Drive, and Route 123) to provide internal circulation and promote through traffic movements.

NOTE: Estimated value of right-of-way necessary for this highway improvement at cost is \$2,313,000.00. Estimated construction cost is \$2,670,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant shall fund all of the construction costs, including engineering and design costs.

E. The relocation and extension of Westpark Drive to intersect with Tysons Boulevard and International Drive shall be constructed.

NOTE: Estimated value of right-of-way necessary for this highway improvement at cost is \$1,487,000.00. Estimated construction cost is \$1,710,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant

shall fund all of the construction costs, including engineering and design costs.

F. That portion of Park Run Drive between Tysons Boulevard and the boundary of the subject application shall be constructed at such time as Tysons Boulevard is constructed.

In the event right-of-way, grading, drainage, and utility easements now owned by others are provided by others at no cost to Applicant, Park Run Drive shall be extended from the property line of the subject application as provided above to Westpark Drive.

NOTE: Estimated value of the Applicant's portion of the right-of-way necessary for this highway improvement at cost is \$55,000.00. Estimated construction cost from Tysons Boulevard to the property line is \$152,500.00 and from the property line to Westpark Drive is \$457,500.00. In the event the actual cost of construction exceeds these estimates, the Applicant shall fund all of the construction costs, including engineering and design costs.

G. The extension of Westbranch Drive from its existing terminus to Tysons Boulevard.

NOTE: Estimated value of right-of-way necessary for this highway improvement at cost is \$220,000.00. Estimated construction cost is \$210,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant shall fund all of the construction costs, including engineering and design costs.

H. Improvements to the Springhill Road/Dulles Parallel Lane Toll Plaza as previously approved by Fairfax County and VDH&T to increase capacity of the toll plaza. A portion of these improvements has been previously added to current Dulles Parallel Lane construction and paid for by Applicant. Additional improvements to the toll plaza shall be provided at the Applicant's cost in accordance with letter dated June 15, 1984, from K. F. Mihevc, Homart Project Director to the Virginia Department of Highways and Transportation, transmitting check in the amount of \$70,191.50.

The total estimated construction cost (including the check referenced above) is \$270,000.00. In the event the actual cost of construction exceeds this estimate, the Applicant shall fund all of the construction costs, including engineering and design costs.

I. Signalization as required by Fairfax County and Virginia Department of Highways and Transportation at the following intersections: International Drive/Route 123; International Drive/Greensboro Drive; International Drive/

Tysons Boulevard; International Drive/Westpark Drive; Tysons Boulevard/Westbranch Drive; Tysons Boulevard/Westpark Drive; Tysons Boulevard/Route 123. Signalization shall be provided at Tysons Boulevard/Park Run Drive intersection if determined necessary by Fairfax County and/or VDH&T at the time of the construction of Park Run Drive. Cost of signalization is included in the improvement cost estimates.

J. Those road improvements specified in 1-A through 1-I shall be in accord with Virginia Department of Highways and Transportation standards and shall be tendered for acceptance as public highways. No parking shall be allowed on those roadways constructed pursuant to paragraphs 1(A) through 1(I).

K. Upon the request of either Fairfax County or VDH&T preliminary design only, with no obligation to construct, shall be provided sufficient for the processing of necessary governmental applications for the provision of a connection between the southbound I-495/westbound Route 123 ramp and Westpark Drive which would enable traffic utilizing the aforesaid ramp to exit the ramp directly onto Westpark Drive.

All references to estimated right-of-way value are based on cost to Applicant and relate only to right-of-way within the boundary of the subject application. All values for right-of-way and construction are based on current dollars and are as determined by the Applicant and are not confirmed by the Board of Supervisors.

In the event Applicant is unable to obtain right-of-way including grading, drainage, and utility easements beyond the boundary of the subject Application property necessary for construction (other than as provided in paragraphs 1A and 1F), the necessary right-of-way shall be obtained at Applicant's expense by eminent domain proceedings initiated by Fairfax County. Construction of each of the improvements committed herein shall be predicated upon the availability of right-of-way and easements and timely receipt of all appropriate and necessary governmental approvals and permits.

It is the intent of Applicant to proceed forthwith to design and construct the aforesaid highway improvements and to place said improvements in service at the earliest possible time subject only to the availability of rights-of-way and easements and receipt of necessary governmental approvals and permits. However, in order to expedite to the maximum the solution of transportation concerns in the immediate area of the subject application property, Applicant agrees, subject only to timely issuance of construction permits, right-of-way availability, and seasonal weather conditions, to commence immediately and to complete prior to December 31, 1985, (1) the extension of International Drive provided in Paragraph IA, (2) the widening of Route 123 provided in Paragraph IB,

(3) the ramp with associated laneage provided in Paragraph IC and (4) the relocation of Westpark Drive, including that portion of Tysons Boulevard between Route 123 and the relocated portion of Westpark Drive. The Applicant further agrees to construct all of the improvements referenced above in this paragraph as (1), (2), (3), and (4) and the remainder of Tysons Boulevard from Westpark Drive to International Drive prior to issuance of any non-residential use (occupancy) permits for any uses in Sectors I, III, and IV as shown on the Conceptual Development Plan. In addition, prior to issuance of any non-residential use permits for any uses in Sector II, the improvements referenced above in this paragraph as (1), (2), (3), and (4) shall be constructed.

2. Applicant shall reserve right-of-way for the landing specified herein for a bridge consisting of two standard twelve-foot travel lanes (one in each direction) and a four-foot pedestrian walkway connecting Westpark Drive in the location shown on the referenced Final Development Plan and Highway Design Plan with the existing Tysons Corner Center.

At such time as sufficient right-of-way and/or easements are obtained without cost to Applicant within the existing Tysons Corner Center for the construction of the bridge and one-half the cost of design and construction of the bridge is provided by others within the time specified herein, the Applicant shall cause the bridge to be designed and constructed and shall pay the other one-half of the cost of design and construction of the aforesaid bridge. There shall be no access to the bridge from Route 123, it being the intent to provide only a connection between Westpark Drive and the existing Tysons Corner Center. The bridge shall be, at the option of Applicant, either dedicated to public use of, if not dedicated to public use, subject to an easement allowing public use.

The commitment of Applicant provided in this paragraph shall terminate five years from date of issuance of a non-residential occupancy permit for the retail center as shown on the referenced Final Development Plan unless right-of-way and sufficient funds for final design of the bridge and approaches shall have been committed prior to the expiration of the five-year period, in which event the obligation of Applicant to cause the bridge to be constructed shall be extended for an additional two years, it being the intent of Applicant that the obligation pursuant to this Paragraph shall terminate seven years from the date of issuance of a non-residential occupancy permit for the retail center portion of this application unless right-of-way and funding are completed and construction commenced within the said seven-year period.

NOTE: Estimated construction cost is \$4,000,000.00 of which one-half is to be paid by Applicant. In the event cost of construction exceeds this estimate, the Applicant shall fund one-half of the construction cost, including engineering and design cost.

3. Upon request of the Fairfax County Board of Supervisors at any time on or after January 1, 1986, and availability of right-of-way without cost to Applicant, Applicant shall provide funding and cause to be designed (if design is not available by others) and constructed the remaining lanes of International Drive necessary to provide a six-lane connection between Westpark Drive and Springhill Road. Applicant shall be reimbursed by Fairfax County for all cost of design and construction, together with interest (at a rate equivalent to the rate on 91-day U.S. Treasury Securities Bonds in effect on the date of issuance of the permit to construct on funds) expended by Applicant, said reimbursement to be paid within five years from the date construction of the referenced segment of International Drive is accepted for public maintenance by the Virginia Department of Highways and Transportation or at such earlier time as the Board of Supervisors may elect.

4. The Floor Area Ratio from the entirety of property of the Applicant which is the subject of the application shall not exceed 1.0.

5. On-site stormwater detention/retention requirements shall be in accordance with applicable Fairfax County Public Facilities Manual criteria.

6. The U.S. Geological Survey at Reston, Virginia, the Smithsonian Institute, Washington, D. C., and the Fairfax County Director of Planning shall be advised at least thirty days prior to excavation on the subject site in areas suspected of containing fossils or artifacts and said agencies shall have a reasonable opportunity to explore said areas, providing explorations shall be conducted promptly and shall not interfere with construction operations. Upon the grant of this zoning application, representatives of the U. S. Geological Survey, the Smithsonian Institute, and Fairfax County shall be permitted to explore the site for the purpose of locating and removing fossils and artifacts, and notice of this provision shall be furnished the aforesaid agencies.

7. Applicant reserves the right to provide and install directional signs in style similar to that of signs which may be utilized in the development of subject property at such points on site as Applicant may deem appropriate for purposes of assuring adequate traffic circulation, providing said signs shall be coordinated with Fairfax County and the Virginia Department of Highways and Transportation prior to installation.

8. A detailed landscape plan shall be submitted with each site plan in substantial accordance with the generalized landscape plan filed with the Final Development Plan. The landscape plan shall include:

A. A uniform high quality design and theme for signage and lighting.

B. A pedestrian and bicycle trail system for passive/active recreation and inter-parcel pedestrian circulation which will be designed to minimize pedestrian/vehicular conflict.

C. Landscaping and selective berming along Tysons Boulevard, International Drive, and Westpark Drive.

D. Plazas of diverse character to serve as focal points for social interaction.

E. Street furniture at appropriate locations along the pedestrian sidewalk/trail system.

F. Landscaping around the detention ponds designed to accent those amenities.

G. Landscaping near office buildings and parking decks to decrease summer heat and winter winds.

9. Deleted.

10. Each reference to "Applicant" in this proffer shall include within its meaning, and shall be binding upon, Applicant's successor(s) in interest and/or the developer(s) of the site or any portion of the site.

11. Development of the property which is the subject of this application shall be in conformance with the Conceptual Development Plan and the Final Development Plan.

12. Development of the property shall be in accordance with the conditions set forth in this Proffer dated August 17, 1984, as revised through October 15, 1984.

13. Pursuant to the existing provisions in the Zoning Ordinance of Fairfax County for reduction in parking requirements due to the shared parking characteristics of the proposed mixed-use/multi-use project, the total number of off-street parking spaces to be provided at build-out for Sectors I and II, respectively, shall be as set forth on the Conceptual Development Plan dated August 31, 1984, as revised through October 4, 1984. The number of parking spaces required in the course of construction and occupancy of the several uses prior to total build-out in the aforesaid Sectors shall be based upon the analysis and ratios set forth in the Shared Parking Analysis for the Tysons II Mixed Use Development, prepared by Kellerco, Inc. and dated February 9, 1984, as revised and supplemented through October 4, 1984. Within Sector I and Sector II, respectively, (i) if a retail, hotel, or office use is the first and sole use established, off-street parking shall be provided for that use in accordance with, and without reduction from, ordinance requirements; (ii) once two or more uses are established within either Sector, off-street parking shall be provided for that Sector with reduction from

ordinance requirements in accordance with the following approximate average shared parking ratios established in the aforesaid Kellerco Shared Parking Analysis:

<u>Sector</u>	<u>Combination of Uses</u>	<u>Ratio of Parking Spaces Per 1000 Gross Square Feet</u>
I	Retail/Office/Hotel	2.89
I	Retail/Office	3.23
I	Retail/Hotel	2.64
I	Office/Hotel	2.65
II A.	Hotel/Office/Office	2.24
II B.	Hotel/Hotel/Office	1.60

(iii) the aforesaid notwithstanding, whenever the full retail use (845,741 gross square feet) is constructed in Sector I in combination with the hotel and/or office uses, the number of offstreet parking spaces provided for Sector I will be (a) based upon application of the above ratios, or (b) 4504 parking spaces (or a prorated portion of the 4504 spaces should less than the full retail use be constructed), whichever requirement shall be greater. In the event a single use is established in either Sector, Applicant reserves the right, in order to meet Ordinance parking requirements without reduction and to satisfy its commitment under this proffer, to provide parking on a temporary basis. Once two or more uses are established in Sector I or Sector II, respectively, easements will be recorded to run with the land underlying the respective Sector establishing the right to cross-access parking facilities within such Sector to satisfy the parking requirements set forth herein. Applicant reserves the right to manage and control the flow of parking into the various parking facilities. The total number of offstreet parking spaces for each Sector at build-out shall be that number set forth on the Final Development Plan (Sheet 4, as it relates to Sheet 5, Alternate A).

H-L LAND IMPROVEMENT VENTURE:

HOMART DEVELOPMENT CO., Joint Venturer

By: E. Wayne Angle
E. Wayne Angle
Vice President

TYSONS II DEVELOPMENT CO. LIMITED
PARTNERSHIP, Joint Venturer

By: Theodore N. Lerner
Theodore N. Lerner
Managing General Partner

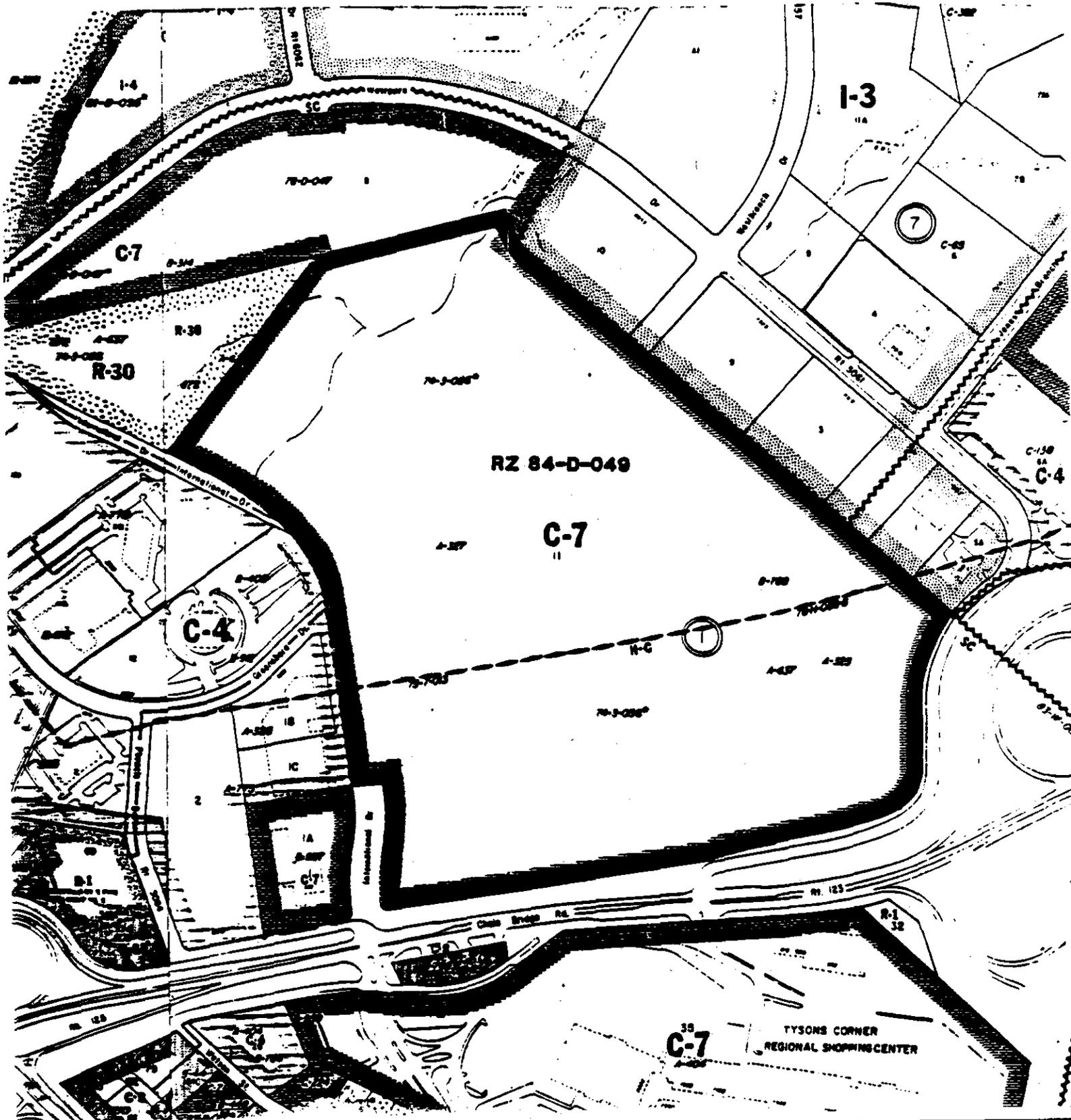
REZONING APPLICATION

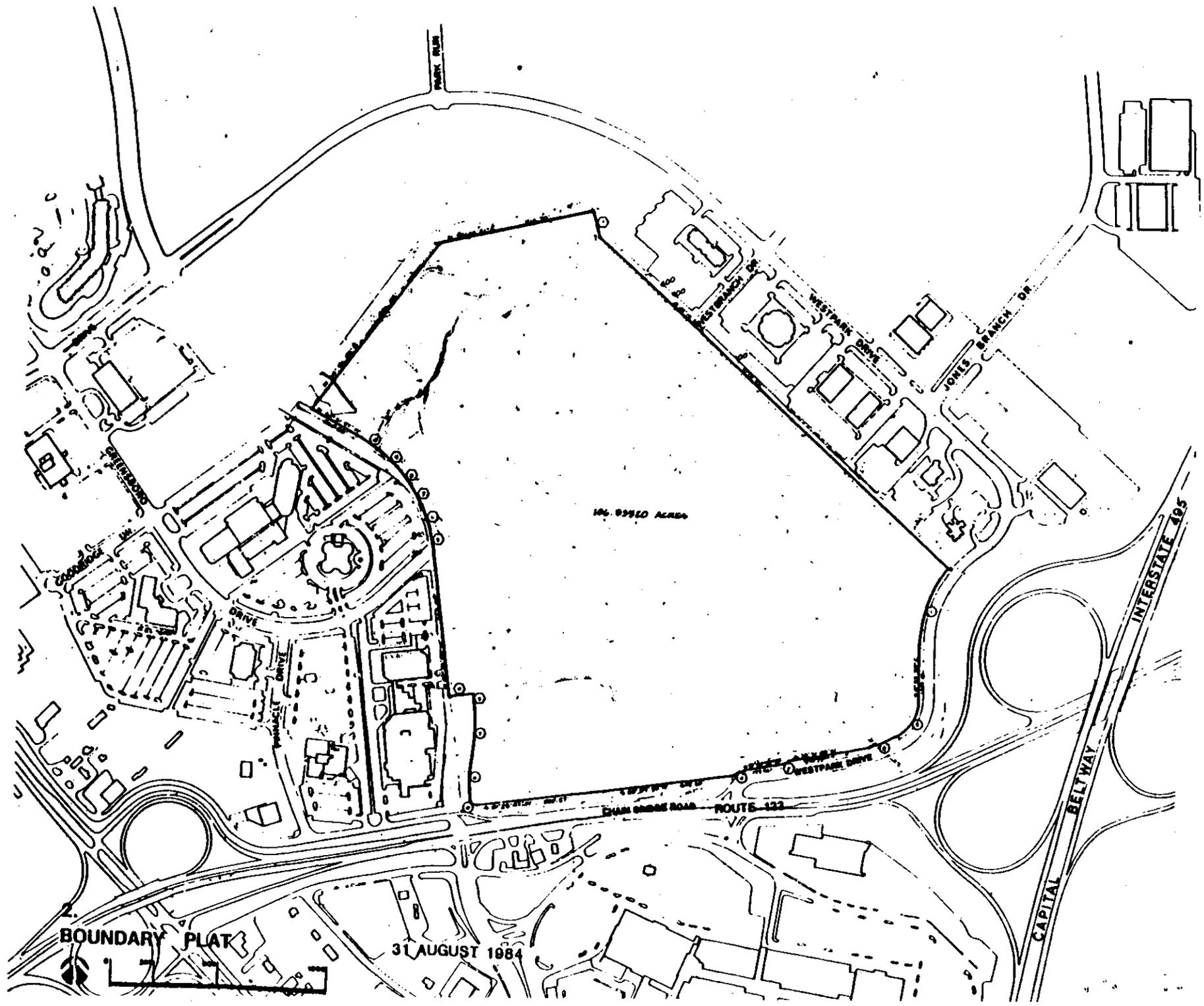
RZ 84-D-049
FILED 05/01/84

H-L LAND IMPROVEMENT VENTURES
TO REZONE: 106.84 ACRES OF LAND; DISTRICT - GRANESVIL
PROPOSED: COMMERCIAL
LOCATED: NE QUADRANT CHAIN BRIDGE ROAD AND INTERNATIONAL
DRIVE

ZONING: C-7
TO: RDC

MAP REF 029-4- /01/ /0011- 0



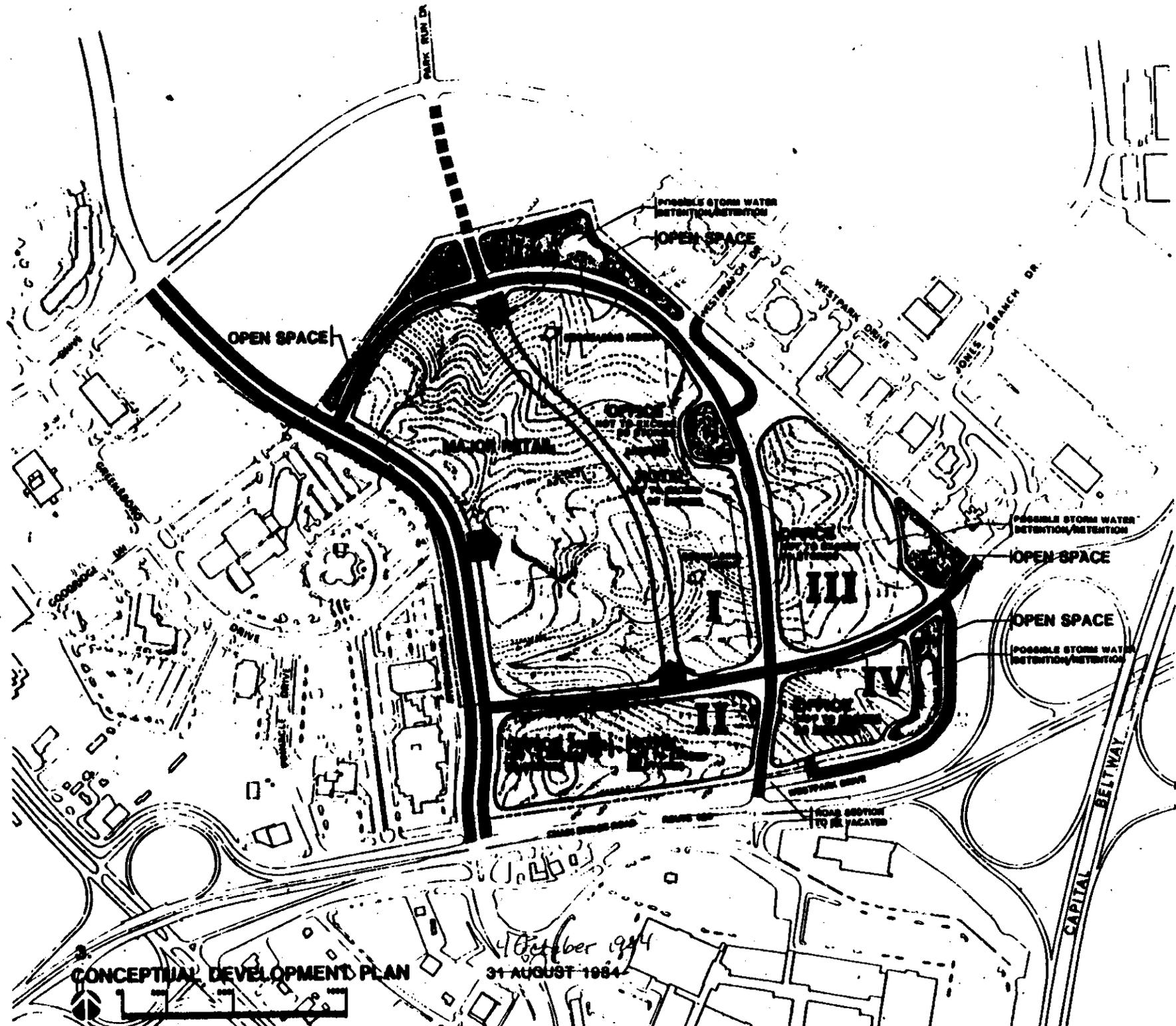


106.0950 ACRES

BOUNDARY PLAT

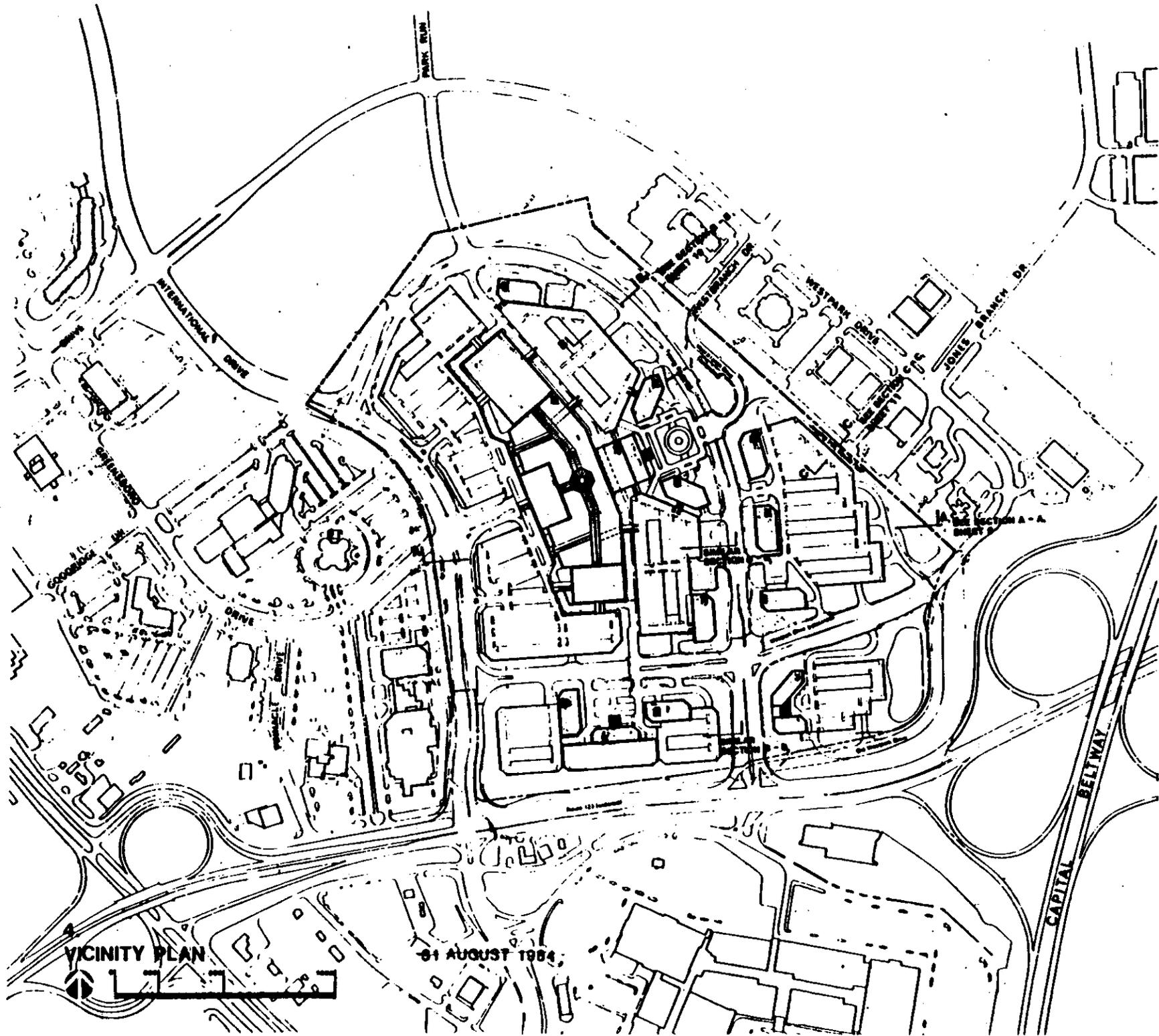
31 AUGUST 1984





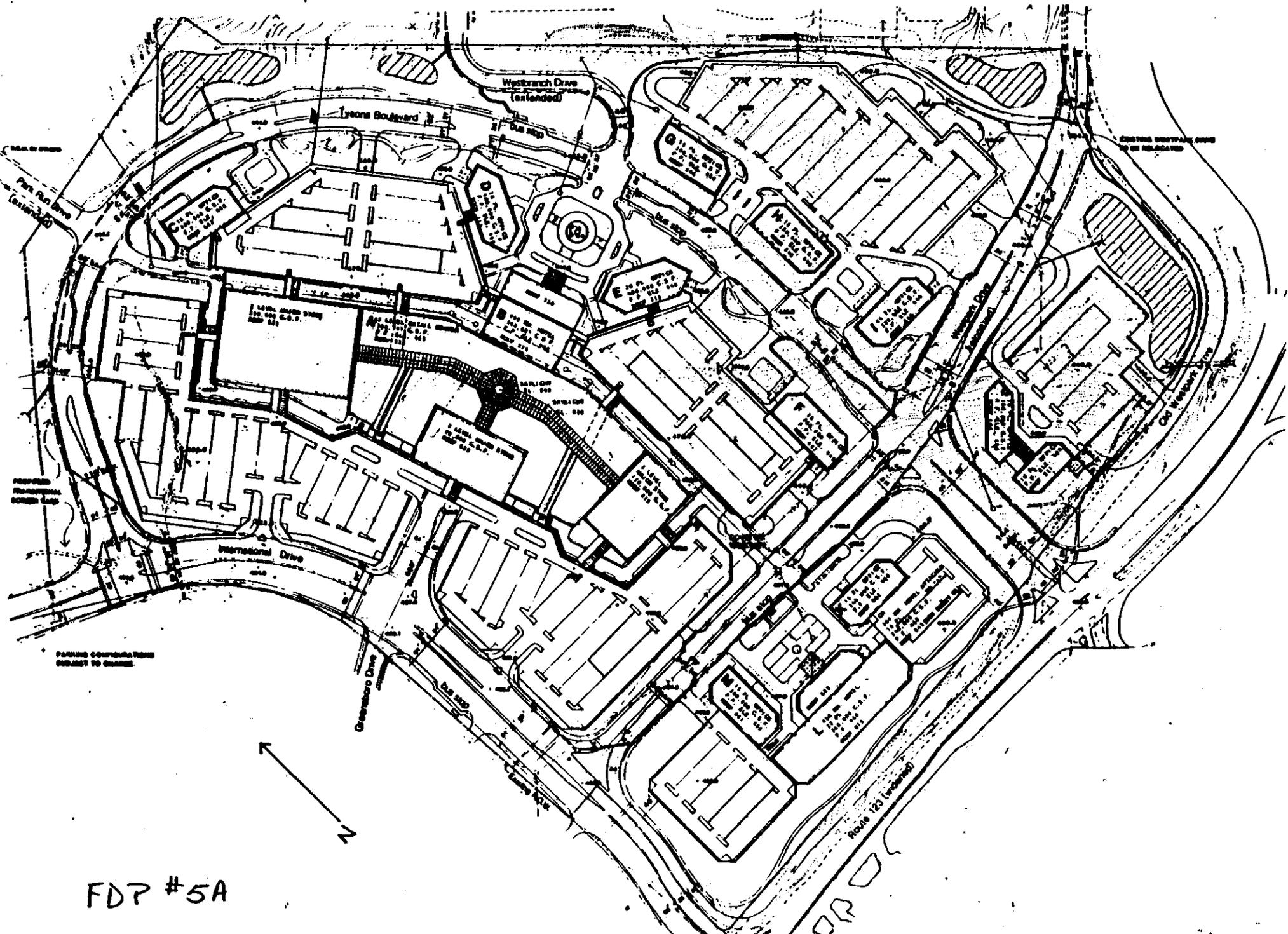
CONCEPTUAL DEVELOPMENT PLAN

4 October 1984
31 AUGUST 1984



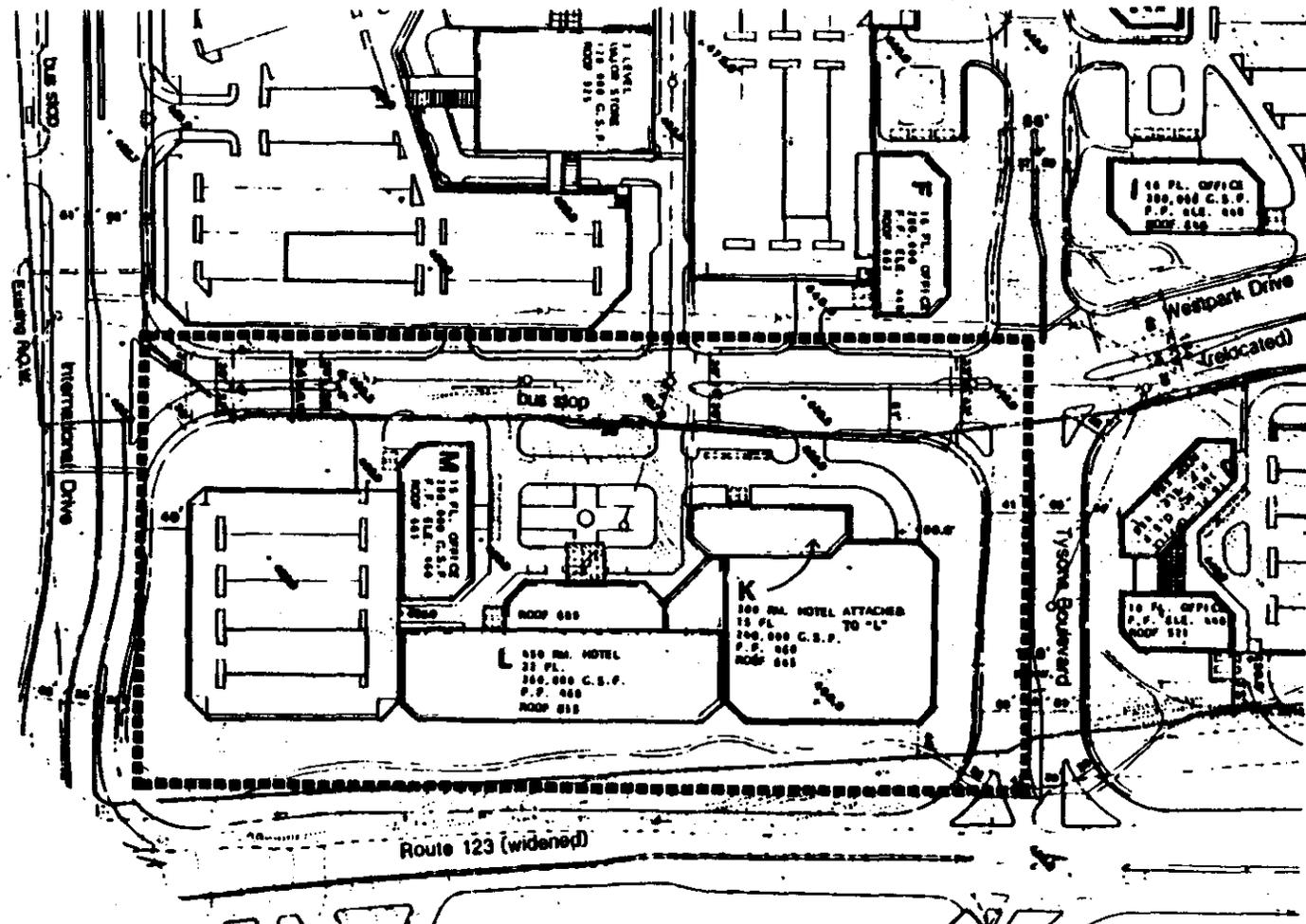
VICINITY PLAN

31 AUGUST 1984

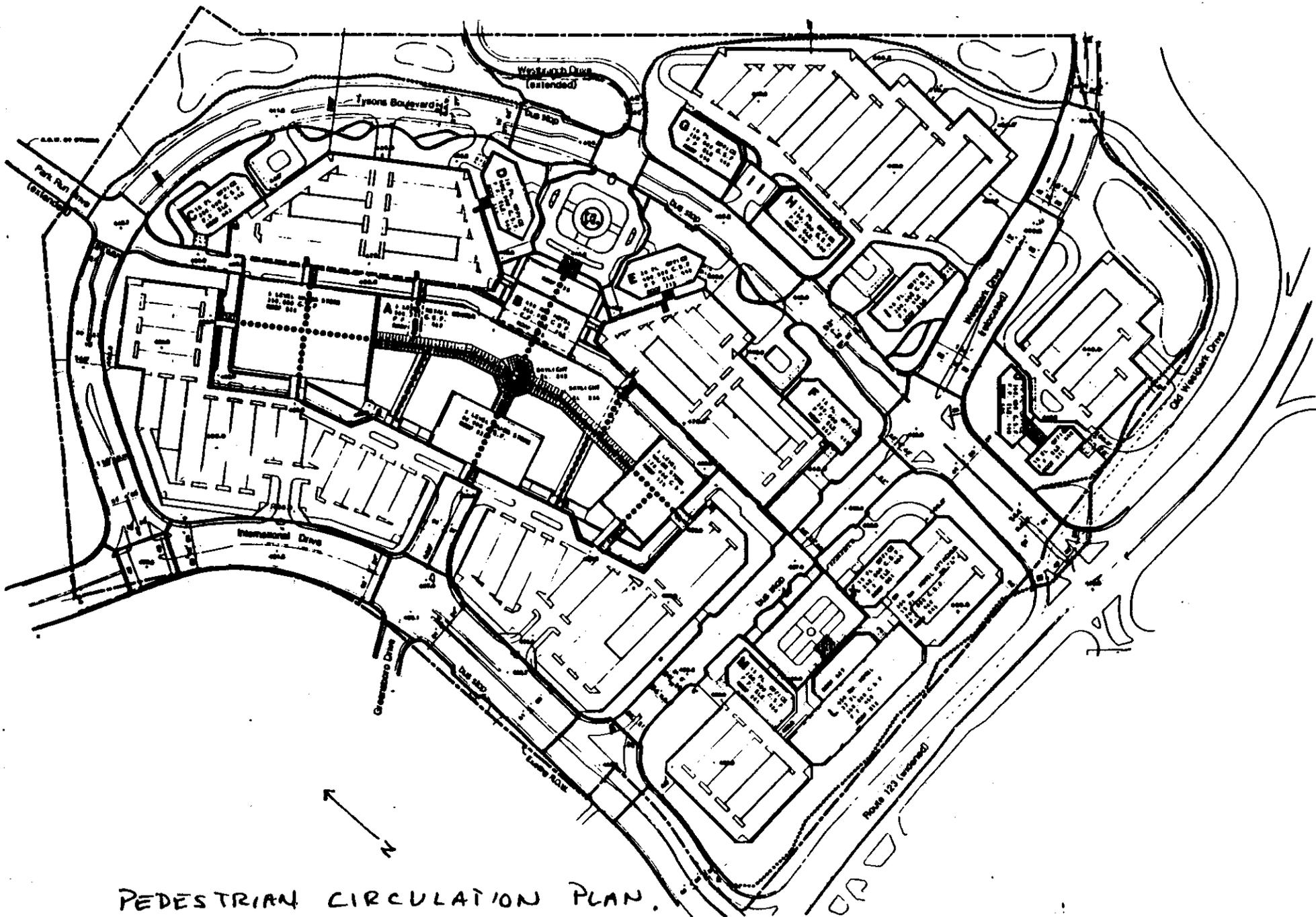


PARKING CONFIGURATION
SUBJECT TO CHANGE

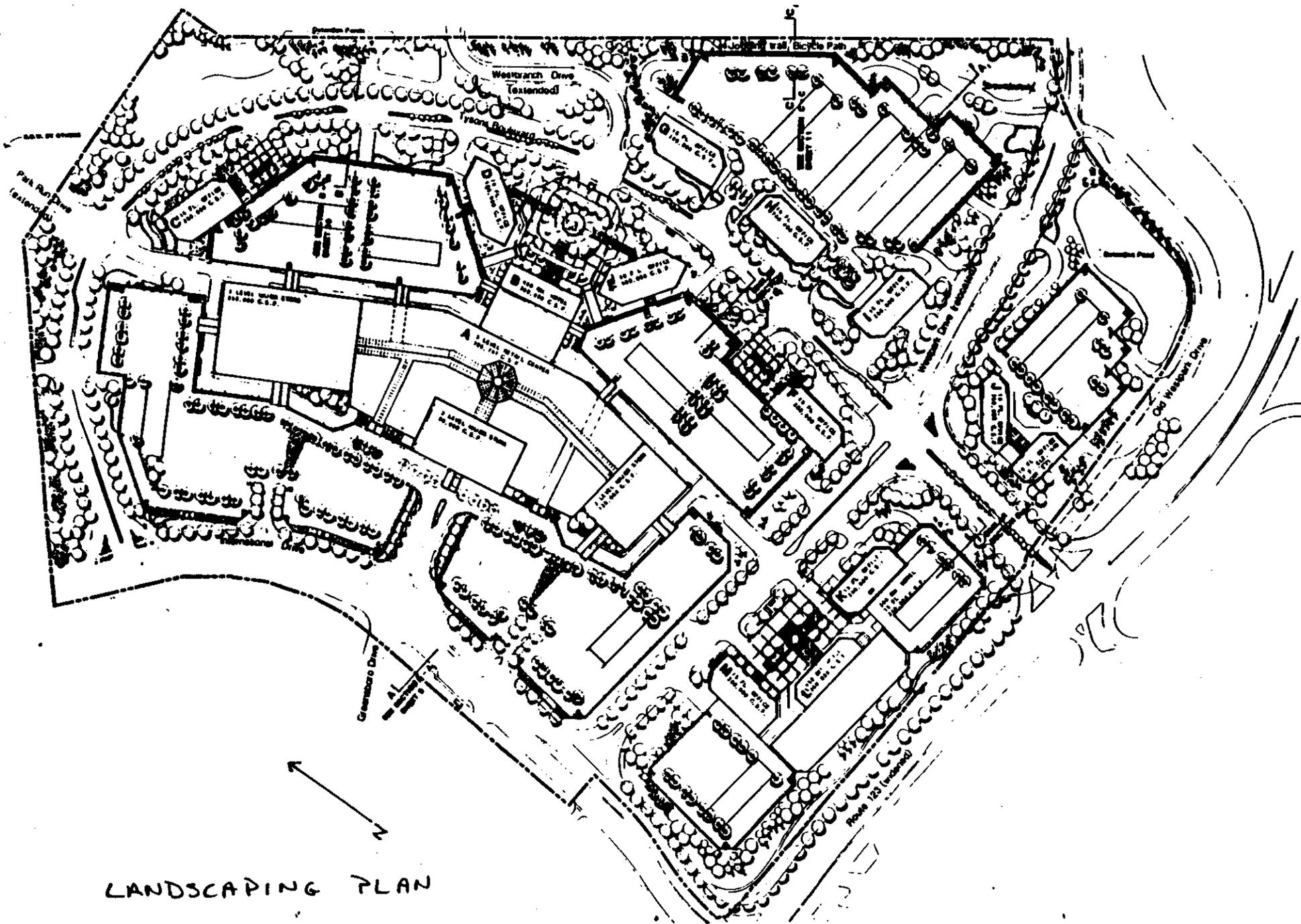
FDP #5A



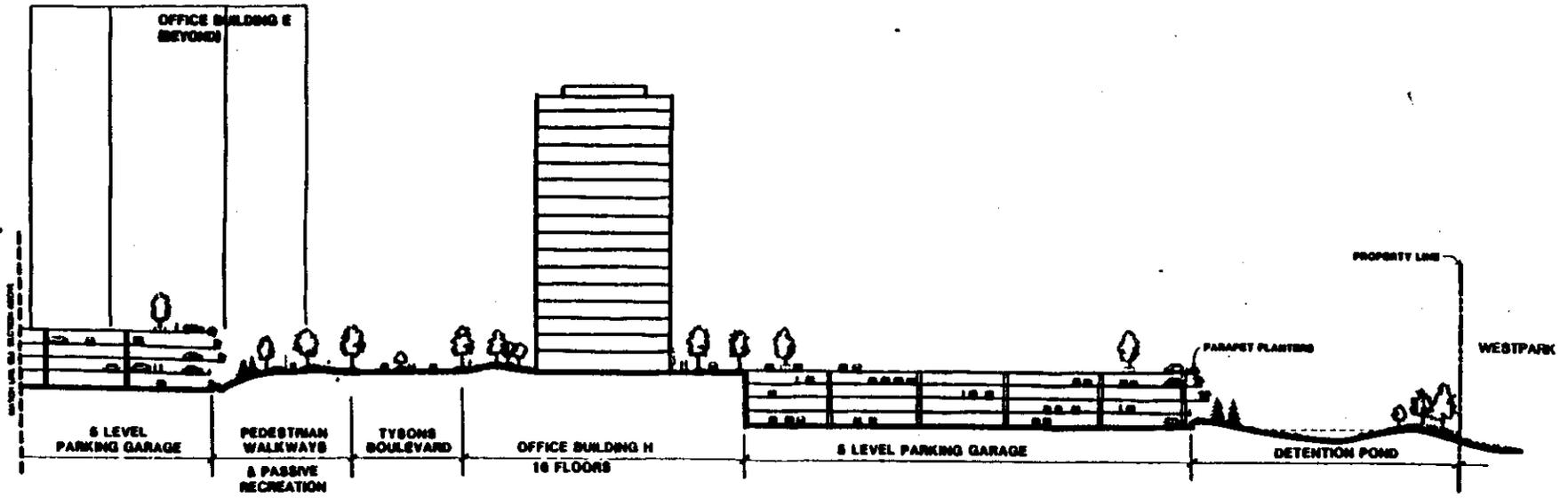
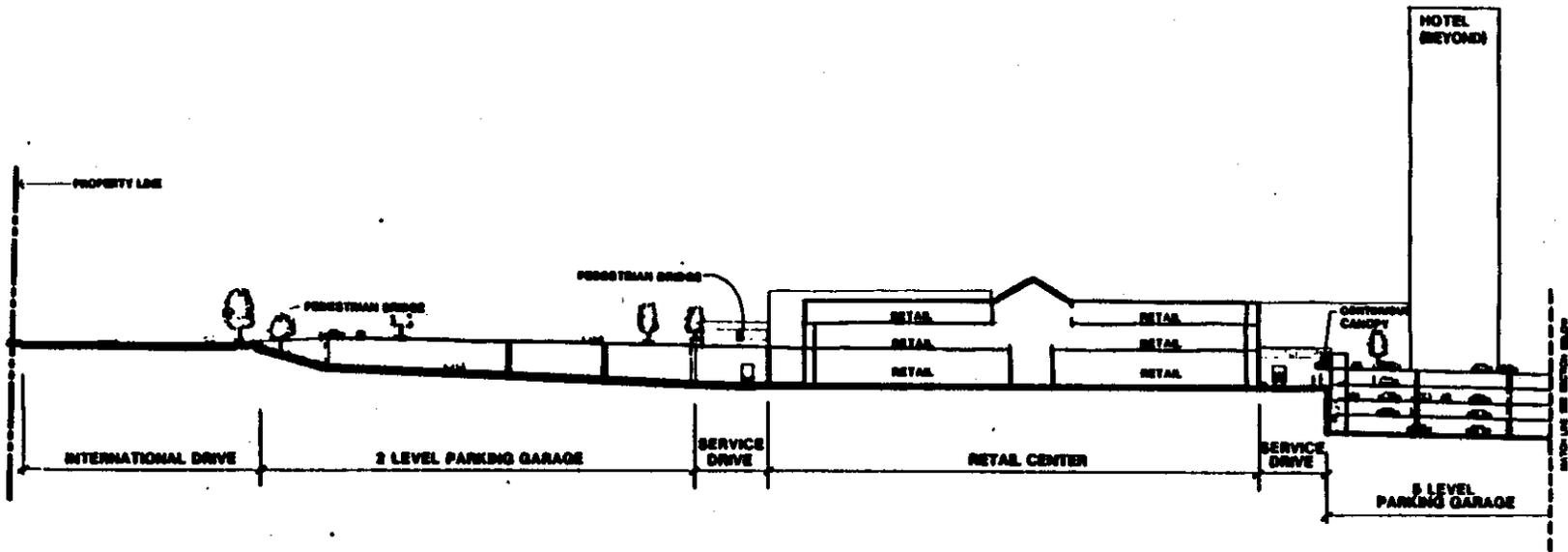
ALTERNATIVE SECTOR II, 750 ROOM HOTEL PLAN

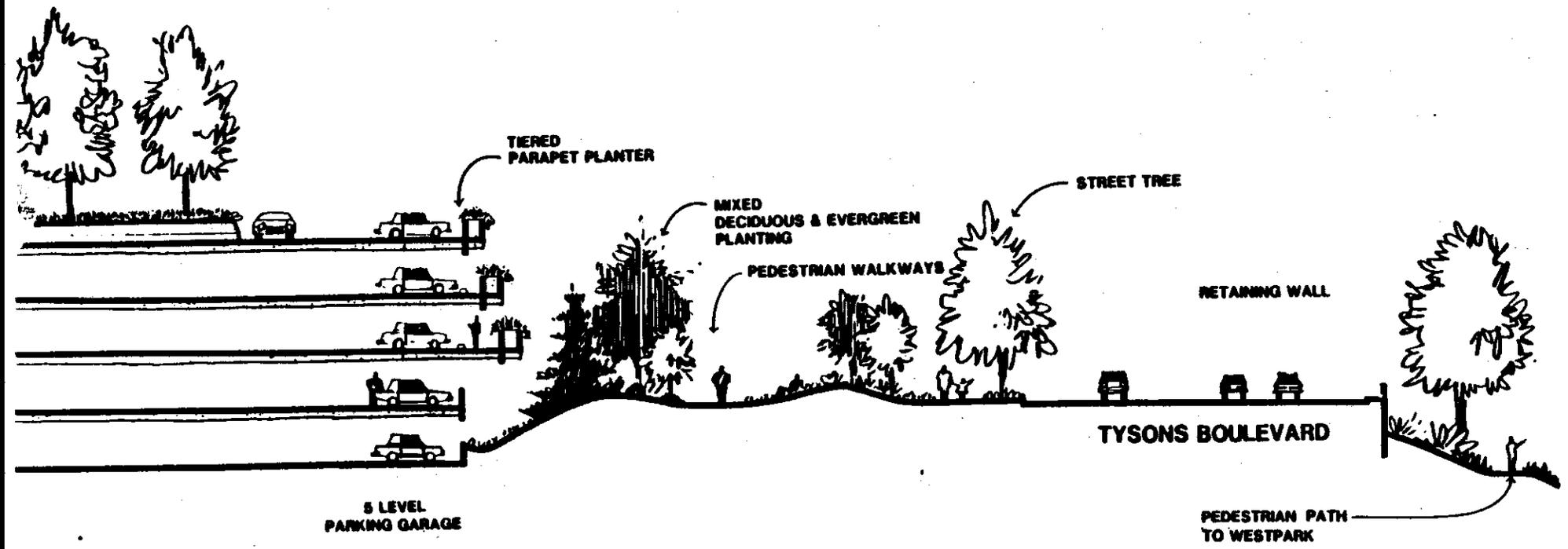


PEDESTRIAN CIRCULATION PLAN.



LANDSCAPING PLAN





TIERED
PARAPET PLANTER

MIXED
DECIDUOUS & EVERGREEN
PLANTING

PEDESTRIAN WALKWAYS

STREET TREE

RETAINING WALL

TYSONS BOULEVARD

5 LEVEL
PARKING GARAGE

PEDESTRIAN PATH
TO WESTPARK



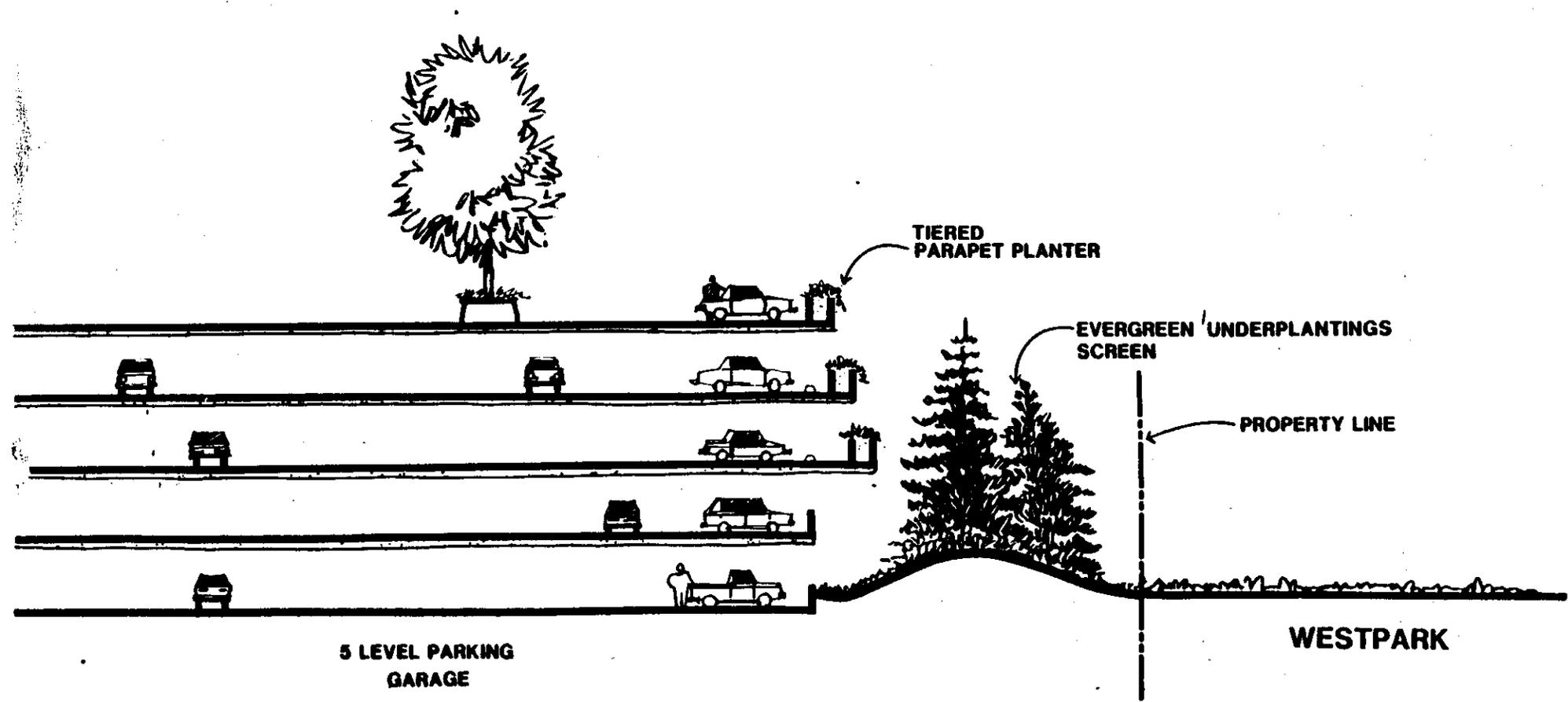
TIERED
PARAPET PLANTER

EVERGREEN UNDERPLANTINGS
SCREEN

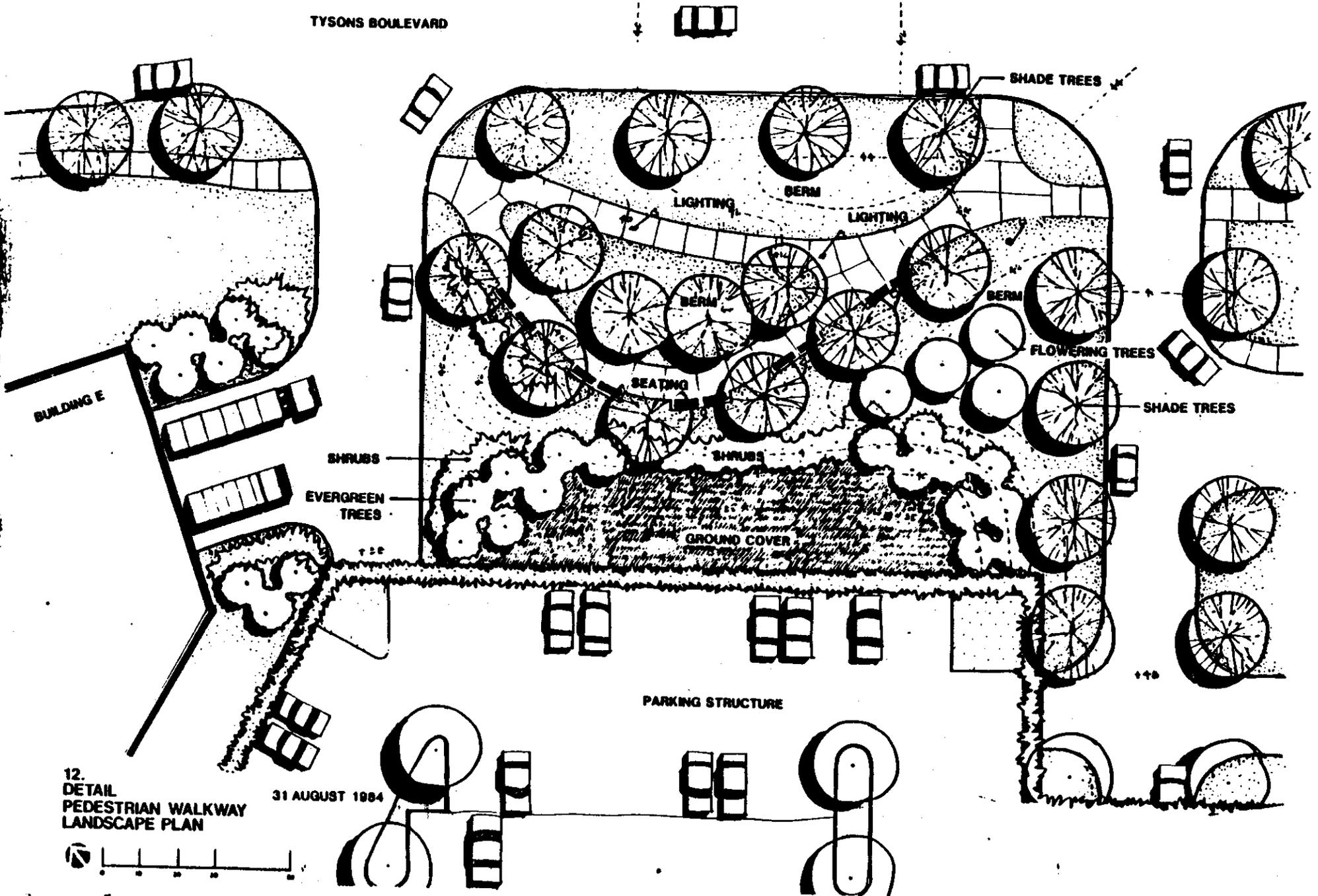
PROPERTY LINE

5 LEVEL PARKING
GARAGE

WESTPARK



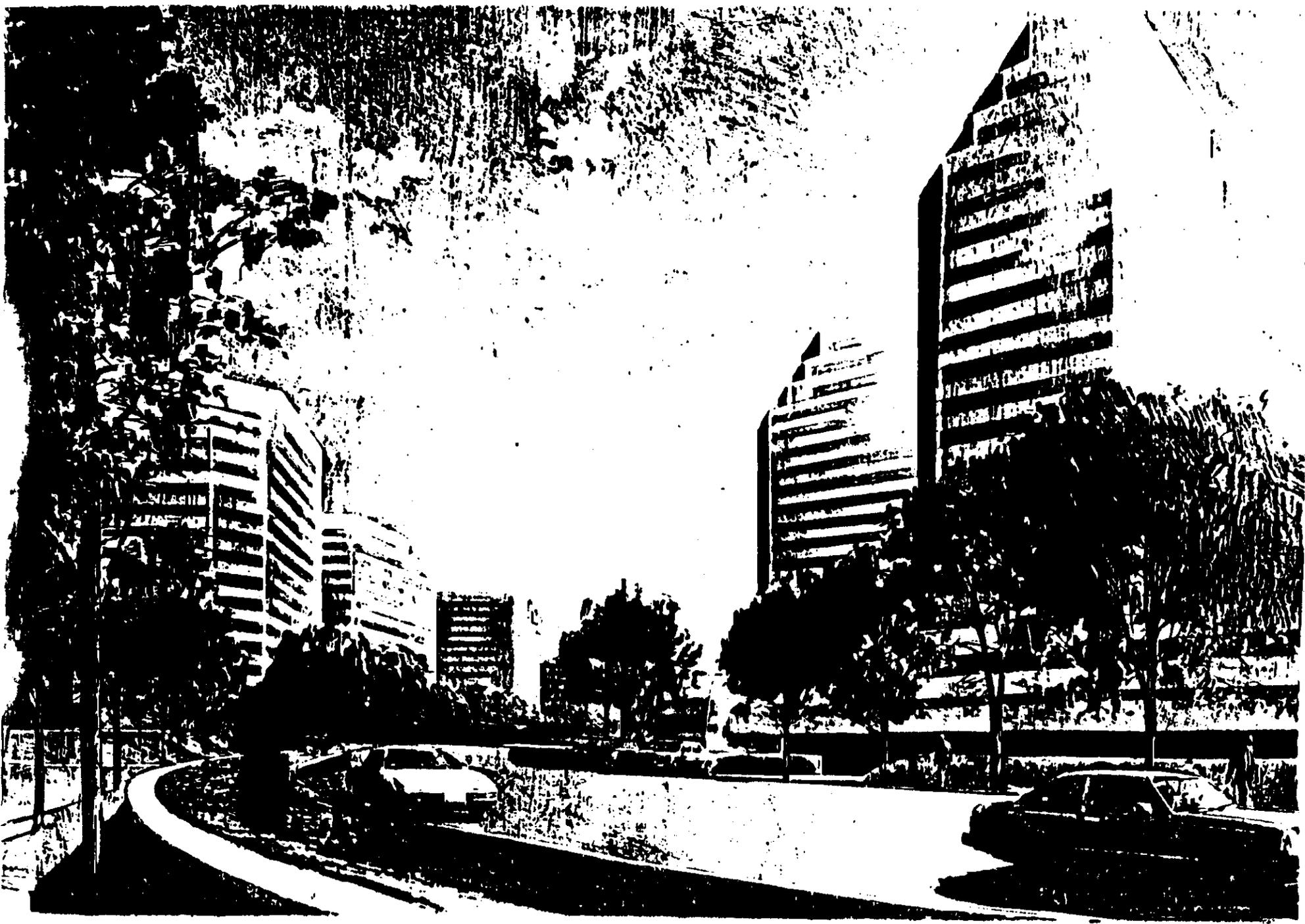
TYSONS BOULEVARD

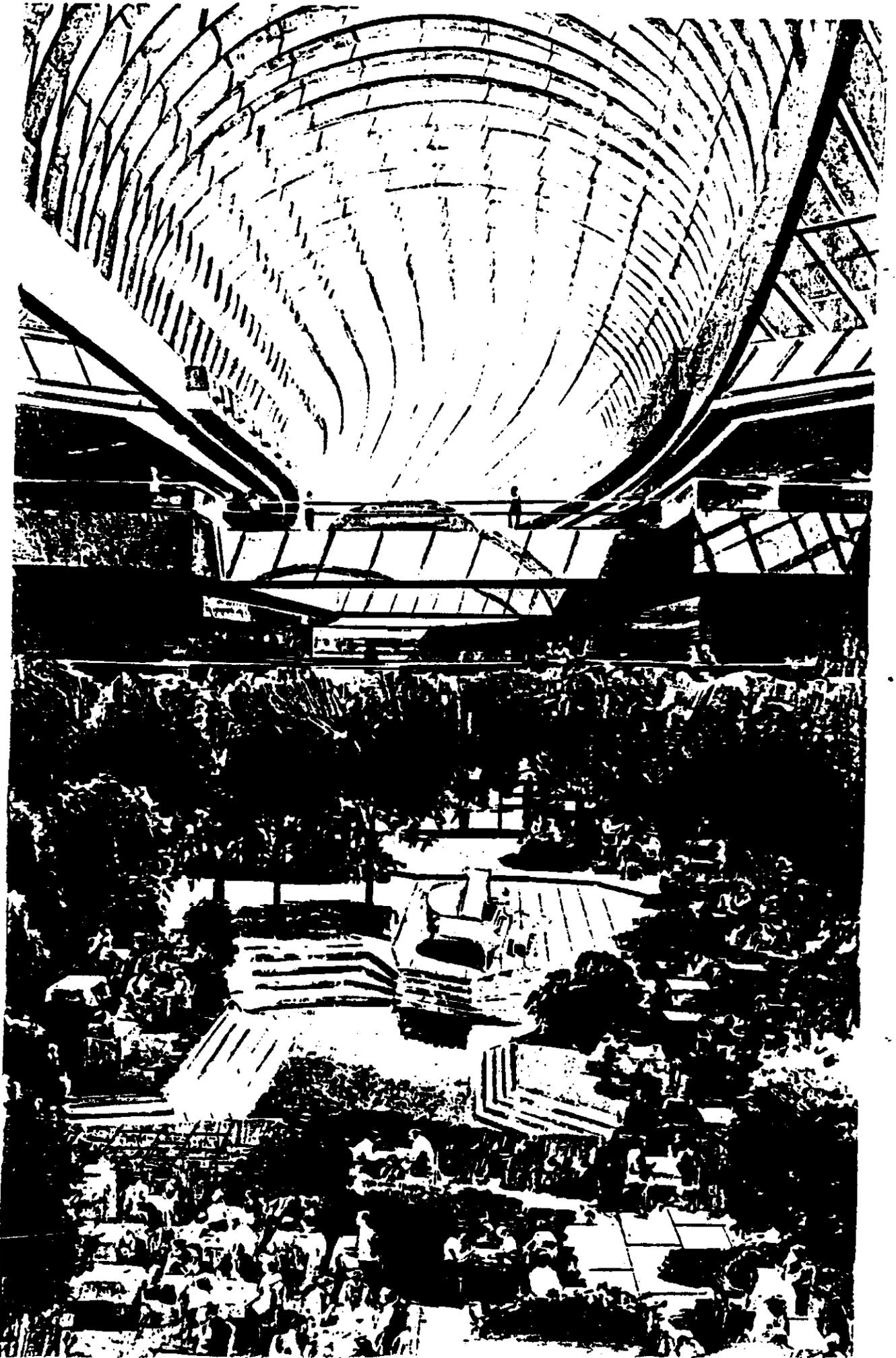


12. DETAIL PEDESTRIAN WALKWAY LANDSCAPE PLAN

31 AUGUST 1984







ILLUSTRATIVE VIEW OF MALL INTERIORS

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 in the zoning district if the site were developed as a conventional subdivision. See Sect. 9-615 of the Zoning Ordinance.

COUNTY 456 REVIEW PROCESS: A public hearing process pursuant to 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.

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. 15.1-491 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 Environmental Management.

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 DEM 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 DEM 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	PDC	Planned Development Commercial
ADU	Affordable Dwelling Unit	PDH	Planned Development Housing
ARB	Architectural Review Board	PFM	Public Facilities Manual
BMP	Best Management Practices	PPRB	Permit, Plan Review Branch
BOS	Board of Supervisors	PRC	Planned Residential Community
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Central Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
DEM	Department of Environmental Management	SE	Special Exception
DDR	Division of Design Review, DEM	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPW	Department of Public Works	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, DPW
FDP	Final Development Plan	UMTA	Urban Mass Transit Association
GDP	Generalized Development Plan	VC	Variance
GFA	Gross Floor Area	VDOT	Virginia Dept. of Transportation
HCD	Housing and Community Development	VPD	Vehicles Per Day
LOS	Level of Service	VPH	Vehicles per Hour
Non-RUP	Non-Residential Use Permit	WMATA	Washington Metropolitan Area Transit Authority
OCP	Office of Comprehensive Planning	ZAD	Zoning Administration Division, OCP
OT	Office of Transportation	ZED	Zoning Evaluation Division, OCP
PD	Planning Division		