

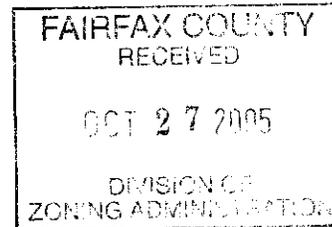


County of Fairfax, Virginia

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

October 25, 2005

Benjamin F. Tompkins, Esquire
Reed Smith LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, VA 22042



Re: Tysons II; PCA 84-D-049-5; Layout Land Bay J

Dear Mr. Tompkins:

This is in response to your letter of October 20, 2005, (copy attached) in which you requested a determination as to whether the exhibit attached to your letter entitled "Tysons II Luxury Condominium Development" dated September 27, 2005, and prepared by Robert M. Swedroe is in substantial conformance with the residential development (Land Bay J) as shown on the Conceptual/Final Development Plan proffered pursuant to the Board's approval of PCA 85-D-049-5.

It is my determination that the above referenced layout is in substantial conformance with the Conceptual/Final Development Plan, provided that landscaping and/or pedestrian amenities are maintained at the intersection of Galleria Drive and Tysons Boulevard. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact me at 703 324-1250.

Sincerely,


Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
Gerry Connolly, Chairman, Board of Supervisors
Ken Lawrence, Planning Commissioner, Providence District
Leslie Johnson, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Michelle Brickner, Assistant Director, Office of Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: PCA 84-D-049-5, Imaging, Reading File

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

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ReedSmith

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703.641.4200
Fax 703.641.4340

October 20, 2005

VIA HAND DELIVERY

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

RECEIVED
Department of Planning & Zoning

OCT 20 2005

Zoning Evaluation Division

Re: Tysons II; PCA 84-D-049-5/Final Development Plan Amendment FDP 84-D-049-6

Dear Barbara:

This correspondence is in response to your correspondence to me of July 29, 2005 and our subsequent meetings. In such letter you stated as follows:

"It is my determination that the revised layout is in substantial conformance with the proffered conceptual/final development plan, provided that it accommodates the necessary dedication/easements and with the understanding that it may be necessary for you to submit additional revisions to the proposed layout in order for me to make a final determination on substantial conformance."

Since the date of your letter, we have continued to work with the project architect to refine our site layout in accordance with the revised metro rail alignment drawings included in my July 25, 2005 correspondence to you. Attached hereto as Exhibit A is a revised site layout that is consistent with the revised metro rail alignment, which attachment is entitled "Tysons II Luxury Condominium Development" dated September 27, 2005 prepared by Robert M. Swedroe. Additionally, attached as Exhibit B is correspondence from Karen Consiglio with the Dulles Corridor Metro Rail Project Division of the Virginia Department of Rail and Public Transportation in which she indicates that the September 27 site layout is consistent with the current right-of-way requirements for the Dulles Corridor Metro Rail Project.

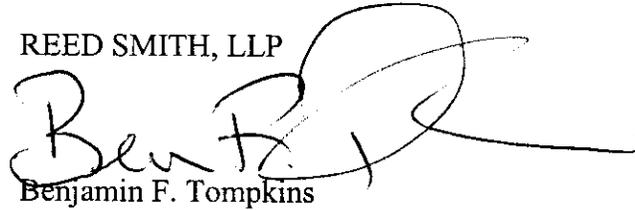
As such, and consistent with our conversations, we would request that you supplement your July 29, 2005 interpretation to state that the September 27 layout satisfies the conditions contained in such letter and quoted above in this correspondence.

Barbara A. Byron, Director
Department of Planning and Zoning
October 20, 2005
Page 2

Many thanks for your cooperation, and please let me know if you need anything further.

Very truly yours,

REED SMITH, LLP

A handwritten signature in black ink, appearing to read "Ben Tompkins", with a large, stylized flourish extending to the right.

Benjamin F. Tompkins

BFT:wp

cc: Peter M. Rosen (w/encl.)

Tompkins, Benjamin F.

To: Peter Rosen
Subject: RE: Lerner Tysons II Development

-----Original Message-----

From: Consiglio, Karen <Karen.Consiglio@dullesmetro.com>
To: Barbara.Byron@fairfaxcounty.gov <Barbara.Byron@fairfaxcounty.gov>
CC: Peter Rosen <prosen@lernerenterprises.com>; Elman, Paul <Paul.Eلمان@dullesmetro.com>;
Turpin, Frank <Frank.Turpin@dullesmetro.com>
Sent: Fri Oct 07 14:52:07 2005
Subject: Lerner Tysons II Development

Barbara,

Paul Elman and I just met with Peter Rosen of Lerner Enterprises and reviewed the Site Plan Concept dated 09-27-05 for the Tysons II Luxury Condominium Development. This site plan concept is consistent with the current right-of-way requirements for the Dulles Corridor Metrorail Project. If you have any questions, please feel free to call me. Thank you.

Karen

Karen L. Consiglio, PE
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