



APPLICATION ACCEPTED: September 4, 2008
PLANNING COMMISSION: June 25, 2009
BOARD OF SUPERVISORS: Not yet scheduled

County of Fairfax, Virginia

June 10, 2009

STAFF REPORT

APPLICATIONS PCA/FDPA 2003-MV-033

MOUNT VERNON DISTRICT

APPLICANT: Lorton Arts Foundation, Inc.

PRESENT ZONING: PDC

PARCEL: 106-4 ((9)) 58

ACREAGE: 53.08

FLOOR AREA RATIO: 0.12

OPEN SPACE: 58%

PLAN MAP: Public Facilities, Governmental, and Institutional Use

WAIVERS AND MODIFICATIONS: Modification of transitional screening and barrier requirements along the northern and western property lines to that shown on the CDPA/FDPA.

PROPOSAL: Amend the previously approved proffers and Final Development Plan associated with RZ 2003-MV-033 for site design modifications and addition of permitted uses.

Suzanne Lin

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



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STAFF RECOMMENDATIONS:

Staff recommends approval of PCA/FDPA 2003-MV-033 subject to the execution of the draft proffers contained in Appendix 1.

Staff further recommends that the Final Development Amendment Plan be approved subject to the proposed development conditions contained in Appendix 2.

Staff recommends that the transitional screening yard requirement be modified along the northern boundary to that shown on the CDPA/FDPA.

Staff recommends that the barrier requirement be modified along the northern boundary and between the artist's residences and the workhouse in favor of that shown on the CDPA/FDPA and referenced in the proffers.

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

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

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

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

O:\slin00\FDPAs\PCA FDPA 2003-MV-033 Lorton Arts\Staff Report, proffers, Development Condition\Staff Report.doc



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

Proffered Condition Amendment

PCA 2003-MV-033

Applicant: LORTON ARTS FOUNDATION, INC.
 Accepted: 09/04/2008
 Proposed: TO AMEND RZ 2003-MV-033 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT SITE AND PROFFER MODIFICATIONS

Area: 53.08 AC OF LAND; DISTRICT - MT VERNON

Zoning Dist Sect:
 Located: EAST SIDE OF OX ROAD SOUTH OF ITS INTERSECTION WITH LORTON ROAD

Zoning: PDC

Overlay Dist:
 Map Ref Num: 106-4-/01/ /0058

Final Development Plan Amendment

FDPA 2003-MV-033

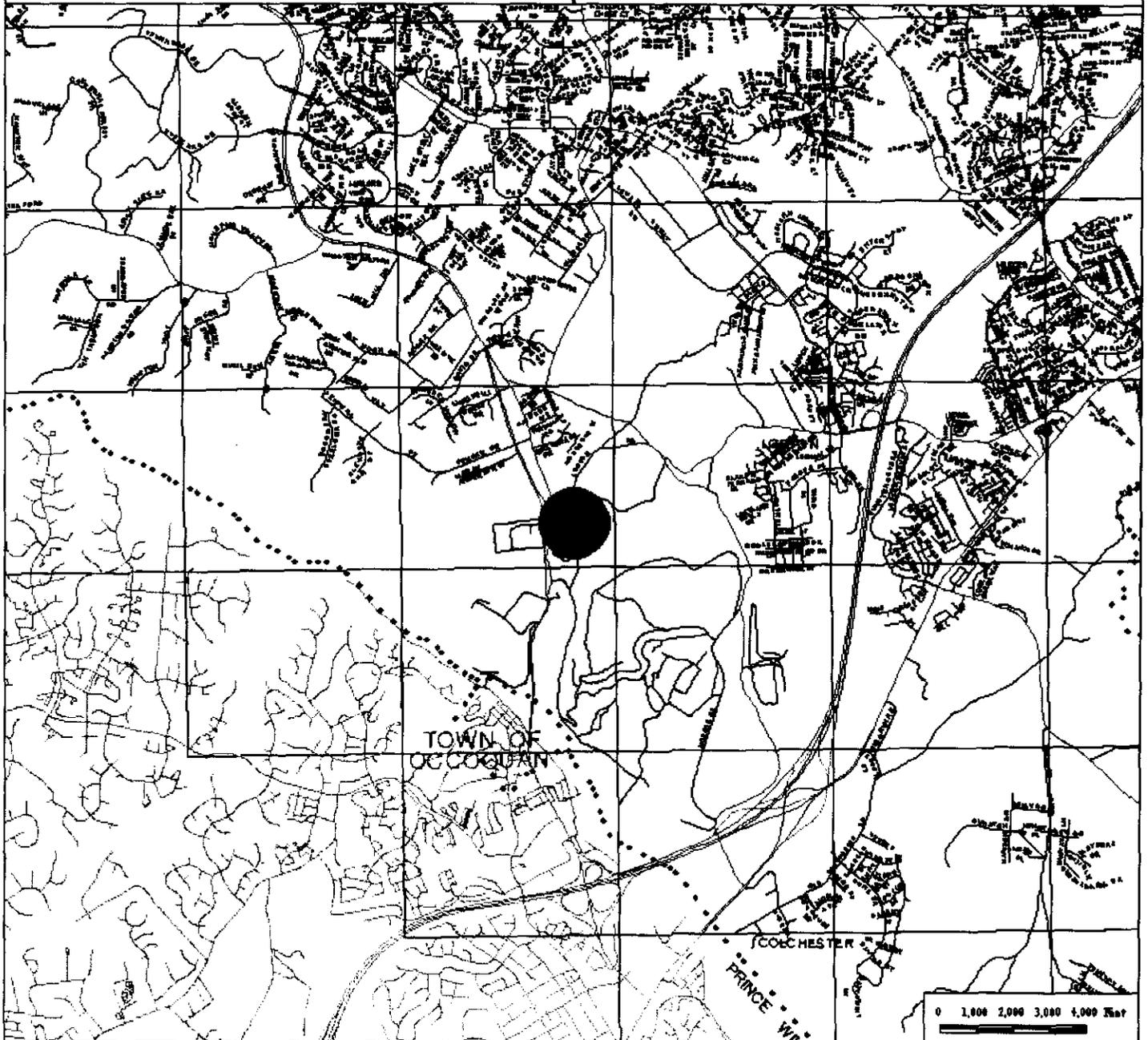
Applicant: LORTON ARTS FOUNDATION, INC.
 Accepted: 09/04/2008
 Proposed: TO AMEND FDP 2003-MV-033 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT SITE MODIFICATIONS

Area: 53.08 AC OF LAND; DISTRICT - MT VERNON

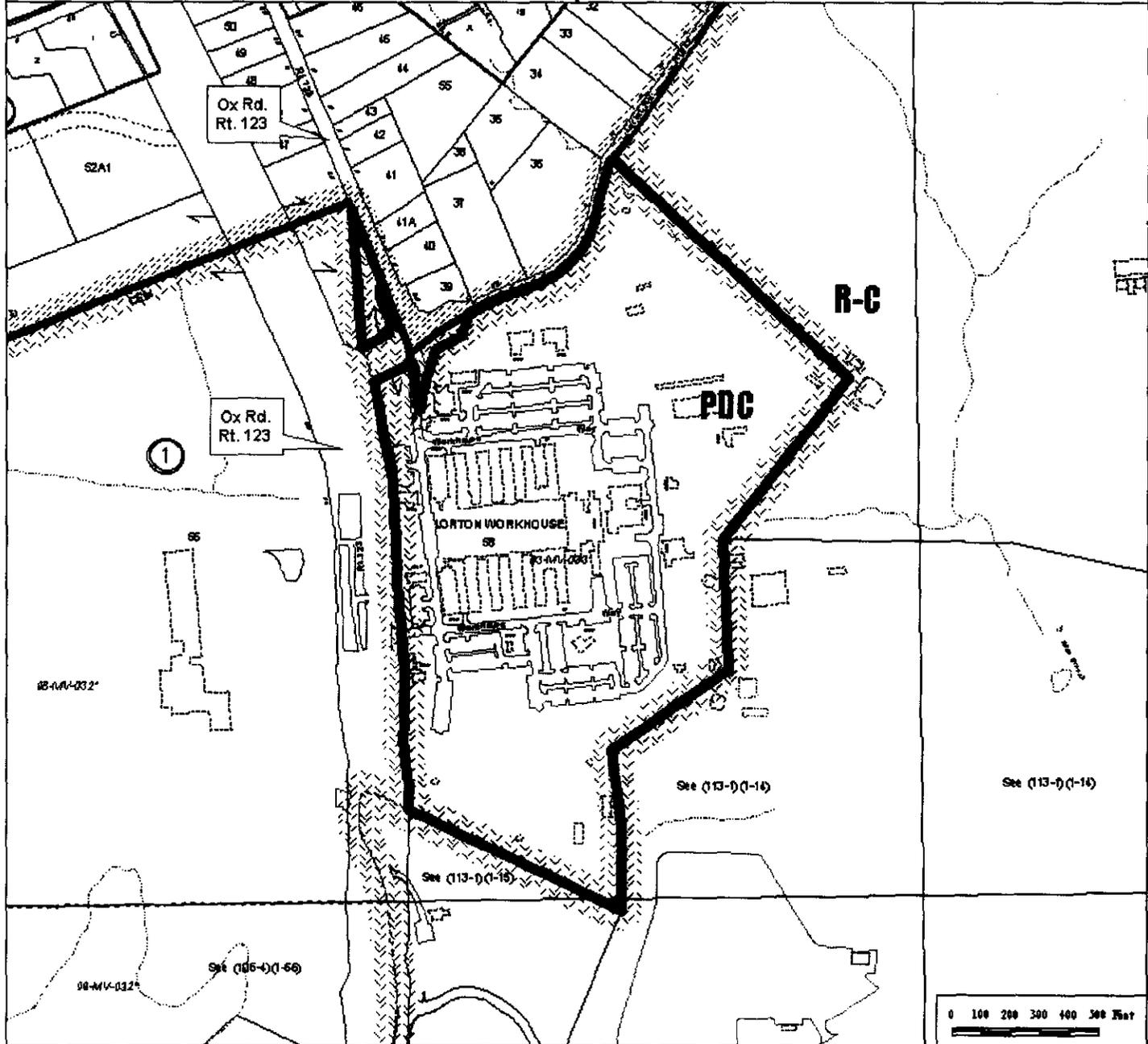
Zoning Dist Sect:
 Located: EAST SIDE OF OX ROAD SOUTH OF ITS INTERSECTION WITH LORTON ROAD

Zoning: PDC

Overlay Dist:
 Map Ref Num: 106-4-/01/ /0058



Proffered Condition Amendment PCA 2003-MV-033	Final Development Plan Amendment FDPA 2003-MV-033
Applicant: LORTON ARTS FOUNDATION, INC. Accepted: 09/04/2008 Proposed: TO AMEND RZ 2003-MV-033 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT SITE AND PROFFER MODIFICATIONS Area: 53.08 AC OF LAND, DISTRICT - MT VERNON Zoning Dist Sect: Located: EAST SIDE OF OX ROAD SOUTH OF ITS INTERSECTION WITH LORTON ROAD Zoning: PDC Overlay Dist: Map Ref Num: 106-4-/01/ /0058	Applicant: LORTON ARTS FOUNDATION, INC. Accepted: 09/04/2008 Proposed: TO AMEND FDP 2003-MV-033 PREVIOUSLY APPROVED FOR MIXED USE DEVELOPMENT TO PERMIT SITE MODIFICATIONS Area: 53.08 AC OF LAND, DISTRICT - MT VERNON Zoning Dist Sect: Located: EAST SIDE OF OX ROAD SOUTH OF ITS INTERSECTION WITH LORTON ROAD Zoning: PDC Overlay Dist: Map Ref Num: 106-4-/01/ /0058



WALTER L. PHILLIPS
 CONSULTING LAND SURVEYOR
 207 PARK AVENUE FALLS CHURCH, VIRGINIA 22034
 TEL: 571-271-1234 FAX: 571-271-1235
 WWW.WLPINC.COM



EXISTING CONDITIONS/EXISTING VEGETATION MAP

EXISTING VEGETATION MAP INFORMATION

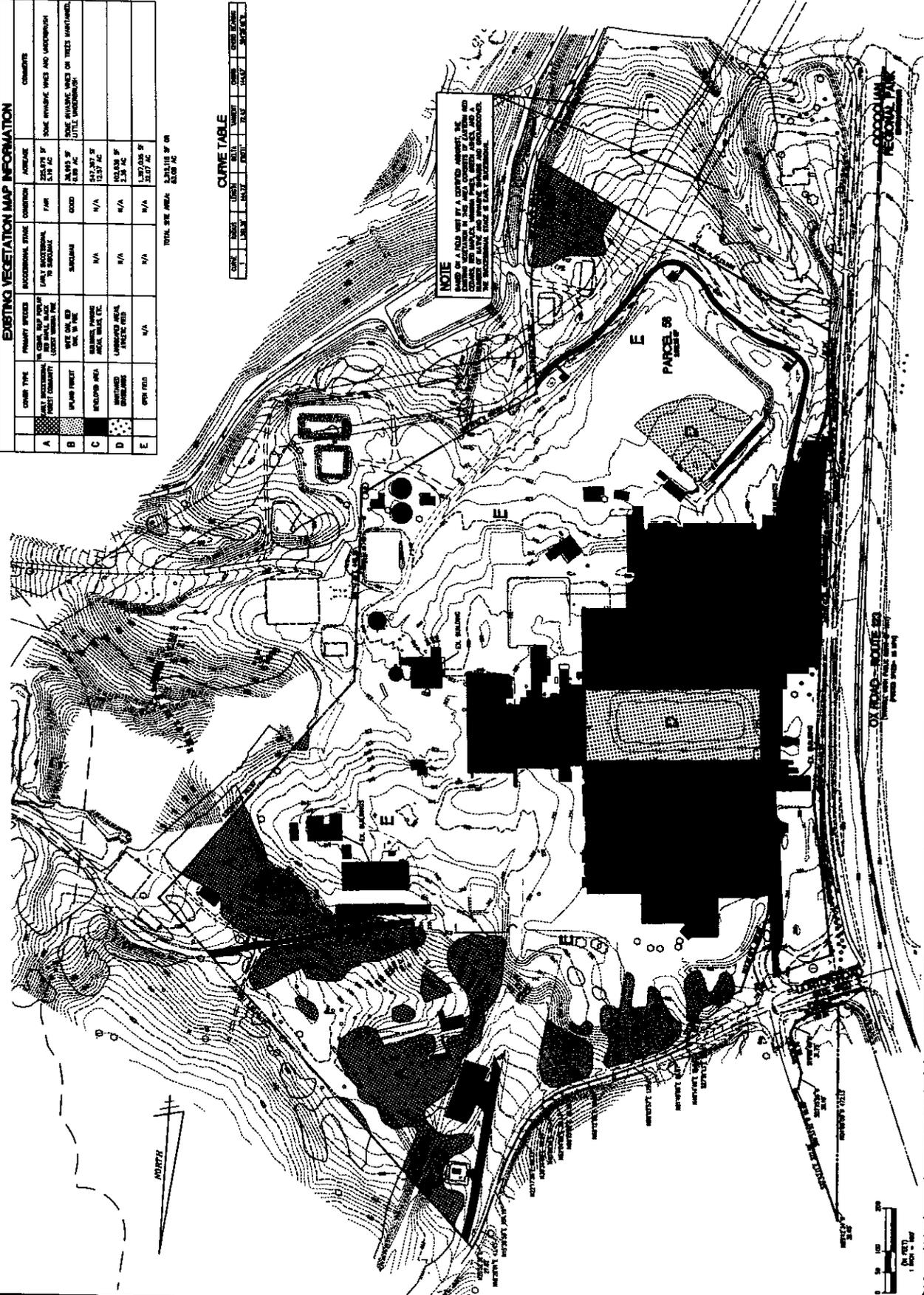
GRID TYPE	PLANT SPECIES	EXCESSIVE STAGE	CONDITION	ACREAGE	COMMENTS
A	WILD PROSLONIA SWEET GUMMUT LIGNUM VITAE	EARLY SUCCESSIONAL TO SUCCESSIONAL	FAIR	25.00 AC	SOME SPINDLE WIVES AND UNDERBUSH
B	WILD PROSLONIA SWEET GUMMUT LIGNUM VITAE	SUCCESSIONAL	GOOD	14.00 AC	SOME SPINDLE WIVES ON TREES MAINTAINED UNTIL UNDERBUSH
C	WILD PROSLONIA SWEET GUMMUT LIGNUM VITAE	N/A	N/A	14.27 AC	
D	WILD PROSLONIA SWEET GUMMUT LIGNUM VITAE	N/A	N/A	10.00 AC	
E	WILD PROSLONIA SWEET GUMMUT LIGNUM VITAE	N/A	N/A	1.20 AC	

TOTAL SITE AREA: 2,322.10 SQ FT
 53.08 AC

CURVE TABLE

CHORD	ANGLE	ARC LENGTH	AREA	CHORD BEARING	ARC BEARING
1.00	1.04	1.00	0.00	100.00	100.00
1.57	1.57	1.57	0.00	157.00	157.00
2.00	2.00	2.00	0.00	200.00	200.00
2.50	2.50	2.50	0.00	250.00	250.00
3.00	3.00	3.00	0.00	300.00	300.00
3.50	3.50	3.50	0.00	350.00	350.00
4.00	4.00	4.00	0.00	400.00	400.00
4.50	4.50	4.50	0.00	450.00	450.00
5.00	5.00	5.00	0.00	500.00	500.00
5.50	5.50	5.50	0.00	550.00	550.00
6.00	6.00	6.00	0.00	600.00	600.00
6.50	6.50	6.50	0.00	650.00	650.00
7.00	7.00	7.00	0.00	700.00	700.00
7.50	7.50	7.50	0.00	750.00	750.00
8.00	8.00	8.00	0.00	800.00	800.00
8.50	8.50	8.50	0.00	850.00	850.00
9.00	9.00	9.00	0.00	900.00	900.00
9.50	9.50	9.50	0.00	950.00	950.00
10.00	10.00	10.00	0.00	1000.00	1000.00

NOTE
 THIS MAP IS A COPY OF THE ORIGINAL SURVEY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE ORIGINAL SURVEY MAP IS KEPT AT THE OFFICE OF THE SURVEYOR. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES.



ROUTE 50
 1:500

PARCEL 09

ROUTE 50

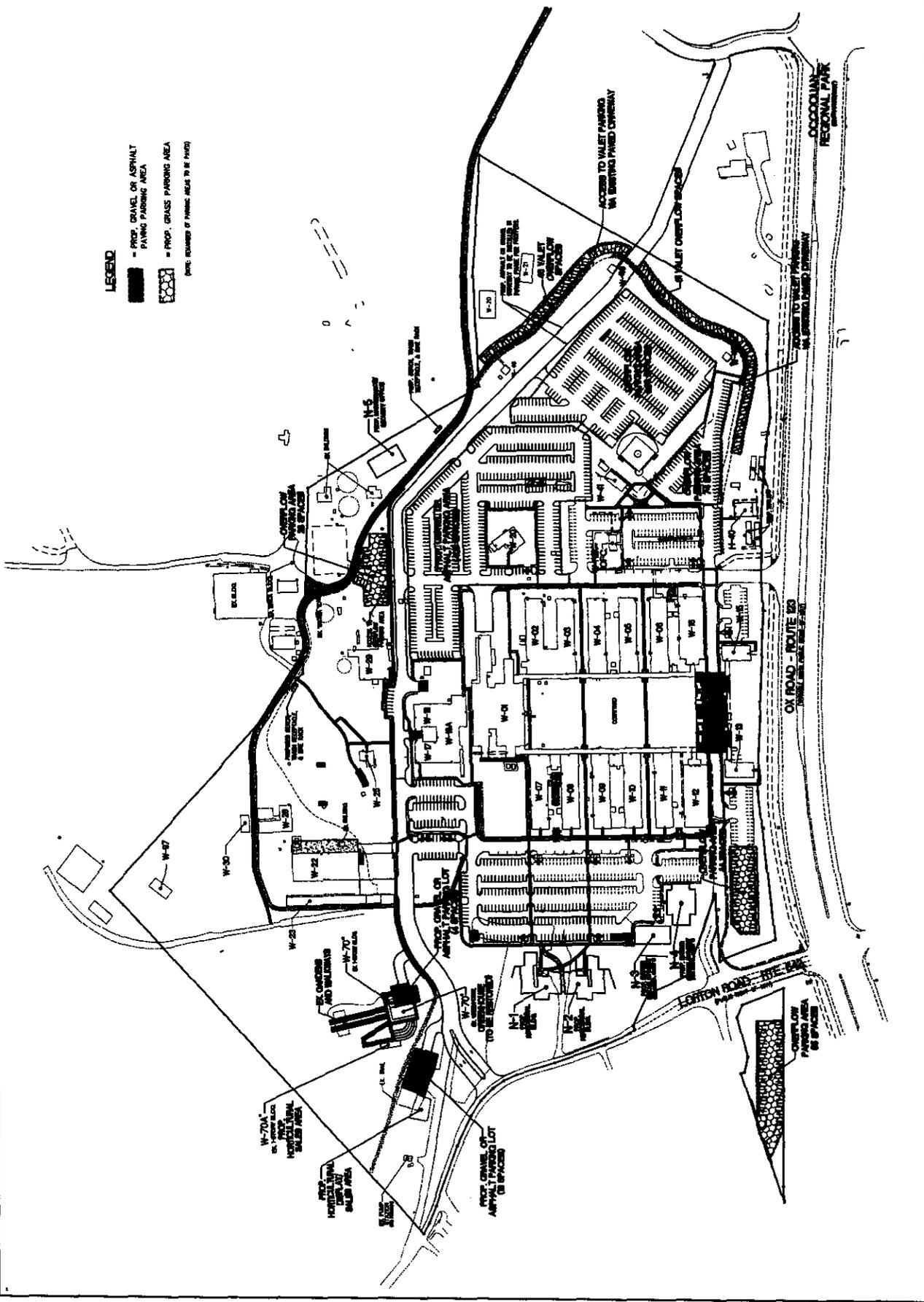
1:500

OVERALL PARKING PLAN

DESIGNED BY
WALTER L. PHILLIPS
 INCORPORATED
 207 PARK AVENUE FALLEN CHURCH VIRGINIA 22048
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- LEGEND**
- PROP. GRAVEL OR ASPHALT PARKING AREA
 - PROP. GRASS PARKING AREA
 - (Dotted lines) - DOTTED LINES IF PARKING AREA TO BE PAVED



DATE: 04/15/03
 SCALE: 1" = 40'
 SHEET NO. 1 OF 1
 PROJECT NO. 03-001
 DRAWN BY: WLP
 CHECKED BY: WLP
 APPROVED BY: WLP
 DATE: 04/15/03

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

DESCRIPTION OF THE APPLICATION

RZ 2003-MV-033 was approved on July 26, 2004, to rezone the subject property from the R-C District to the PDC district to permit development associated with the Lorton Workhouse Art Center, consisting of theaters, a cultural center, museums and other similar facilities, eating establishments, commercial recreation and multi-family dwellings for resident artists and performers. The applicant, Lorton Arts Foundation, Inc. now seeks to amend the proffers and Final Development Plan (FDP) previously approved with that rezoning.

The applicant's requests seek to revise certain physical and operational aspects of the Lorton Workhouse Center. Specifically, the applicant requests the following changes:

- Permission for a school of special education/university;
- Addition of a culinary arts component onsite;
- Accessory retail use including a horticultural display area;
- An increase in attendance limits from what was originally proffered ;
- Extended hours for certain activities onsite from what was originally proffered;
- Permission to use a specific building, W-13, as a possible restaurant site;
- Approval of a modification for design of residences, N-1 and N-2, to allow these two buildings to be combined into one;
- Approval for option to combine N-3 and N-4, the approved restaurants, into one building with an increase in overall square footage; and
- Permission to construct another new structure, N-5, as a building for security/office use.

A reduced copy of the proposed amended Final Development Plan is included in the front of this report. The applicant's draft proffers are included as Appendix 1. Proposed Final Development Plan Amendment (FDPA) conditions are included as Appendix 2. The applicant's affidavit is Appendix 3 and the applicant's Statement of Justification is attached at Appendix 4.

LOCATION AND CHARACTER

The site is located on the east side of Ox Road, on Tax Map 106-4 ((1)) 58 in Lorton, just south of the intersection of Ox Road and Lorton Road. The subject site is just north of the Occoquan Regional Park. Today, the site is developed with adaptively reused buildings, as well as with parking lots and a ballfield.

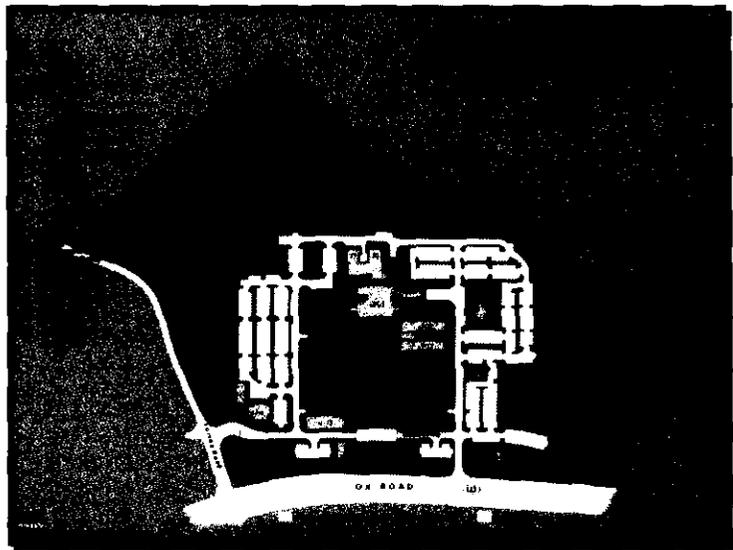
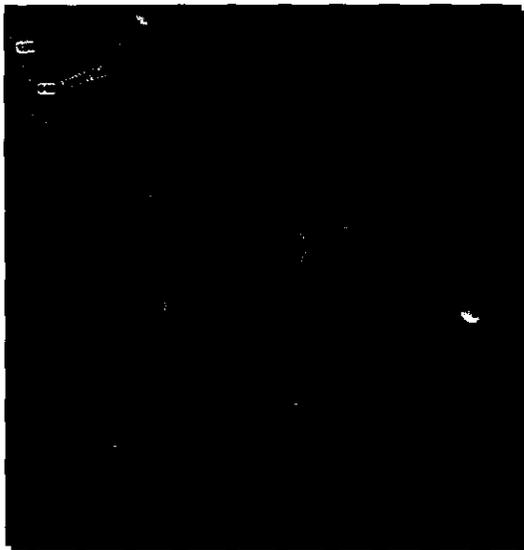
As detailed in the original staff report, this approximately 54-acre portion of the former District of Columbia Department of Corrections (DCDC) prison facility was originally developed as a Progressive Era workhouse for the rehabilitation of prisoners. The historic structures are related to the workhouse. Subsequently, this area of the site was used as more typical prison facilities, at which time, other buildings, structures, fencing and guard towers were constructed. The developed portion of the property is located adjacent to Ox Road.

The application property is part of what is now known as Laurel Hill, which is the former site of the DCDC prison facility in Lorton. The Board of Supervisors purchased approximately 2,324 acres of this property from the General Services Administration (GSA).

The transfer of the property is subject to a Memorandum of Agreement (MOA) dated June 28, 2001, between the County, the federal government, the Lorton Historical Society and the Virginia Department of Heritage Resources that established procedures for the preservation, adaptive reuse and/or demolition of the historic structures that were part of the DCDC. The MOA was executed by the Advisory Council on Historic Preservation and implemented under Section 106 of the National Historic Preservation Act. The Section 106 review process determined that the DCDC contains a National Register-eligible Historic District (552 acres). One of the terms of the MOA stipulates that the Fairfax County Architectural Review Board (ARB) review development activities within the National Register-eligible Historic District, consistent with procedures contained in the Zoning Ordinance for historic districts.

The property is now leased to the Lorton Arts Foundation, Inc. under a long term lease to allow the Foundation to operate the facility. However, the subject property continues to be owned by Fairfax County and is still subject to the MOA.

A copy of the MOA and lease are available on file at the County. A copy of the approved proffers associated with RZ 2003-MV-033 is contained in Appendix 5. The chart below compares key aspects of the approved developed to the requested development.



The following chart identifies the uses located around the site.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan Map
North	Large Lot Single Family Detached (Hollymeade)	R-1	.2-.5 du/ac
South	Park (Occoquan Regional Park)	R-C	Institutional
East	Park (Occoquan Regional Park)	R-C	Institutional
West	Water Purification Plant (Upper Occoquan Sewer Authority)	R-1	Institutional

BACKGROUND (See Appendix 5)

On July 26, 2004, the Board of Supervisors approved RZ 2003-MV-033 subject to certain proffers, to rezone this site from the R-C Zoning District to the Planned Development Commercial (PDC) Zoning District in order to permit the development of a mixed use development as an Arts Center consisting of: artists' studios; theaters, cultural center, museums and similar facilities; eating establishments; commercial recreation (events center); and multi-family dwellings for resident artists, performers, etc.

The chart below compares elements of the development approved under the original zoning and the changes the subject application seeks to make.

	Approved under RZ 2003-MV-033	Request under PCA/FDPA 2003-MV-033
Phasing of Construction of Eating Establishments	Eating Establishments Non-RUPs would be triggered by Non-RUPs for one of main venues, i.e. music barn, events center, performing arts center	Not tied to these main venue Non-RUPs
Parking	Minimum requirements met	Minimum requirements currently met; however, a parking reduction shall be requested as such time as the minimum parking requirements cannot be met as a cumulative total on the property (see discussion below)
Architecture	Architectural approval required for new construction, notification requirements	Removed section detailing requirements associated with Sculpture Garden. (rest of the proffer remains)
Permitted Uses	Cultural center, theater, music barn, performing arts center, offices, multi-family residential, eating establishments, commercial recreation, ballfields, and accessory uses	In addition to these uses, the applicant proposes the following: school of special education/university, culinary arts program, accessory retail and other accessory service uses, retail with outdoor display area.
Occupancy of Residential Units	Restricted to persons directly involved with an activity of the Workhouse	Limited to persons directly involved with an activity of the Workhouse, including, but not limited to: artists, producers, directors, interns, fellowship recipients, educators, apprentices, paid and volunteer staff of the Workhouse, enrollees in Workhouse classes and other members of the Lorton Arts Foundation.
Hours of Operation	<p><u>Museum/Cultural Center</u>—8 am-midnight</p> <p><u>Theater</u>—8 am-midnight, 7 days a week</p> <p><u>Performing Arts Center</u>—8 am-11 pm, seven days a week</p> <p><u>Events Center</u>—7 am to midnight Sunday through Thursday, 7 am to 2 am Friday and Saturday</p> <p><u>Music Barn</u>—8 am to 11 pm, seven days a week</p> <p><u>Free-Standing Eating Establishments</u>—11 am to 11 pm, Sunday through Thursday, 11 am to 1 am on Friday and Saturday.</p> <p>No hourly restriction of use and occupancy of structures and facilities by individual artists</p>	<p>Changes:</p> <p><u>Performing Arts Center</u>—8 am to 1 am, seven days a week.</p> <p><u>Events Center</u>- 7 am to 2 am, seven days a week.</p> <p><u>Music Barn</u>—indoor performances 8 am to 1 am seven days a week, outdoor performances ending by 11 pm. All other hours to remain unchanged</p>

Uses	Description of limits on uses	Commitments that culinary arts program shall not have characteristics of a restaurant or food production facility and that school of special education shall have no dorms, dining facilities, but will be affiliated with university to offer classes to a maximum of 450 students
Attendance Limitations	At no time will scheduled events having a total projected attendance of more than 900 outside guests be concurrently scheduled at the Music Barn, Theater, Performing Arts Center Events Center or common areas/lawn of the Workhouse	Increase projected attendance limitation up to 1,200 outside guests
Special Events	During first five years following issuance of first Non-Rup, limited to four (4) special events per year. Following first five years, the number of Special Events may be increased to eight (8) per year, subject to County approval that events meet applicable codes.	Limited to six (6) special events during five years after issuance of first Non-RUP. Following first five years, the number of Special Events may be increased to twelve (12) per year, subject to County approval that events meet applicable codes.
Offsite Parking	Special events shall require provision of offsite parking, requirement for creation of Parking Plan	No Change
Tree Preservation Plan	Plan Established For Tree Save Areas	More Detailed Proffers Offered Following More Typical Tree Preservation Proffer Language
Ballfield	Use by FCPA	No Change
Laurel Hill Greenway	Provisions for establishment of trail	No Change
Transportation	Timing and provision for improvements to entrances onto site from Lorton Road	In lieu of providing certain improvements to the access points along Lorton Road, the applicant proposes another connection to Ox Road through the Occoquan Regional Park

COMPREHENSIVE PLAN PROVISIONS

Plan Area: IV

Planning District: Lower Potomac Planning District

Land Sector: Laurel Hill Community Planning Sector

Plan Map: Public Facilities, Governmental, and Institutional Use

The Fairfax County Comprehensive Plan, Area IV, 2007 Edition, Lower Potomac Planning District, as amended through January 28, 2008, Laurel Hill Community Planning Sector (LP1), pages 52-55 states:

Land Unit 5 is comprised of approximately 590 acres of which about 15 percent is in environmentally sensitive areas (see Figure 24).

Approximately 200 acres of this land unit is located outside of the former Corrections Property boundary and is currently used by Vulcan Quarry and the Fairfax Water Facility. The land unit is generally bounded by the Occoquan River to the south, Mills Branch to the east, the former Corrections Property line to the north and the American Telephone and Telegraph Easement to the west.

A major historic feature in Land Unit 5 is the former Occoquan Workhouse and related ancillary masonry buildings located immediately to the east of Route 123. The former Occoquan Workhouse complex has the greatest potential for adaptive reuse. Development of this land unit should be in accordance with the guidance for the sub-units. . . .

Sub-unit 5B: Sub-unit 5B is wedge shaped and is generally bounded by Route 123 to the west, Lorton Road to the north and Mills Branch to the east. The major element in this sub-unit is the former Occoquan Workhouse and associated administrative offices which are planned for adaptive reuse. This former facility has been approved for reuse as an arts center. The Laurel Hill Greenway runs north/south through the Sub-unit adjacent to Lorton Road and is planned to be an integral link within the open space/pedestrian system, connecting the Occoquan Regional Park facility with the trails and open space areas to the north.

The developable acreage should be developed with the following additional guidance:

- *The Laurel Hill Greenway should be integrated as a major focal feature of the area.*
- *The original Occoquan facilities, and newer administrative and support facilities, such as the Administrative Office building and training buildings built in the late 1980's and the medical building built in the 1970's should be preserved and subject to approved adaptive reuse. Adaptive reuse could include compatible governmental, cultural arts, and public institutional uses.*
- *The 'Barn', located on the northeastern side of the sub-unit (see Figure 24: Land Unit 5: Sub-units 5A & 5B), should be adaptively reused for community activities. . . ."*

ANALYSIS (Plan attached at front of Staff Report)

Title of Conceptual/Final Development Plan: Lorton Workhouse Arts Center

Prepared By: Walter L. Phillips, Inc.

Original and Revision Dates August 25, 2008 as revised through June 8, 2009

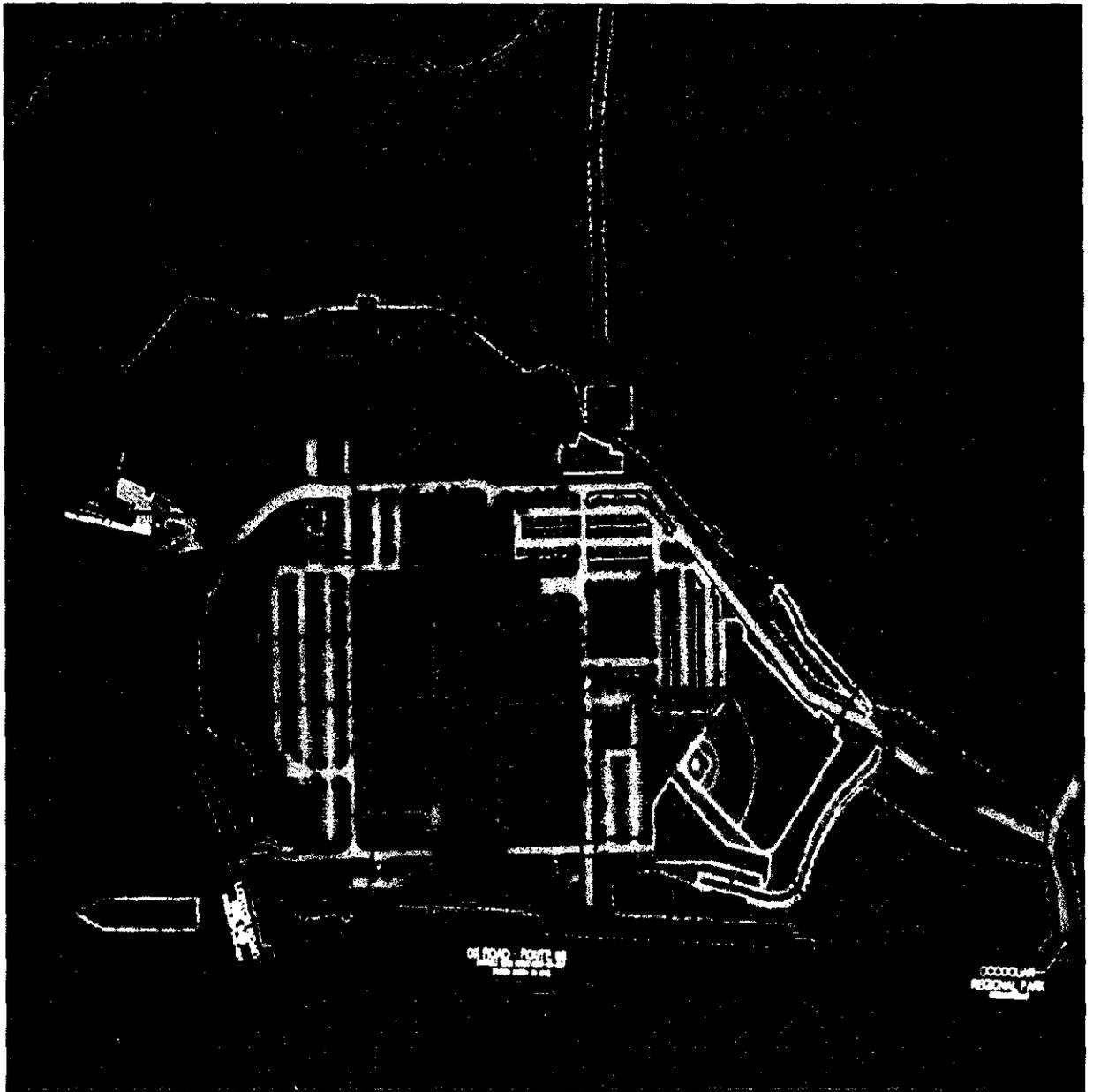
Lorton Workhouse Arts Center Conceptual/Final Development Amendment Plan	
Sheet #	Description of Sheet
1	Notes, Sheet Index, Vicinity Map, Soils Map, Zoning Tabulations, Parking Tabulations, Parking Chart
2	Existing Conditions/Existing Vegetation Map
3	Development Plan
4	Building Dimensions Plan
5	Overall Parking Plan
6	Landscape Plan
6A	Landscape Notes and Details
7	Signage and Fencing (for Reference Only)
8	Preliminary SWM/BMP Plan
8A	Preliminary SWM/BMP Plan
9	Outfall Analysis

The CDPA/FDPA, which consists of eleven sheets, includes the following features.

Existing Site Layout:

The site layout for the Lorton Workhouse is dominated by the existing building configuration featuring a number of existing buildings which form a U-shape around an existing courtyard that faces Ox Road. This application proposes no physical changes to the existing structures, which are to remain. However, staff would note that the portion of the site known as the quadrangle has been cleared of previously existing non-historic structures that were erected by the DCDC. Currently, the eastern end of the quadrangle is terminated by the former cafeteria (Building W-1, the proposed events center). The existing buildings around the quadrangle are constructed of brick and are linked by a covered arcade with arches. The former gym (W-12, the proposed theater) is located at the western end of the northern row of buildings. The dormitories (Buildings W-4 through W-11, the artist studios) flank both sides of the quadrangle. The southern side of the quadrangle includes two buildings (W-2 and W-3, the site of the future prison/community heritage museum). Building W-16, the gallery, is a two story structure, located at the western end of the southern wing. There are two houses (W-13 and W-15) located west of the quadrangle, near Ox Road. These residences were converted to office use by the DCDC and that use has continued under the Lorton Arts Foundation management. Although both of these buildings are to remain, the applicant does propose to add an option to convert W-13 from office to restaurant use. To the south of the quadrangle, the most prominent feature is the ballfield, which includes historic bleacher structures (W-41).

As originally approved, only four (4) new buildings were proposed on the site. The four new buildings, including two restaurants and two residences, were proposed and approved to the north of the quadrangle near Lorton Road. The applicant now requests that the approved residences be combined from two buildings into one (N-1 and N-2). The applicant further requests that the overall footprint of the restaurant sites be increased from 11,175 sq. ft. to 12,200 sq. ft. with an option to combine the two approved eating establishments (N-3 and N-4) into one structure. This application further requests the addition of another new building (N-5, to be located to the south of the quad near the ballfield. It is proposed to be 4,000 sq. ft. and be used as a maintenance/security office.



Art Center Use	Buildings	Gross Floor Area
Eating Establishment(s)	N-3, N-4	12,200 SF (total)
Residences	N-1, N-2	48,000 SF (total)
Maintenance/Security Offices	N-5	4,000 SF

Activities Onsite

Since the original rezoning in 2004, the interior renovations for the majority of the quadrangle area have been completed, and the Lorton Arts Workhouse opened its doors in September of 2008. However, while the proposed residences, eating establishments, theatre, events center, and music barn have not yet been renovated or opened, there are many activities that currently take place at the center including a substantial number of classes and workshops, as well as artists working in individual studio spaces. In the materials submitted by the applicant, details are given about the range of events, including the groundbreaking festivities for the Baryshnikov Arts Center held in September 2007 with two shows that had audiences of 600 each and the opening ceremonies in September 2008 which included performances with several shows having an attendance of at least 250 patrons. The center has also hosted local theatre troupe performances with audiences of up to 175 patrons and artist exhibitions since their opening in September 2008. Further, the applicant notes in materials submitted here and on their website, www.workhousearts.org, that a wide range of classes are offered already onsite. For instance, the Summer 2009 Catalog describes summer camps exploring visual and performing arts for school aged attendees and individual classes for visual and performing arts for all different types of age groups.

Generally, as discussed in the original rezoning, there are proposed to be three general types of activities at the Arts Center (Please note that the following does not include the ballfield because that will be scheduled and maintained by the Park Authority.):

- Everyday unscheduled activities, including: 1) activities associated with running the Arts Center such as administration of the Arts Center, arts education, maintenance activities, and staff support for the galleries, events center, performance arenas and museum spaces; 2) the day-to-day activities of the artists, performers and performance support staff related to the performance spaces, artists' studios and the horticultural display area, which include activities such as rehearsals, producing and other preparations for performances and the performance; 3) persons visiting the site to tour the artists' studios, the horticultural display area, and the galleries and museums; and 4) activities in support of the visitors, such as food service in Building W-1 and the eating establishments.
- Regularly scheduled events, which consist of performances and events scheduled in the theater (W-12), the Music Barn (W-22), the Events Center (W-1) and the Performing Arts Center (W-17, W-18 and W-18A). Regularly scheduled events are addressed by draft Proffer 7, entitled "Scheduling of Events," which limits the number of "outside guests" attending "concurrently scheduled" events to 1,200 per event. Proffer 7 defines "outside guests" as the number of tickets available or the number of persons guaranteed for an event in the Events Center spaces; "outside guests" does not include staff supporting the activities.

Proffer 7 defines “concurrently scheduled” as events starting or ending within 44 minutes of one another, except that events scheduled during the evening peak hour, defined as 5:00 p m to 7:00 p m, to events starting or ending within 119 minutes of each other.

- “Special Events” (as defined by Par. b of Proffer 7) which are multi-day events that involve artists, exhibitors, performers and outside guests beyond the everyday events and regularly scheduled events described above. “Special Events” are limited to 600 additional outside guests beyond that noted elsewhere in Proffer 7. During the first five years after the issuance of the first Non-Residential Use Permit, the applicant is limited to six “Special Events” per year. Subsequently, with the approval of the County, the number of “Special Events” may be increased to twelve per year. The proffer also includes a commitment to provide off-site parking for “Special Events” based on a parking plan approved by the County.

Topography

The developed portion of the site is rather flat, and much of the development, new and existing, is at a similar elevation to Ox Road. However, there are steep (> 15%) slopes near the eastern rear of the property as it descends into a set of stream valleys and a nearby Resource Protection Area (RPA).

Vehicular Access and Parking

This site is located at the intersection of Ox Road (Rt. 123), a primary highway, and Lorton Road (Rt. 642), a major arterial. Ultimately, this site is proposed to be accessed at four points. Two of the access points already exist—a main entrance from Ox Road, and an entrance from Lorton Road. Another access point is also proposed from Lorton Road. While the original rezoning application was pending, Ox Road was being widened to a six-lane divided highway. That road widening has now been completed. The applicant now proposes a fourth access point through a proposed driveway connecting to Ox Road through the adjacent Occoquan Regional Park in lieu of certain improvements on the Lorton Road access points. (It should be noted that the Lorton Road access points would remain under this proposal, but would not be expected to carry the higher capacities originally envisioned since the Occoquan Park access, if approved, would relieve the Lorton Road access points.)

As noted in the original staff report, each of the proposed entrances is aligned with the internal roadways, which generally flank the quadrangle. From these roadways, perpendicular roadways will allow for access to the parking areas on the property. The proposed southern driveway through the Occoquan Regional Park will access a perimeter road along the eastern end of the quadrangle.

The applicant is proposing to ultimately provide 1,551 parking spaces including paved areas, overflow areas, valet spaces and overflow parking across Lorton Road. The permanent parking lots are proposed to be sited along the periphery of the quadrangle. For the new restaurants and residential buildings, parking is shown between the existing buildings and new structures, but still to the outside of the quad which is maintained as a courtyard. Overflow parking is shown on several grassy areas, including near Ox Road and on the outfield areas of the existing ballfield. The proffers further provide for the development and implementation of a "Parking Plan for Special Events" so that offsite parking can be provided appropriately for large attendance events.

Pedestrian Connections

There is an existing asphalt trail along the Ox Road frontage of the site, which connects to parcels located to the north and south along Ox Road. In addition, as previously approved, the applicant has depicted the Laurel Hill Greenway, described below, on their plans.

The Laurel Hill Greenway ("the Greenway") is shown to run along the eastern side of the application property. This alignment was proposed in coordination with the FCPA because the railroad bed, upon which it had been previously proposed, has been obscured by earlier construction within the application property. The proposed alignment would also separate this major trail from the activities within the Arts Center. Near the northeastern corner of the application property, the Greenway turns south to run along that boundary of the application property, crossing back and forth across the property line in response to topography. Near the southern boundary, the Greenway will rejoin the former railroad bed.

Within the Arts Center, pedestrian access will be provided by various trails and sidewalks that interconnect the parts of the project and that connect to the major trails along the periphery.

Sidewalks are shown connecting the Lorton Road trail to the internal pedestrian network. The Greenway is connected to the internal network and these connections will allow pedestrians to connect through the site to the other trails along the periphery. The internal network connects to the trail on Ox Road via the sidewalk at the entrance on this road.

Landscaping, Existing Trees and Tree Save

The built portion of the site is generally devoid of landscaping, with the exception of the lawn areas near the former residences, and the barn and in the area around the ballfield. The CDPA/FDPA shows landscaping around the buildings and in the paved parking areas.

The CDPA/FDPA also depicts areas of tree preservation, found outside of the developed areas. To the north of the quadrangle, along Lorton Road, the applicant has proposed tree preservation near the horticultural display area and

near the residential buildings. The applicant is also showing a tree preservation area near the southeastern border of the site (near the Occoquan Regional Park).

Stormwater Management

The applicant continues to propose to manage the quality and quantity of stormwater on this site with the use of an underground detention vault as well as with a combination of percolation trench, bioretention filters, filterstrips and stormfilters. The applicant's stormwater management plan depicts what was constructed and approved as part of Fairfax County Site Plan 1183-SP-014-2.

Transportation Analysis (See Appendix 6)

Issue: Transportation Improvements

Under the approved rezoning, access to the site would be from one entrance on Ox Road and two points on Lorton Road. To achieve adequate capacity, the approved proffers provide for the reconstruction of Lorton Road to a four-lane divided roadway between the proposed eastern entrance and Ox Road, to occur concurrently with the construction of the eastern site entrance. While still committing to two entrances to their site from Lorton Road, the applicant is now proposing, in lieu of *reconstructing* Lorton Road (the site entrance in this location would remain), to provide additional site access with a connection to Ox Road. The additional access would be via the existing Northern Virginia Regional Park Authority entrance to Occoquan Park.

Also, the applicant proposes to amend thresholds related to the timeframe for construction of these additional access points. In the approved proffers, the improvements to Lorton Road were required to be constructed prior to the issuance of a Non-RUP for any one of the uses of Theater, Music Barn, Events Center or Performing Arts Center if the number of outside guests associated with scheduled events exceeds 450 persons. Under the proposed proffer, once any venue has seating or capacity which exceeds 620 guests, the Occoquan Park driveway will be constructed. As noted above, the proposed proffers maintain the commitments to ultimately improve the Lorton Road access (but not reconstruct Lorton Road). Specifically, the applicant is committing that prior to the issuance of the Non-RUP for any venue or combination of venues for which seating or capacity exceeds 1,000 persons, the easternmost access point to Lorton Road, as shown on the CDPA/FDPA, shall be constructed. After this entrance is constructed, the westernmost entrance on Lorton Road shall be converted to right-in, right-out only.

Resolution:

Staff supports the proposal to provide additional site access with a connection to Ox Road and notes that the entrance is already signalized and would provide good alternative access for the site. Staff feels this proposed access through the park provides safer and more efficient access to the site than the approved

rezoning which focused on improvements to Lorton Road. Specifically, staff supports the use of the Occoquan Park driveway instead of relying solely on improvements to the Lorton Road access points. In addition, as the applicant is still committing to improved interim access on Lorton Road, staff feels that the overall access has been improved by this application.

Issue: Trip Generation

In the original rezoning, determining the needed transportation improvements required by this unique development presented a challenge to staff in that assumptions had to be made about the expected trip generation and use patterns associated with the facility. Ultimately, staff determined that limitations on scheduling and attendance were appropriate ways to mitigate adverse traffic impacts. Limitations on scheduling included limiting the number of special or concurrent events, requiring that concurrently scheduled events be separated by 44 minutes during normal periods and by 119 minutes within the evening rush hour. The applicant is not requesting changes concerning scheduling of concurrent events. However, as noted above, the applicant is now requesting an increase in attendance limitations so that up to 1,200 guests are permitted for concurrent events and up to 2,000 guests are permitted for special events. The previous approval allowed 900 guests for concurrent events and 1,500 guests for special events.

The applicant further requests that the number of special events be permitted to increase. Under the approved proffers, the applicant is limited to four (4) special events for the first five years of operation. This number was permitted to increase to eight (8) thereafter; the applicant now requests that this number be increased to six (6) and twelve (12) events respectively.

Resolution:

Staff has not identified a traffic impact related to this increase in number and points out that the applicant has held a significant number of onsite events without problem. As noted above, staff believes that access will be significantly improved with the new proposal to use the Occoquan Regional Park entrance as it accesses a larger road (Ox Road) which is already signalized. Therefore, staff is generally supportive of this increase, noting that the limitations on scheduling of concurrent events remains in force.

Land Use Analysis (*See Appendix 7*)**Issue: Culinary Arts Component and Retail Uses**

As noted above, the applicant requests the addition of certain uses be allowed in this PDC district. Staff notes that the new uses identified in this application are the culinary arts program, accessory retail (including for the horticultural area) and school of special education/university use. (The school of special education/university is discussed at length in the next section.)

The Comprehensive Plan states that the adaptive reuse of the site is appropriate and could include government, cultural arts and public institutional uses. The culinary arts component is described as a similar use to the other arts onsite, but merely a different medium. Specifically, this use could include activities such as a creamery (including cheese-making), bakery, brewery, and winery. The products will not be made for public consumption, although some of these wares may be served onsite to patrons at the approved eating establishments. The primary purpose of the culinary arts component will be demonstrating and learning about cooking techniques and serving methods. The applicant notes that the Culinary Arts program will most likely be conducted in a portion of the Events Center.

In addition, the applicant notes that the accessory retail use and primary retail for the horticultural display area (limited to 2,700 sq. ft) will be very similar to the retail sale of art pieces that is generally allowed in the gallery and studio areas already.

Resolution:

The proposal by the Foundation to preserve and adaptively reuse the majority of existing historic structures on the site to establish an Arts Center and associated uses is in conformance with the Comprehensive Plan. Staff finds that generally as long as the culinary center follows a teaching and presentation type model similar to the other artistic media, then this use conforms to the Plan language.

The CDPA/FDPA continues to identify the Barn (Building W-22) to be renovated as an indoor/outdoor performance center with the adjacent open space area used for outdoor concerts. This proposed use addresses the specific Plan recommendation for community use of this structure. While the Plan does not include a specific recommendation with regard to floor area ratio (FAR), the

proposed FAR of 0.12, the overall adaptive reuse of the existing historic structures and the construction of five new buildings are in conformance with the recommendations of the Plan.

Issue: School of Special Education/University

The applicant's request for approval of a School of Special Education/University use derives from the applicant's desire for the Workhouse to partner with the Northern Virginia Community College and/or Shenandoah University to offer accredited college courses in the arts at the Workhouse site. Through the proffers the application has specifically committed that there shall be no dorms, cafeterias, etc. as would be expected at a full college campus. The applicant has indicated that the maximum enrollment would be 450 students, with this amount being permitted onsite at any one time. Review of the applicant's website, www.workhousearts.org, shows that many classes are currently taught at the site that cover many types of artistic pursuits. The applicant has confirmed that many of the classes are offered at night or on the weekend to a wide audience of children and adults.

Under 6-203 of the Zoning Ordinance, many primary and secondary uses are permitted in the Planned Development Commercial (PDC) District. At the beginning of this application, the applicant requested permission to specify the uses to include a child care center and financial planner/bank office on this site. Staff expressed concern that these kinds of uses, did not fall within the central mission of the Lorton Arts Foundation on this site. The applicant ultimately agreed to remove those requests from this application. As the applicant has withdrawn the uses which were seemingly more peripheral to the Workhouse's central mission, staff has focused on whether the School of Special Education/University use is in harmony with the Comprehensive Plan and directly related to the mission of the Workhouse and whether the site can support classes with up to 450 faculty and staff.

As described in the original staff report, arts education was listed as an "everyday unscheduled activity" similar to administration of the facility, rehearsals, artists working in their studios, etc. Much of the attention and analysis on that application was on the special or scheduled events that could have larger impacts on the area in terms of traffic, noise, utilities, and environmental concerns. Given the original understanding of arts education as a central component of the facility, staff has concluded that education in the form of accredited classes is related to the Workhouse mission. Nevertheless, staff has expressed concern that these 450 students could represent too intense a use for this site.

Resolution:

Staff has analyzed whether this intensity of use would negatively impact the site or the area as a whole. Staff notes that the approximately 53-acre site includes the adaptive reuse of approximately 233,813 sq. ft. within twenty-five existing historic structures and approximately 64,200 sq. ft. in five new structures. Therefore, staff

believes that there is ample physical space for this number of students. In addition, the applicant has noted and proffered that there will be no dorms or dining facilities designed for the specific use of students on this site. Furthermore, staff does not believe that the addition of a school for special education/university will create a traffic or transportation issue because these classes are not all scheduled to take place at one time. As discussed above, there are no remaining transportation concerns related to this application.

It should be noted that at this time, the applicant is not providing parking which would permit all of the proposed uses to operate at maximum capacity at the same time as required by the Zoning Ordinance. For that reason, the applicant has agreed, as discussed below, to submit a parking reduction study to the Department of Public Works and Environmental Services (DPWES) prior to site plan approval for any use that would cause the cumulative required parking onsite to exceed the provided parking. Staff has concluded that, given the rather large parcel, the proposed transportation improvements, and the fact that classes are currently offered onsite with staggered scheduling, this university use at this level is appropriate for this site.

Issue: Proposed Building Changes

The applicant requests changes to four (4) new buildings (N-1, N-2, N-3, and N-4), the addition of a new building (N-5), and the change of use within an existing building (W-13). Specifically, the applicant requests that N-1 and N-2, originally designated on the CDP/FDP as separate residences serving as the "Artists Colony", be permitted as a single building and that N-3 and N-4, the restaurants, have an option to be combined into a single building with a total square footage of 12,200 sq. ft. The applicant's proposed new building (N-5) is shown as a 4,000 sq. ft. office building.

Originally, the applicant had requested a financial office use be approved in the existing building, labeled W-13, which is situated near Ox Road. Staff had expressed concern that this type of use was not supportive of the overall mission of the Lorton Workhouse and the Comprehensive Plan. As a result, the applicant has modified their request for this building. The applicant is no longer requesting a financial office, but instead is requesting that W-13 be allowed the option to develop as a small restaurant, with 75 seats.

Resolution:

Staff is generally supportive of the proposed changes, and notes that the request to combine the proposed residences at N-1 and N-2 has already been approved by the Architectural Review Board (ARB). The ARB letter of approval can be found at Appendix 7. Further, the applicant has dropped the current request to house a financial planning office in W-13. Instead, the applicant has focused on requesting more space for the three proposed restaurants, requesting a larger (and perhaps combined) footprint for the two previously-approved restaurants and approval of another separate restaurant use in W-13. In staff's opinion, the option to combine

and increase the square footage does not mark a significant increase over the approved square footage of these restaurants. (These restaurants were originally approved at 11,175 sq. ft. and the request now is for a total of 12,200 sq. ft. total.) As W-13 is located near the new and previously approved restaurant buildings and is on a smaller scale (with approximately 75 seats), staff generally supports the proposed change. In staff's opinion, this kind of small scale eating establishment would seem well-suited to serve the artists and daytime visitors to the site. Finally, the newly proposed 4,000 sq. ft office/security building has been sited away from the quadrangle and away from the Ox Road frontage and is generally supported by staff. Therefore, staff has concluded that the proposed physical changes associated with this application are in conformance with the Comprehensive Plan.

Issue: Parking

The applicant has provided 1,551 parking spaces onsite either in permanent spaces or in overflow parking areas as depicted on the amended Final Development Plan. As shown on the cover sheet of the Final Development Plan, the uses onsite, to include the residential buildings, the baseball field, the eating establishments, the horticultural retail, the school/university, the museum, the event center, the music barn and the performing arts center, could require approximately 1,925 spaces if all the uses occurred and one time.

However, the applicant is only proposing to provide the 1,551 parking spaces in paved areas, overflow areas, valet spaces and overflow spaces across Lorton Road. The proffers do provide for a Parking Plan for Special Events so that offsite parking can be provided appropriately.

Resolution:

Staff first notes that both the currently approved and newly proposed proffers impose attendance limitations on the site with the goal of ensuring that adequate on-site parking is available. The approved proffers stated that scheduled events having a total projected attendance of more than 900 patrons will not be scheduled concurrently (defined as events having a published starting or ending time within 44 minutes of one another). The proposed proffers do, however, request an increase in the guest numbers to 1,200. Also, staff notes that the special events may require the provision of offsite parking as there could be times where the onsite parking is insufficient and that the applicant has proffered, as was approved previously, to establish a parking plan (which would be reviewed and approved by DPZ and/or FCDOT) to accommodate any excess parking need off-site. Finally, the applicant has further proffered that prior to site plan approval for any use where the cumulative required parking for all on-site uses cannot be met, to file a parking reduction study for review by of DPWES and ultimate approval by the Board of Supervisors (BOS). The draft proffers expressly note that, "If the parking reduction is not approved, either a proffered condition amendment shall be sought to add parking or currently approved uses will be reduced in size/scale to meet current parking requirements." With these commitments, staff finds that this issue is resolved.

Issue: Occupancy of Residences

The applicant originally suggested a broadening of the types of people allowed to lease the residences onsite. In the original rezoning, the proffer stated that *"Occupancy of those residential units identified as the 'Artists Colony' (N-1, N-2) shall be restricted to persons directly involved with an activity of the Workhouse, including, but not limited to, artists, producers, directors, interns, fellowship recipients, educators and apprentices."* Staff believes that any significant broadening of the pool of lessees to the general population is not in conformance with aspects of the original development. In staff's view, this proposed change calls into question conformance with both the Comprehensive Plan and the Memorandum of Agreement between the County and the GSA governing the transfer of the land to the County.

Resolution:

The applicant has revised their draft proffer 6(d) to read:

Occupancy of those residential units identified as the "Artists Colony" (N-1, N-2) shall be limited to persons directly involved with an activity of the Workhouse, including, but not limited to, artists, producers, directors, interns, fellowship recipients, educators, apprentices, paid and volunteer staff of the Workhouse, enrollees in Workhouse classes and other members of the Lorton Arts Foundation. The units in N-1 and N-2 shall be designed as live/work apartments to include all the elements of a dwelling unit as defined by the Zoning Ordinance in addition to studio workspace. The first floor shall be designed to include gallery/exhibition space. Additionally, twice a year, the Artist Colony (N-1 and N-2) shall be open to the public as part of a program to educate the community about the live/work apartment concept..

While the named members of affiliated individuals has been expanded with this proffer, the basic limitation that these units shall be limited to persons directly involved with an activity of the Workhouse remains. With this change, staff has concluded that this issue is resolved.

Environmental Analysis (See Appendix 7)**Issue: Green Building Design**

The Comprehensive Plan was recently amended to recommend that buildings and associated landscapes be designed and constructed to use energy and water resources efficiently and to minimize negative impacts on the environment and building occupants. In addition, Fairfax County has a policy requiring all County projects to be built to the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver level standard. Because this project is on County land, staff strongly recommended that at a minimum the new construction

on this site be at the LEED certified level. In addition, staff suggested the use of Energy Star rated appliances in the new construction.

Resolution:

The applicant has proffered to provide Energy Star appliances in the proposed residences. However, the applicant has proffered no other green building practices on this site.

The new residences have undergone significant design review and approval by the Architectural Review Board and achieving LEED certification for these residences would involve substantial redesign. Therefore, staff believes that, in lieu of a redesign based on Energy Star or LEED design principles, that the use of Energy Star rated appliances within the artist's residences (to include dishwashers, refrigerators and freezers, and clothes washers) is reasonable given the amount of design already completed.

However, staff believes that the other new buildings (consisting of the restaurants and office/security building) have not reached a degree of design finality where achieving at least LEED certification would require such substantial design change as to be unachievable or prohibitively expensive. The subject site is County land. In staff's opinion, if the County were constructing these buildings, the County would build to at least the LEED Silver level standard. Therefore, in order to be consistent with County policy, staff has proposed a development condition requiring these new structures to be built to LEED certification standards.

Issue: Noise Impacts from Extended Hours of Operation

All the activities of the Workhouse will be limited by the Noise Ordinance found in the County Code. The Noise Ordinance prohibits certain activities during specified times and prescribes maximum permissible sound pressure levels. Specifically, the Noise Ordinance prohibits the use or operation of a loudspeaker or other sound amplification device on the exterior of a building between the hours of 11 p.m. and 7 a.m. the following day. In addition, the Noise Ordinance indicates that the maximum sound level pressure at a residential property boundary shall be 55 dBa. As the events center activities will be conducted inside, staff believes that noise impacts from using that facility will be adequately addressed by the existing noise regulations. However, the Music Barn has outdoor activities which have caused more concern. Therefore, staff expressed concerns about potential noise impacts that could result from the extended hours of operation in the Music Barn, Performing Arts Center and Events Center.

Resolution:

The applicant has submitted a noise study with this application which measured the expected noise impacts at points along the property line. The study concludes that music performed inside the music barn is not expected to cause noise concerns along the northern boundary (along Lorton Road) nor the boundary with

the Lorton Construction Landfill. Further, noise performed outside the Music Barn is not expected to cause noise concerns along the Lorton Road boundary. However, music performed outside the Music Barn may exceed the Noise Ordinance limits along the Lorton Construction Landfill boundary. While staff notes that the landfill is not necessarily an area where residents would be affected by noise disturbances, the noise study suggests either a lower music volume or a noise wall would attenuate those impacts. The proffers indicate that the applicant would submit this noise study to the Department of Planning and Zoning (DPZ) and DPWES for review and approval and that: "Once the Noise Study is approved, the Applicant shall adhere to the operational and mitigation requirements of the same." Because construction of a noise wall is not shown on the CDPA/FDPA and therefore cannot be an option without further amendment to the CDPA/FDPA, staff notes that the applicant will only be able to satisfy their mitigation obligations by operational methods, i.e. lowering the volume of the outside music, in order to satisfy the Noise Ordinance. With implementation of this proffer, staff has concluded that all noise impacts will be adequately mitigated.

Urban Forestry Analysis (See Appendix 8)

Issue: Tree Preservation On-Site

This site is largely cleared of vegetation and the applicant is constricted in the amount and type of landscaping that can be placed around the historic buildings due to the need to maintain the historical, and largely unvegetated, context of the buildings as they were used by the DCDC. Therefore, because the applicant cannot plant new trees, staff believes it is critical to preserve the trees that are on-site. Staff has noted that the placement of the artists' residences and the proposed restaurant, whether combined into one building or not, will impact some of the mature trees on this site. Specifically, the Urban Forester has noted that the proposed limits of clearing and grading for the residences will necessitate the removal of some mature trees and furthermore, that the eating establishment is sited very close to a forested area. Although the treed area near the eating establishment is shown to be preserved on the CDPA/FDPA, staff is concerned that there are two outstanding specimen white oak trees in this stand whose critical root zones may become damaged with the construction of the eating establishments. Furthermore, in the horticultural display area, the proposed limits of clearing and grading also result in the loss of existing forest cover. Staff has encouraged the applicant to relocate these new buildings to another area on this site in order to lessen the impact on existing trees here. For the horticulture display area, the limits of clearing and grading could be shifted 75-100 feet to the south to preserve more forest cover in that area.

Resolution:

The applicant notes that this proposal generally adheres to the previously approved site layout with predominantly the new structures along Lorton Road impacting the on-site trees the most. In fact, the applicant has provided an exhibit showing that the limits of clearing and grading have actually contracted since the

approval of the site plan in order to preserve the existing trees. Nevertheless, the applicant does acknowledge that construction of the residences may impact some of the trees in that area. But because the residence building layout and landscaping have already received ARB approval, the applicant does not wish to substantially redesign the layout at this point. Instead, the applicant has added additional tree preservation proffers relating to evaluation, identification and preservation of the existing trees during construction. The applicant has proffered to coordinate with the UFM on safeguards for the specific specimen white oak trees as discussed above. With the proffered commitments, staff has concluded that this issue is resolved.

Issue: Tree Preservation Off-Site

The applicant is proposing a driveway through a section of the adjacent Occoquan Regional Park to access Ox Road. While this portion of the park is not a part of the application property, the existing tree cover in this area is affected by this proposed driveway. For that reason, staff asked the applicant to include the area on the existing vegetation map and to further detail why such a large area of land must be cleared for the driveway.

Resolution:

The applicant has submitted a revised CDDA/FDPA containing a note which indicates that based on a field visit by a certified arborist, the existing vegetation in this area consists of eastern red cedars trees, red maple trees, Virginia pine trees, green ash trees and a number of native and invasive shrubs and groundcover. The applicant has noted that the alignment of this driveway is still conceptual and has included a proffered commitment to coordinate with the UFM during design of the driveway to ensure the least amount of vegetative disturbance as possible. With the revised plans and the proffer commitment for continued coordination, staff has concluded that this issue is resolved.

Fairfax County Park Authority (FCPA) (Appendix 9)

Issue: Overflow Parking on the Existing Ballfield

Originally, the applicant proposed overflow parking to be located on all areas of the existing baseball diamond. The Fairfax County Park Authority had indicated to the applicant that this location was unacceptable as the field could not be maintained and used as required if even intermittent parking were to occur on the field of play.

Resolution:

The applicant has submitted revised plans that show overflow parking will occur only in the outfield, not in the infield of the baseball diamond. FCPA has reviewed this configuration and determined that while not ideal, the parking areas on the outfield are acceptable in this case.

Sanitary Sewer Analysis *(Appendix 10)*

As noted in the original staff report, the property is located in the Mill Branch (P) watershed and would be sewer into the Noman N. Cole, Jr. Pollution Control Plant. The property is currently served by the Lorton Pump Station, which has a capacity of 60,000 gallons per day (gpd) and which is located within the application property. Given the existing flows, the existing pump station has an available capacity of 40,000 gpd. However, the projected need of the proposed Arts Center at full build-out is 60,000 gpd, exceeding the available capacity at the pump station. Therefore, the existing pump station will need to be upgraded or replaced before the Arts Center exceeds the capacity of the pump station. The draft proffers include a commitment to replace the pump station as required. As noted in the original rezoning and reiterated here, should the Board approve this application, that approval in no way guarantees that sewer capacity will be available to serve this site when the property is fully developed.

Fairfax County Water Authority *(Appendix 11)*

The subject property is located within the Fairfax County Water Authority Service Area and adequate domestic water service is available at the site from an existing 30-inch, 8-inch, and 6-inch water mains located on the property. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and to accommodate water quality concerns. The Water Authority does note that there are several outstanding construction issues relating to fill being placed over an existing 42-inch water main which will require resolution prior to acceptance by the Authority.

Fairfax County Fire and Rescue *(Appendix 12)*

The Fire Marshal has reviewed and approved the plans noting that the construction of the buildings shall require full compliance with fire protection and access requirements listed in the Public Facilities Manual. However, this development does not meet fire protection guidelines because the site is located outside of the recommended service area for the existing fire station. A new facility is not planned.

ZONING ORDINANCE PROVISIONS *(Appendix 13)*

Per Zoning Ordinance Section 6-208, there are no specific requirements for yards or building height in a PDC District. However, Section 16-102 describes the design standards that are applicable to the evaluation of a development plan. Specifically, Section 16-102 notes that:

In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, 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.

Bulk Standards (Planned Development Commercial District)		
Standard	Required	Provided
Min. Dist. Size	See Tabulation on Sheet 4	216,592 sq. ft. GFA
Building Height	45 ft.	Varies for the Existing Structures; 45 ft. - Multi-Family Buildings 25 ft. - Eating Establishments
Front Yard	40 ft.	10 ft. (existing condition)
Side Yard	None	As shown on Sheet 3
Rear Yard	None	As shown on Sheet 3
Floor Area Ratio (FAR)	1.5	0.12
Open Space	15%	68%
Parking Spaces	1925 spaces (based on residential, baseball, eating establishments, retail, school/university, museum/cultural center, theatre, event center, music barn, and performing arts center uses)	1,399 spaces (not including onsite valet on overflow parking spaces across Lorton Road)*

* Per the applicant's proffers, minimum parking requirements shall be fulfilled at all times by providing the number of spaces required by the applicable provision of Article 11 of the Zoning Ordinance for each use as the site plan is approved for each use. A parking reduction per the Zoning Ordinance shall be requested at such time as the minimum parking requirements cannot be met as a cumulative total on the property. The parking reduction shall be approved prior to the approval of a site plan for the specific use. If the parking reduction is not approved, either a proffered condition amendment shall be sought to add parking or currently approved uses will be reduced in size/scale to meet current parking requirements. Minimum parking may be fulfilled through a combination of "permanent" and overflow spaces in the location general identified on the CDPA/FDPA.

Waivers/Modifications

Transitional Screening/Barriers

The existing Arts Center is adjacent to parkland on the east and south; the Upper Occoquan Water Treatment Plant is located across Ox Road to the west. Transitional screening and barriers are not required for these uses.

To the north, across Lorton Road, is land that is planned, zoned and developed with single-family detached dwelling units. Transitional Screening Yard 2 (35 feet in depth) and, Barrier D (42-to 48-inch tall chain link fence), Barrier E (6-foot wall, brick or architectural block faced on the side facing the existing use), or Barrier F (a 6-foot high solid wood or otherwise architecturally solid fence), are required along the northern boundary between the proposed Arts Center and the single-family detached dwellings on Lorton Road. This requirement is based on the Arts Center use. (The uses along the northern boundary, the eating establishments and the artists' residences would each generate either a similar requirement in the case of the eating establishments or Transitional Screening Yard 1 in the case of the multi-family dwelling units). The application includes a request to continue these previously approved modifications of these requirements in favor of the features shown on the CDPA/FDPA.

Modification: Transitional Screening Along Northern Property Line (Lorton Road)
Basis: Par. 3 of Sect. 13-304

The proposed eating establishments and proposed residences are the closest structures to Lorton Road with this application. The proposed eating establishments are to be set back more than 80 feet from the southern side of Lorton Road. The proposed screening between the eating establishments and Lorton Road consists of the existing vegetation, supplemented by ornamental and shade trees and evergreen trees. However, the amount of plant material proposed is less than that required by Transitional Screening Yard 2 (35 feet in width).

The proposed artists' residences are to be located at an elevation that is similar to the rest of the developed portion of the property. Therefore, these buildings will be located above Lorton Road as it descends to a lower elevation going eastward. A water line easement that crosses the northern part of the Arts Center from east to west side affects the location of the artists' residences and limits the ability to landscape and what could be planted. The CDPA/FDPA includes several areas of tree preservation in addition to a row of evergreen and deciduous trees complemented by shrubbery near the proposed structure between the proposed artists' residences and Lorton Road. The deciduous trees will be located adjacent to the proposed building. Staff has concluded that the proposed screening is appropriate and that this screening, which consists of proposed and existing vegetation, will adequately screen the uses associated with the Lorton Workhouse from the adjacent single-family detached dwellings.

The easternmost portion of the Arts Center along the Lorton Road frontage, is open space and/or the horticultural display area. This area of the site has a good deal of the tree preservation areas onsite, which will provide an appropriate transition to the residences located across Lorton Road.

Therefore, staff has concluded that the requested modification to the transitional screening yard requirement as depicted on the CDPA/FDPA is appropriate.

Modification: Barrier Along Northern Property Line (Lorton Road)**Basis:** Par. 12 of Sect. 13-304

Along the northern boundary, in lieu of the required 6 ft high barrier, the applicant is proposing to substitute a wooden fence that resembles the fencing used throughout the DCDC complex's former agricultural operations. The fence, illustrated on Sheet 7 of the CDPA/FDPA, consists of wooden sections between brick pillars. The wooden sections will be four feet tall and will include one or two lower rails, with a crossed element above, topped off by another rail. This fence, which reflects the historic character of the site, provides a barrier that, in staff's opinion, is similar to a chain link fence. It will also be located along the roadway, which is the historic location for the fence. Therefore, staff supports the requested modification of the barriers to that shown on the CDPA/FDPA.

Standards for all Planned Developments (Sect. 16-100)

Sect. 16-101 contains six general standards that must be met by a planned development. Sect. 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject.

Sect. 16-101, General Standards

The first general standard requires that the planned development conform with the Comprehensive Plan (Par. 1). As discussed in the Land Use Analysis, staff has determined that this standard has been satisfied.

The second General Standard addresses whether or not the planned development is of such a design that it achieves the purpose and intent of a planned development more than would development under a conventional district (Par. 2). The purpose and intent of the Planned Development Commercial District, which is contained in Sect. 16-201, is to accommodate preferred high density uses that could produce adverse impacts on adjacent properties and to insure high standards of layout and design and construction.

As discussed in the original rezoning, the application proposes a unique project on a unique site that is most appropriately accomplished through the flexibility of a Planned Development District. Further, the proposed Arts Center is not readily adaptable to a conventional district. The application proposed to adaptively reuse a site that contains historic buildings and represents an historic era in penal institutions as an Arts Center with a unique mix of uses. Other buildings associated with the DCDC facility that do not reflect the historic workhouse have or will be demolished, in order to make the historic workhouse, (not the subsequent prison uses), the focus of the site. The site includes a central core area, consisting of the quadrangle, the buildings around it and the outlying historic structures, such as the barn, where most of the proposed Arts Center functions are located. The five new buildings that are proposed are to be associated with the historic central core by proximity, but separated to respect the historical

integrity of the central core. The central core of Arts Center uses abuts open spaces that reflect the workhouse of the past consisting of agricultural and recreational land that is part of the overall design of the facility. Therefore, staff has determined that this standard has been satisfied.

The third general standard addresses the efficient use of the available land and protection of scenic assets and natural features such as trees, streams and topographic features (Par. 3). First and foremost, the application should and does respect the scenic asset of the historic structures of the former workhouse. Secondly, the new construction on the site, including the parking lots and the five new buildings, is located in a manner that protects the vistas from the site into the rest of Laurel Hill. The preservation of trees along Lorton Road is affected by the construction of the new buildings, although the applicant's request to combine the residences into one building and constrict the limits of clearing and grading has provided more tree preservation than previously approved. While some existing vegetation in the northeast corner of the site will be ultimately removed in favor of the installation of the horticultural display area and the associated lake, those uses are consistent with the mission of the Arts Center. Therefore, staff has determined that this standard has been satisfied.

The fourth general standard states that 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 (Par. 4). As discussed in the Land Use Analysis and in the Waivers and Modifications Section of this report, staff has determined that with the proposed proffers regarding noise, hours, and scheduling of events, this standard has been satisfied.

The fifth general standard addresses the adequacy of public facilities in the vicinity (Par. 5). As noted in the Public Facilities Analysis, the site is located in an area where public facilities and public utilities are, or will be, adequate for the proposed development provided that the sewage pump station is reconstructed.

The sixth general standard addresses internal linkages among internal facilities and to external facilities at a scale appropriate to the development (Par. 6). As noted in the staff report, the proffers adequately address the road improvements required to provide adequate access into the site and to accommodate the traffic on Lorton and Ox Roads. Staff has concluded that this standard has been satisfied with regard to pedestrian facilities by the planned trails around the site and the internal pathway network, as discussed previously.

Sect. 16-102, Design Standards

The first design standard specifies that, regarding compatibility with adjacent development, the peripheral yards of the CDPA/FDPA should generally conform with the setbacks for the most similar conventional district. The locations of the historic structures will remain the same, and although the existing buildings along the Ox Road frontage do not conform to the conventional district, with W-13

located 10 feet from the property line, staff notes that the buildings are historically significant and would not support removing or relocating any existing buildings on-site. Staff has also determined that this standard has been satisfied with regard to the proposed new construction. Although one corner of the proposed residences will be within 35 feet of the future right-of-way of a possibly realigned Lorton Road, this location reflects the ridge line along this portion of the site and therefore, staff finds this setback acceptable.

The second design standard states that other applicable provisions of the Ordinance such as off-street parking, landscaping, signs, etc. are applicable to planned developments (Par. 2). As discussed in the section entitled Zoning Ordinance, these provisions have been generally met. While the CDPA/FDPA does not include detailed information with regard to the proposed signs, the proffers state that all signs shall conform with the provisions of Article 12, Signs, while noting that a Comprehensive Sign Plan must be filed in P-Districts and that the review of the Architectural Review Board is required for signs in an historic district.

Design Standard Number 3 specifies that the street systems conform with the applicable requirements and that a network of trails be provided to allow access to recreational amenities, open space, public amenities, vehicular access routes and mass transit facilities (Par. 3). As discussed above, this standard has been met.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

As described in the Land Use Analysis, the proposal conforms to the recommendations of the adopted Comprehensive Plan which states that Occoquan Workhouse site should be adaptively reused and could include government, cultural arts and public institutional uses. The specific requests contained here relating to the extended hours, attendance, and clarification of uses conform to the adopted Comprehensive Plan. As with the approved rezoning, the current proposal includes proffers to address road improvements needed to provide adequate access to the site, to comply with the design review requirements associated with the site's location in an historic district, and provides appropriate landscaping and screening along Lorton Road. The proposal also conforms to the purpose and intent of the Planned Development Commercial District.

Recommendations

Staff recommends approval of PCA/FDPA 2003-MV-033 subject to the execution of the draft proffers contained in Appendix 1.

Staff further recommends that the FDPA 2003-MV-033 be approved subject to the proposed development conditions contained in Appendix 2.

Staff recommends that the transitional screening yard requirement be modified along the northern boundary to that shown on the CDPA/FDPA.

Staff recommends that the barrier requirement be modified along the northern boundary and between the artist's residences and the workhouse in favor of that shown on the CDPA/FDPA and referenced in the proffers.

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

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

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

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Previously Approved Clerk's Letter & Proffers (RZ 2003-MV-033)
6. Transportation Analysis
7. Land Use and Environmental Analysis
8. Stormwater Management Analysis
9. Urban Forestry Management Analysis
10. Fairfax County Park Authority Analysis
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority
13. Fairfax County Fire and Rescue
14. Zoning Ordinance Provisions
15. Glossary

PROFFERED CONDITIONS FOR PROFFER CONDITION AMENDMENT
BY
LORTON ARTS FOUNDATION, INC.

PCA/FDPA 2003-MV-033

June 8, 2009

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owner and Applicant in this proffer condition amendment proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 106-4-((1))-58 (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said proffer condition amendment application is granted. In the event said application request is denied, these proffers shall be null and void. The Owner and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The following proffered conditions supersede those associated with RZ 2003-MV-033. The proffer conditions are:

1. CONCEPTUAL DEVELOPMENT PLAN//FINAL DEVELOPMENT PLAN

(a) Substantial Conformance. Subject to the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted and any additional requirements of these proffered conditions, the development shall be in substantial conformance with the Conceptual Development Plan Amendment/Final Development Plan Amendment (CDPA/FDPA), containing ten (10) sheets prepared by Walter L. Phillips, Inc. dated August 25, 2008 and revised through

June 6, 2009. For the purpose of these proffers, the structures and uses on the Property may be collectively referred to as “the Workhouse.”

(b). Amendment to CDPA/FDPA. Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDPA elements for all or a portion of the CDPA/FDPA in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDPA elements shall include those principal and secondary uses permitted by these proffers, the maximum floor area ratio, the general layout and the general orientation of access points to public roads, parking, and open space areas.

2. PHASING

(a) Phasing of New Construction. The approval of PCA 2003-MV-033 shall constitute the ability to construct any of the proposed renovations/new construction shown on the CDPA/FDPA pursuant to the approval of the required site plan and provided conditions contained in the following proffers 2(b) and 2(c) are satisfied.

(b) Parking Requirements and Phasing of Parking. Minimum parking requirements shall be fulfilled at all times by providing the number of spaces required by the applicable provision of Article 11 of the Zoning Ordinance for each use as the site plan is approved for each use. A parking reduction or shared parking agreement per the Zoning Ordinance shall be requested at such time as it is determined that the minimum parking requirements cannot be met as a cumulative total on the Property. The parking reduction shall be approved prior to the approval of a site plan for the specific use. If the parking reduction is not approved, either a proffered condition amendment shall be sought to add parking or

currently approved uses will be reduced in size/scale to meet current parking requirements. Minimum parking may be fulfilled through a combination of “permanent” and overflow spaces in the location general identified on the CDPA/FDPA. It is intended that a waiver of the dustless surface requirement will be requested at the time of site plan for the spaces shown as such on the CDPA/FDPA.

(c) Phasing of Infrastructure. The Applicant shall demonstrate to the satisfaction of DPWES prior to each site plan approval that supportive utility infrastructure (i.e. sanitary sewer, water, etc.) is available to service the development and uses reflected on any individual site plan. If necessary, an additional sewer pump station and/or related infrastructure shall be provided.

(d) Trails. The Laurel Hill Greenway shall be provided as outlined in Proffer 9 below. The connecting trails shall be provided at the same time as the Laurel Hill Greenway, as generally shown on the CDPA/FDPA.

(e) Road Improvements. Entrance improvements, road widening and associated pedestrian facilities shall be provided in accordance with Proffer 10 below.

3. ARCHITECTURAL REVIEW

(a) Architectural Approval for New Structures. All construction and development shall be subject to review by the Architectural Review Board to the extent required by Article 7 of the Zoning Ordinance for Historic Overlay Districts and/or the Memorandum of Agreement executed by the Advisory Council for Historic Preservation on June 28, 2001 (“MOA”), as may be applicable.

(b) Signage. Notwithstanding the locations for signs and entry features shown on the CDPA/FDPA, all signs shall comply with Article 12 of the Zoning Ordinance. The Applicant further reserves the right to pursue a Comprehensive Sign Plan in accordance with Section 12-205. All signs shall be further identified and reviewed as part of plans forwarded to the ARB in accordance with Section (a) above and the sign permits shall be forwarded as required by Part 2 of Article 7, Historic Overlay Districts.

(c) Notification of Requirements for Architectural Review Board Approval. Separate notation shall be placed on all site plan submissions reading “all development actions for this rezoning are subject to Architectural Review Board review and approval,” or similar text.

(e) Architecture of Artists Colony (N-1, N-2). Building materials associated with this use shall be compatible to those associated with the historic structures on the Property as approved by the ARB. All facades and fenestration (the arrangement, proportioning, and design of windows and doors in a building) of the Artists Colony shall be architecturally treated with elements in order to add variety to the façade, subject to ARB approval in accordance with the Historic Overlay District Provisions as required by the MOA.

(f) Screening of Service Areas. All dumpsters shall be screened using materials that are compatible to the approved architecture as approved by the ARB. All dumpsters and their screening shall be further identified and reviewed as part of plans forwarded to the ARB in accordance with Section (a) above.

1. 4. DOCUMENTATION OF HISTORIC STRUCTURES TO BE DEMOLISHED

(a) Documentation of Contributing Buildings to be demolished. Prior to any demolition of a contributing building (W21A, W21, H42, H43 and W40 and possibly W-29), each structure shall be photographed with a large format camera (4"x 5" minimum negative) using black and white film. Photographic recordation shall be done to the standards of the Historic American Buildings Survey (HABS). The number and angle of views shall be coordinated with the Fairfax County Park Authority (FCPA) prior to the taking of photographs and the completed photos shall be approved by the FCPA prior to demolition of the buildings. Such photographs shall be submitted to the Virginia Room of the Fairfax County Public Library, the District of Columbia Archives, and the Virginia Department of Historic Resources (VDHR). A copy of the photos shall be kept at the Prison Museum in Buildings W-02 and W-03. The negatives shall be submitted to VDHR. The construction, occupants and significant events associated with each building to be demolished shall be documented in writing by qualified professional in consultation with Fairfax County DPZ and the Cultural Resource Management and Protection Section of the FCPA. Where applicable, such photographic and written documentation shall be done to a standard as required for determination for National Register eligibility based on the "VDHR Preliminary Information Form".

(b) Incorporation of Demolished Buildings at the Prison Museum. Depictions of the architecture, design, use, history and relationship to the overall workhouse of the contributing buildings to be demolished shall be displayed within the Prison Museum proposed to be located within the Workhouse.

(c) Historical Identification of Contributing Buildings. Any contributing building to be demolished shall be identified on the property with an appropriate plaque, marker or similar identification. The Applicant shall consult with the Fairfax County History Commission in determining the specific site and text of such identification and the site and text shall be subject to the review and approval of the Fairfax County History Commission.

2. 5. PROTECTION OF HISTORIC STRUCTURES

(a) All renovation of existing structures shall be subject to review by the ARB to the extent required by Article 7 of the Zoning Ordinance for Historic Districts and/or the MOA as may be applicable. On-site development and demolition activity in proximity to the historic structures to remain shall be done in substantial conformance with the procedures that follow:

(i) Around each historic structure or group of historic structures, an area of land not less than ten (10) feet from the structure(s) will be enclosed with chain link fencing (one (1) opening per side permitted), consisting of at least six (6)-foot steel posts driven 18 inches into the ground and placed no further than ten (10) feet apart, so as to prevent accidental damage by heavy construction equipment during on-site demolition and earth moving activities. Steel posts and fencing may be removed once such activities are completed, to provide necessary access to the structure and the land adjacent to it. Nothing herein shall preclude activity within this area as long as such activities do not harm the building or its foundation, as described in 5(a)ii below.

(ii) For each protected building or structure, a line of foundation protection shall be delineated from the base of the foundation, with such line to be shown on all grading and/or site plans (e.g. a plan section or profile), including rough grading plans. If the building foundation is concrete, a line of protection shall be drawn at a 45-degree angle from the base of the foundation projecting downward. If the building foundation consists of rock or rubble, the Applicant's structural engineer will determine if a wider line of protection is necessary to the satisfaction of DPWES. If activities such as excavation, installation of utilities, stabilization/development activities related to the Greenway, or building restoration/modification are necessary within this area of protection, measures will be taken to insure the stability of the building foundation per current structural engineering standards and to the satisfaction of DPWES. A wider area may be required where deemed necessary by the County. Nothing herein shall preclude surface grading around the buildings to a depth of 6 to 12 inches, landscaping, or other activities that will not harm the building foundation.

(b) Archeological Investigation. Prior to the first site plan approval, the Property shall be subject to a Phase I archeological survey conducted in conformance with the MOA. If warranted by the initial Phase I survey, as determined by Fairfax County, subsequent Phase II archeological evaluation and/or Phase III archeological data recovery excavations shall occur with the scope of work of such potential Phase II and Phase III analyses and any associated recovery of artifacts being consistent with the requirements of the MOA and subject to review and approval by the Cultural Resource Management and Protection Section (the Section) of the Fairfax County Park Authority. Prior to the

design of any Phase I, II or III archaeological study, the Applicant or consultant shall consult with the Manager of the Section as to the scope and schedule of the studies.

3. 6. PERMITTED USES/HOURS OF OPERATION

(a) Permitted Uses. As described on the CDPA/FDPA, the Property may be developed with the following permitted principal and secondary uses.

- Museum/Cultural Center and Similar Facilities to include Gallery, Demonstration and Exhibit Areas (generally, W-2 – W-11, W-16 and W-29 if retained)*
- Theater (W-12),
- Music Barn (W-22) with outdoor grassed seating area
- Performing Arts Center (W-17, W-18, W-18A)
- Events Center (W-01)
- Office uses in support of or affiliated with Workhouse functions or activities
- Residential-multifamily (N-1, N-2)
- Eating Establishments, (N-3, N-4, W-13)
- Commercial Recreational Use (Events Center, W-01) to consist of meetings, receptions, exhibitions and similar functions/uses
- Ballfields
- School of Special Education to include select college level courses (to be restricted per Proffer 6g)
- Accessory retail and other accessory services uses
- Retail, with outdoor display area, limited to a total of 2,700 square feet

This proffer shall not preclude establishment of accessory and accessory service uses. Such accessory uses may include, but shall not be limited to the incorporation of certain food service and eating establishments within otherwise permitted uses.

(b) Location of Certain Uses. The Artists Colony, Freestanding Eating Establishments, Music Barn, Theater, Events Center and Performing Arts Center shall be located in the buildings so designated on the CDPA/FDPA. Other permitted uses may be located within varying locations, subject to conformance with these proffered conditions.

(c) Occupancy of Artists Colony. Occupancy of those residential units identified as the "Artists Colony" (N-1, N-2) shall be limited to persons directly involved with an activity of the Workhouse, including, but not limited to, artists, producers, directors, interns, fellowship recipients, educators, apprentices, paid and volunteer staff of the Workhouse, enrollees in Workhouse classes and other members of the Lorton Arts Foundation. The units in N-1 and N-2 shall be designed as live/work apartments to include all the elements of a dwelling unit as defined by the Zoning Ordinance in addition to studio workspace. The first floor shall be designed to include gallery/exhibition space. Additionally, twice a year, the Artist Colony (N-1 and N-2) shall be open to the public as part of a program to educate the community about the live/work apartment concept.

(d) Hours of Operation. The hours of operation at the Museum/Cultural Center, Theater, Events Center, Music Barn and Eating Establishments shall be limited to the following:

(i) Museum/Cultural Center

Attendance by outside visitors at the Museum/Cultural Center (W-02, W-03) and associated artist studio(s) shall be limited to the hours between 8:00 a.m. and midnight seven days per week.

(ii) Theater

Performances at the Theater (Building W-12) shall be permitted between the hours of 8:00 a.m. and midnight seven days per week.

(iii) Performing Arts Center.

Performances and Events at the Performing Arts Center (W-17, W-18, W-18A) shall be permitted between the hours of 8:00 a.m. and 1:00 a.m. seven days per week.

(iv) Events Center

Scheduled Events may occur within the Events Center (Building W-01) from the hours of 7:00 a.m. to 2:00 a.m. seven days a week.

(v) Music Barn

Performances at the Music Barn (Building W-22) shall be permitted to be scheduled within the hours of 8:00 a.m. to 1:00 a.m. seven days per week except that outdoor performances shall end by 11:00 pm. The hours of performances at the Music Barn may be further restricted based on the noise study in Proffer Number 8 (h).

(vi) Free-Standing Eating Establishments

Any free-standing Eating Establishments shall be permitted to operate within the hours of 11:00 a.m. to 11:00 p.m. from Sunday through Thursday and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. Other eating establishments or food sales activities shall be limited by the hours of the building in which they are located.

There shall be no “hourly” restrictions on the use and occupancy of structures and facilities by the individual artists and/or staff/employees of the Workhouse.

- (e) Culinary Arts Program. The areas devoted to the culinary arts programs shall include elements such as brewery/wine-making, bakery, creamery and the like. Activities to take place in such areas shall include demonstration and exhibition, classes and accessory sales of produced goods to visitors of the Workhouse. The areas shall not have the characteristics to be deemed an eating establishment or food production facility.

- (f) School of Special Education. The school of special education may be located within any building on the property. The maximum daily enrollment of the School of Special Education shall be 450 students with no more than 450 on site at any one time. The Applicant, in association with a University(s), may offer college or university level accredited classes provided the classes are reasonably related to the visual, performing, culinary or literary arts and/or other programming or activity occurring at the Workhouse from time to time. There will be no dorms, dining facilities or similar elements specifically for the university students on the property.

- (g) Energy Star. The appliances utilized in the Artist's Residences (N-1 and N-2), including dishwashers, refrigerators and freezers, and clothes washers shall be Energy Star Certified or an equivalent rating.

4. 7. SCHEDULING OF EVENTS.

- (a) Limitations for Certain Venues.

- (i) Except as provided for in Paragraph (b) below, at no time shall scheduled events having a combined total projected attendance or ticket sales of more than 1200 Outside Guests be concurrently scheduled at either the Music Barn (W-22), Theater (W-12), Performing Arts Center (W-17, W-18, W-18B), Events Center (W-01) and/or common/lawn areas of the Workhouse. For the purpose of these proffers, a scheduled event shall mean a performance, concert, social gathering, conference or similar function whereby attending of an amount or duration above and beyond that associated with other permitted uses is expected. For the purpose of these proffers, "Outside Guests" shall mean those persons attending scheduled events based on tickets available or permitted seating capacity and/or persons "guaranteed" for catering purposes that are not employees, vendors or contractors of the Workhouse, its assigns, or affiliated franchise facilities, or individuals otherwise engaged in technical or production elements of any such scheduled event. The term "concurrently scheduled" shall mean such scheduled events having a published starting or projected ending time within 44 minutes of one another.

- (ii) Peak Hour Restrictions. Irrespective 7(a)(i) above and 7(b)(i) below, during weekday (Monday-Friday) peak hour (5:00 pm-7:00 pm) periods, the term

“concurrently scheduled” shall mean scheduled events having a published starting or ending time within 119 minutes of one another.

(iii) Monitoring. To confirm compliance with these occupancy requirements, the schedule of starting or ending times for any scheduled events and projected attendance based on tickets sold/distributed, persons “guaranteed” for catering purposes or other similar information shall be furnished to DPZ on request.

(iv) Use of Non-Paved Parking. Any time a total projected attendance of 700 Outside Guests is anticipated, staff shall be available to direct guests and visitors to designated overflow parking areas on the site.

The restrictions above shall not preclude occupancy by any Workhouse facility staff and/or technical professionals for set up, rehearsals and similar purposes.

(b) Special Events.

(i) For the purpose of these proffers, a “Special Event” shall be an event associated with an otherwise Permitted Use that has a number of Outside Guests that exceed the occupancy limitation in 7(a) above. Such events are anticipated to involve numbers of artists, exhibitors, performers and Outside Guests beyond that associated with day to day operation of the Workhouse. A Special Event may also occur over the course of a multi-day period, which shall not exceed three (3) consecutive days.

(ii) During the first five (5) years of operation following the issuance of the first NonRUP, the Applicant reserves the right to schedule up to six (6) so-called “Special

Events” per year. The initial Special Event shall be limited to up to 600 outside guests above that otherwise allowed by Proffer 7(a).

(iii) Following the first five (5) years of operation, the number of Special Events may be increased to allow a total of twelve (12) Special Events per year, subject to approval by the County upon a determination that the special events met the applicable County codes, regulations and ordinances, complied with the terms of the agreements in (d) below and that in the judgment of the County, traffic associated with the special event did not result in an unacceptable level of congestion.

(c) Sanitation for Special Events. All such Special Events shall require the provision of additional temporary bathroom facilities or similar sanitation measures as may be required by the Fairfax County Health Department. It shall be the responsibility of the Applicant to obtain any and all necessary Health Department approvals prior to all such Special Event.

(d) Off-Site Parking for Special Events.

(i) Special Events shall require the provision of off-site parking arrangements sufficient to accommodate those vehicular trips reasonably projected to occur as a result of the Special Event and any regularly scheduled or permitted uses and activities at the Workhouse. Prior to the first Special Event, the Applicant shall provide documentation to the Department of Planning and Zoning, Zoning Administration Division and shall identify: (1) areas reserved, rented or leased for off-site parking, and (2) the nature and/or form of the associated agreement with the off-site land owner, and (3) a description of any proposed shuttle operation to/from the same (collectively, the “Parking Plan”). The

amount of off-site parking shall be based, at a minimum, on the number of Outside Guests expected at the first Special Event and may reflect a greater number of Outside Guests, based on anticipated attendance at future events. Such off-site parking arrangements shall be subject to review and approval to confirm the general sufficiency of available on and off-site parking by DPZ in consultation with Fairfax County Department of Public Works and Environmental Services based on historic operational characteristics of the Workhouse, similar local events, or other similar objective and professionally accepted methodology.

(ii) To the extent the number of Outside Guests at future Special Events does not exceed that described in the Parking Plan, no further review of off-site parking shall be required in connection with future Special Events after the approval of the Parking Plan. In the event subsequent Special Events propose greater numbers of persons than reflected in the Parking Plan, the Parking Plan shall be revised and reviewed as generally outlined in item 7(d)(i) above. Regardless of the need for further parking review, DPZ and FCDOT shall receive thirty (30) days written notice of all scheduled Special Event.

(iii) In the event following any Special Event, the County identifies objective problems concerning the adequacy or availability of off-site parking, additional review in accordance with item 7(d)(i) above shall occur prior to the next scheduled Special Event.

5. 8. ENVIRONMENTAL

(a) Stormwater Management.

(i) Stormwater management and associated BMP measures shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES, unless requirements for the same are waived or modified under the appropriate authority given to DPWES. Any required structural detention facilities shall be located in substantial conformance with the locations of water features or areas reserved for the same on the CDPA/FDPA. The Applicant shall locate, design and construct any off-site stormwater facilities and other adequate outfall improvements for the Property in accordance with the requirements of DPWES.

(ii) The Applicant intends to seek the necessary waivers to provide portions of the required stormwater management on the adjacent FCPA property as generally shown on the CDPA/FDPA. The Applicant shall coordinate the location, design, and construction of those portions of any off-site SWM/BMP facility with the FCPA prior to site plan submission for the facility, and the same shall be subject to review and approval by the FCPA in conjunction with site plan approval. Offsite SWM/BMP facilities constructed by the Applicant shall include any landscaping screening of the facility in addition to that shown on the CDPA/FDPA, maintenance access to the facility, location/screening of proposed outfall structures, and combined outfall as required by the FCPA and DPWES. Such features shall be identified on the appropriate site plan involving any such SWM/BMP facilities submitted to the County and the FCPA. The Applicant further agrees that any excess capacity associated with the proposed off-site facility may be utilized by the FCPA in connection with the development of its property. If for any reason, arrangements for off-site stormwater management area not available, the Applicant reserves the right to locate all of the required stormwater management on-

site in substantial conformance with the CDPA/FDPA. Maintenance of any off-site SWM/BMP facility shall be the responsibility of the Applicant.

(iii) **Low Impact Development Techniques.** The Applicant shall pursue incorporation of low impact development techniques subject to approval by DPWES. Such measures may include, but shall not be limited to, (i) infiltration trenches, (ii) rain gardens, (iii) rain cisterns, (iv) permeable paving or gravel in select locations. To increase public awareness of such measures, a narrative and/or pictorial description of any approved low impact development techniques shall be displayed within the Prison Museum or other alternative location suitable for public viewing.

(b) **Landscaping.**

Landscaping of the parking areas, internal streets, the SWM ponds, and the periphery of the property shall be provided in substantial conformance with the landscaping concepts generally shown on the CDPA/FDPA, subject to changes to reflect Low Impact Development Techniques if such changes are in substantial conformance with landscaping shown on the CDPA/FDPA and shall be subject to review and approval of the Urban Forestry Management Division (UFMD).

(c) **Adherence to Limits of Clearing and Grading.**

The limits of clearing and grading shall be generally consistent with that shown on the CDPA/FDPA. The Site/subdivision plan shall clearly identify these areas as shown on the CDPA/FDPA. As part of future site plans, the applicant shall provide management practices for the protection of understory plant materials, leaf litter and soil

conditions found in areas to be left undisturbed, subject to the approval of the UFMD. The applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The applicant shall restore understory plant materials, leaf litter and soil conditions to the satisfaction of UFMD if these are found to be damaged, removed or altered in manner not allowed in writing by the UFMD.

If it becomes necessary to install utilities determined necessary by DPWES within areas to be left undisturbed, they shall be located and installed in the least disruptive manner possible as determined by UFMD in coordination with the Environmental and Site Review Division, DPWES. In addition, the applicant shall develop and implement a replanting plan for the portions of protected areas disturbed for utility installation taking into account planting restrictions imposed by utility easement agreements.

Any work occurring in or adjacent to the areas to be left undisturbed, such as root pruning, installation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all as approved by UFMD. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger

motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFMD.

(d) Root Pruning and Mulching.

The applicant shall (1) root prune the roots of trees to be preserved that may be damaged during clearing, demolition, grade changes, utility installation and/or the installation of retaining walls; (2) mulch to a minimum depth of 3 inches within the areas to be left undisturbed where soil conditions are poor, lacking leaf litter or prone to soil erosion, and then (3) provide tree protection fencing approved by the UFMD, where deemed necessary by UFMD. The areas that will be root pruned and mulched shall be clearly identified on the Tree Preservation Plan. All treatments for such trees and vegetation shall be clearly specified, labeled, and detailed on any erosion and sediment control sheets and demolition plan sheets of the site plan submission. The details for these treatments shall be included in the Tree Preservation Plan and shall be subject to the review and approved of UFMD.

All root pruning and mulching work shall be performed in a manner that protects adjacent trees and vegetation that are required to be preserved and may include, but not be limited to, the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading and/or demolition of structures.

- Root pruning shall not sever or significantly damage structural or compression roots in a manner that may compromise the structural integrity of trees or the ability of the root system to provide anchorage for the above ground portions of the trees.
- Root pruning shall be conducted with the on-site supervision of a certified arborist.
- Tree protection fencing shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 3 inches within designated areas without the use of motorized equipment
- Mulch shall consist of (specify mulch type) wood chips, shredded hardwood and/or pine bark mulch. Hay or straw mulch shall not be used within tree preservation areas. UFMD, DPWES shall be informed in writing when all root pruning and tree protection fence installation is complete.

(e) Tree Protection Fencing.

All individual trees to be preserved/conserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase II erosion and sediment control sheets. Tree protection fencing may consist of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart (see attached detail); or, super silt fence as may be approved by UFMD to the extent that required trenching for super silt fence does not

sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved/conserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFMD and the District Supervisor shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFMD shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFMD that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFMD.

The applicant shall provide signs that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to left undisturbed.

(f) Tree Preservation Walk-Through

The applicant shall retain the services of a certified arborist or landscape architect and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from the UFMD, to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be conserved or preserved that occur along the edge of the limits of clearing and grading, and/or identify hazardous trees that need to be removed. Any adjustments agreed to by the applicant and UFMD shall be agreed upon and memorialized in writing by both the applicant and UFMD before any such adjustments are implemented, and such adjustments shall be implemented. Trees to be removed shall be tagged in the field. Trees that are identified in writing by an authorized representative of UFMD as dead or dying may be removed as part of the clearing operation. Any tree that is so identified shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

(g) Site Monitoring

At all times during the installation of tree protection fencing and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation on the site, or other similar activities, a representative of the applicant who is a certified arborist or landscape architect shall be present to monitor the process and ensure

that the activities are conducted in accordance with the proffers and as approved by the UFMD. The monitoring schedule shall be described and detailed in the Tree Preservation Plan and shall be reviewed and approved in writing by UFMD.

(h) Tree Preservation

At the time of site plan review for the respective portions of the site, the applicant shall submit a tree survey that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of trees shown on the CDPA/FDPA to be preserved, as well as all on and off-site trees, living or dead with trunks 6 inches in diameter and greater (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the 9th edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the approved limits of clearing and grading shall also be submitted for review by the UFMD.

(i) Protection and Preservation of White Oaks

Safeguards, as depicted on the CDPA/FDPA, shall be implemented during construction of the restaurant(s) in order to avoid or minimize disturbance to the two specimen white oak trees on the north side of the water line easement near the location of the restaurants. The grading plan shall reflect no future grading within the dripline of those trees beyond that shown on the CDPA/FDPA.

(j) Lighting.

All light fixtures shall be in conformance with the provisions of Part 9 of Article 14, Outdoor Lighting Standards. The maximum height of light standards used in the parking lots shall be 24 feet. The types and locations of all light fixtures shall be subject to the review and approval of the ARB. The location and type of all light fixtures shall

be identified on the plans forwarded to the ARB in accordance with Proffer 3, Architectural Review, Paragraph (a).

(k) Noise Mitigation for Music Barn.

(i) Prior to the issuance of a Building Permit for the Music Barn (W-22), the Applicant shall demonstrate through a noise impact study reviewed and approved by DPWES and DPZ (herein the Noise Study) that noise impacts, at the periphery of the property, generated by the indoor and outdoor events at the Music Barn, based on the nature, type and size of events proposed, can be mitigated to the levels prescribed by the Zoning Ordinance, the Comprehensive Plan and/or the County Code through the appropriate combination of structural and operational requirements. Once the Noise Study is approved, the Applicant shall adhere to the operational and mitigation requirements of the same. Nothing herein shall preclude the Applicant from preparing a subsequent Noise Study to reflect changes to the nature, type and size of events and proposed mitigation measures from that reflected in the approved Noise Study. Any subsequent Noise Study shall also be subject to review and approval by DPWES and DPZ.

(ii) Interior Noise Mitigation for Residential Uses. In order to mitigate interior noise to DNL 45dBA, each dwelling shall have the following acoustical attributes: (1) exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39; (2) doors (excluding garage doors) and windows shall have an STC rating of at least 28. If glazing (excluding garage doors) constitutes more than 30% of any facade, then such windows shall have the same STC rating as the facade; and (3)

materials to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission. Any units requiring mitigation shall be identified on the site plan. Compliance with these building material standards will be demonstrated by the Applicant, to the satisfaction of DPWES, prior to the issuance of building permits for the units.

6. 9. RECREATION

(a) Parks and Recreation Contribution. The Applicant shall expend the sum of nine hundred fifty-five dollars (\$955.00) per approved dwelling unit within the Artists Colony for onsite recreation facilities. Such recreational facilities (e.g. gazebos, croquet lawns, bocce courts, badminton courts, sitting areas or similar amenities, and trails providing connections to the Greenway and to County-Wide trails) that do not require fully enclosed structures may be provided within any open space area that is proximate to the Artists Colony without the requirement of a CDPA/FDPA or a proffered condition amendment provided that such are determined to be in substantial conformance with the CDPA/FDPA and are subject to the approval of the ARB as required by these proffers. The balance of any funds not expended onsite, if any, or on the construction of offsite trails (excluding the Laurel Hill Greenway), shall be provided to the FCPA for recreation facilities in the vicinity.

(b) Use of Ballfield.

(i) The ballfield identified on the CDPA/FDPA shall be the subject of a “sublease” or similar arrangement whereby the FCPA, or its designee is given, rights for access to and programming of the ballfield for practice and routinely scheduled games,

along with proportional maintenance obligations based on the amount and nature of use by the FCPA or its designee. Other than these maintenance obligations, such rights shall be given to the FCPA at no cost.

(ii) No “tournament type” activity may be scheduled without permission from the Applicant.

(iii) To prevent conflict with Workhouse activities and special events, specific timing and days of use shall be coordinated between the Applicant and the FCPA or its designee on a semi-annual basis, or more frequently if warranted.

(iv) During Special Events, which are to be identified on a semi-annual basis, the Applicant reserves the right to limit use of the ballfield.

(v) To the extent possible, the ballfield shall remain open for play during construction activity.

(c) Laurel Hill Greenway.

(i) The Applicant shall design, permit and construct, or cause to be constructed, the Laurel Hill Greenway and trail as generally shown on the CDPA/FDPA. The trail shall ultimately be field located in consultation with FCPA Staff and as a result, minor modifications from the configuration shown on the CDPA/FDPA may occur as needed to address topographic or other functional considerations.

(ii) The Laurel Hill Greenway improvements shall coincide with the construction by others of the adjacent portion or portions of the Greenway not addressed

in this proffer as obligations of the Applicant, but in no event shall the improvements be constructed later than June 30, 2015.

(iii) The Applicant shall coordinate with the FCPA on the design of the trail in the Laurel Hill Greenway prior to site plan submission for areas of the property involving the trail. The trail shall be typically fourteen (14) feet. As a guideline, approximately ten (10) feet of the trail width is to be surfaced with asphalt, and approximately four (4) feet of the trail width is to be surfaced with stone dust as may be modified as a more detailed plan is designed by the FCPA. The landscaping, trail width, surface materials, and location shall be shown on the Site Plan associated with Phase 3 or such earlier version as may be necessitated by the phasing requirements of these proffer conditions.. The trail is to be maintained by others.

(iv) All improvements to the site within seventy-five (75) feet of the Greenway shall be reviewed and approved by the FCPA, which approval shall not preclude the improvements shown on the CDPA/FDPA.

7. 10. TRANSPORTATION

(a) Interim Lorton Road Improvements. If the eastern (or second) Lorton Road entrance is constructed prior to the improvement of Lorton Road to a four-lane divided facility, the Applicant shall construct interim left and right turn lanes at the easternmost entrance and shall design the entrance in consultation with FCDOT in such a way as to minimize future changes once the final vertical elevation of Lorton Road is determined. The design and configuration of such turn lanes shall be subject to review and approval by VDOT and DPWES.

(b) Access to Non-Paved Parking. Vehicular access to the parking areas labeled as “unpaved parking” and located south and east of the ball field may be provided via a gravel driveway or similar “pervious” material to include grasscrete or similar products from paved travel ways. The location of the access is subject to approval by DPWES. The Applicant further reserves the right to install walkways to provide pedestrian access from on-site overflow areas to the Workhouse.

(c) Access to Northern Virginia Regional Park to the south. Prior to the issuance of the Non-RUP for any venue or combination of venues for which seating or capacity exceeds 620 persons, an additional access point connecting to the entrance road to Occoquan Regional Park shall be constructed, provided that any necessary approvals are obtained from the property owner. It is noted that notwithstanding that shown on the CDPA/FDPA, the intersection shall be designed with the park entrance aligning as a T-intersection into the Lorton Arts driveway unless a different alignment is determined to be appropriate per FCDOT and VDOT. The Applicant shall coordinate with the UFMD to ensure the least amount of vegetative disturbance as possible.

(d) Easternmost Access Point to Lorton Road. Prior to the issuance of the Non-RUP for any venue or combination of venues for which seating or capacity exceeds 1000 persons, the easternmost access point to Lorton Road, as shown on the CDPA/FDPA, shall be constructed. At this time, the westernmost entrance on Lorton Road shall be converted to right-in, right-out only.

Signatures to follow on next page

LORTON ARTS FOUNDATION, INC.

(Lessee of Tax Map No. 106-4-((1)) 58

By: _____

Name: _____
Title: _____

FAIRFAX COUNTY BOARD OF SUPERVISORS,
a body corporate and politic
(Title Owner/Lessor of Tax Map No. 106-4-((1)) 58.

By: _____
Name: _____
Title: _____

PROPOSED DEVELOPMENT CONDITIONS**June 10, 2009****FDPA 2003-MV-033**

If it is the intent of the Planning Commission to approve Final Development Plan Amendment FDPA 2003-MV-033 to allow an arts center on property located at Sub-Parcel G of Tax Maps 106-4 ((1)) 54, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions supercede those previously approved. Those conditions marked with the asterisk represent conditions brought forward from the previously approved Final Development Plan. (*)

1. The northern façade of each of the two artists' residences (Buildings N-1 and N-2) (the façade that faces toward Lorton Road) shall be no higher than forty-five (45) feet as measured from the grade along that façade to the mid-point of the roof, if a peaked roof is proposed, or to the top of the roof, if a flat roof is proposed.*
2. Bike racks, benches, picnic areas and a place to obtain water shall be provided within the Arts Center in one or more locations along the Laurel Hill Greenway trail subject to the approval of the Fairfax County Park Authority. *
3. A sidewalk shall be provided at the westernmost entrance along Lorton Road. The sidewalk shall extend from the trail along Lorton Road to connect to the internal pedestrian network.*
4. The left turn lanes from Ox Road (Rt. 123) to Lorton Road (Rt. 642) shall be lengthened upon demand of either the County or the Virginia Department of Transportation when it is determined that longer turn lanes are warranted by the amount of traffic turning left onto Lorton Road.*
5. Contrary to access geometrics as delineated on the Ox Road (Route 123) joint access with the Northern Virginia Regional Park Authority, the regional park access shall "T" into the access roadway serving the Lorton Arts Federation site (the subject site) unless an alternative design is approved by the Fairfax County Department of Transportation (FCDOT). The final design shall be subject to FCDOT review and approval.
6. All new construction, excluding residential, shall be built under the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building.
7. A U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") accredited professional shall be included as a member of the design team. The LEED accredited professional shall work with the team to incorporate

LEED design elements into the project so that the project will be positioned to attain LEED certification. At the time of site plan submission, documentation shall be provided to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such as a professional.

8. A list prepared by the LEED accredited professional of specific credits that the Applicant anticipates attaining within the LEED-NC rating system, or other LEED rating system determined to be applicable to the project, shall be included as part of the site plan submission and building plan submission. The LEED accredited professional shall provide certification statements at both the time of site plan review and the time of building plan review indicating that the items on the list should meet at least the minimum number of credits necessary to position the project to attain LEED certification.
9. Prior to approval of the site plan for each building, the applicant will execute a separate agreement and post, for that building, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual. The amounts are as follows:

Building	Escrow
N-3	\$12,000
N-4	\$12,000
N-5	\$8,000
TOTAL ESCROW	\$32,000

This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment.

If the applicant provides to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within one year of issuance of the RUP/non-RUP for the building, documentation to the Environment and Development Review

APPENDIX 2

Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by three points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

REZONING AFFIDAVIT

DATE: MAY 26 2009
 (enter date affidavit is notarized)

I, Lori R. Greenlief, Land Use Planner, 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 10/6066

in Application No.(s): PCA/FDPA 2003-MV-033
 (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 must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Lorton Arts Foundation, Inc. Agent: Tina M. Leone (former) Sharon L. Mason	9601 Ox Road Lorton, VA 22079	Applicant/Lessee of Tax Map No. 106-4-(1)-58
Fairfax County Board of Supervisors, A body corporate and politic Agent: Anthony H. Griffin	12000 Government Center Parkway Fairfax, VA 22030	Title Owner/Lessor of Tax Map No. 106-4-(1)-58
Loiederman Soltesz Associates, Inc. Agent: Blake A. Smith	2 Research Place, Suite 100 Rockville, MD 20850	Engineer/Agent (former)

(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.

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

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

Rezoning Attachment to Par. 1(a)

DATE: MAY 26 2009
(enter date affidavit is notarized)

1016066

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Kimley-Horn and Associates, Inc. Agent: Edward Y. Papazian Erin M. Murphy Kaitlyn J. Weatherton	3001 Weston Parkway Cary, NC 27513	Traffic Consultant/Agent
McGuire Woods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegle Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
Walter L. Phillips, Inc. Agent: Jenifer L.T. Hornback Aaron M. Vinson Monica R. Westgate Justin A. Smith	207 Park Avenue Falls Church, VA 22046	Engineer/Agent

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

REZONING AFFIDAVIT

DATE: MAY 26 2009
(enter date affidavit is notarized)

1016068

for Application No. (s): PCA/FDPA 2003-MV-033
(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, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

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

Lorton Arts Foundation, Inc.
9601 Ox Road
Lorton, VA 22079

DESCRIPTION OF CORPORATION: (check one statement)

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

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

a non-profit corporation

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

John H. Ariail, Jr., Chairman/Dir. Richard W. Hausler, Vice-Chairman/Dir. Collister (nmi) Johnson, Jr., Secty/Treas/Dir.
 David I. Beckett, Director Beverly A. Cosham, Director Ronald C. Devine, Director E. David Foreman, Director
 Ulysses S. James, Director Neal F. McBride, Director Conrad R. Mehan, Director Timothy E. Rizer, Director
 Ann B. Rodriguez, Director Tina M. Leone, Pres/CEO (former) Sharon L. Mason, Executive Arts Director (former)
 Sharon L. Mason, Executive Director Kevin (nmi) Sheehan, Executive Director of Arts & Education

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

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

Rezoning Attachment to Par. 1(b)

DATE: MAY 26 2009
(enter date affidavit is notarized)

1016066

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Loiederman Soltesz Associates, Inc.
2 Research Place, Suite 100
Rockville, MD 20850

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 SHAREHOLDER: (enter first name, middle initial, and last name)
James A. Soltesz

=====

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

David W. Cooksey, SVP/GM	W. Kenneth Dunn, VP/Director	Mary C. Giles, SVP/GM	Jon R. Grimm, VP/GM
R. Gregory Kirkwood, VP/CFO	Carlos E. Ostria, SVP/GM	Terre R. Rhoderick, VP/GM	Blake A. Smith, VP/GM
James A. Soltesz, Pres./CEO	Stephen J. Spano, Exec. VP/COO	Ronald L. Still, VP/CTO	Edward C. Wallington, VP

=====

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Kimley-Horn and Associates, Inc.
3001 Weston Parkway
Cary, NC 27513

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

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

=====

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

Mark S. Wilson, President/Dir.	Nicholas L. Ellis, SVP/Treas.	Richard N. Cook, SVP/Secty	John C. Atz, SVP/Dir.
T. Jack Bagby, III, SVP/Dir.	Donald L. Bartlett, Chairman/Dir.	Roscoe L. Biby, SVP/Dir.	Michael N. Byrd, Exec. VP/Dir.
Jerry W. Ingram, SVP/Dir.	Brooks H. Peed, Exec. VP/Dir.	James M. Roberts, SVP/Dir.	Michael G. Schiller, SVP/Dir.
Christopher A. Squires, SVP/Dir.			

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

Rezoning Attachment to Par. 1(b)

DATE: MAY 26 2009
(enter date affidavit is notarized)

1016066

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number (s))

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

Walter L. Phillips, Inc.
207 Park Avenue
Falls Church, VA 22046

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 SHAREHOLDER: (enter first name, middle initial, and last name)

Jeffrey J. Stuchel
Brian G. Baillargeon

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

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

Jeffrey J. Stuchel, President
Brian G. Baillargeon, Executive Vice President

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and 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.

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

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and 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.

REZONING AFFIDAVIT

DATE: MAY 26 2009
(enter date affidavit is notarized)

10/6064

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Alphonso, Gordon R. | Beil, Marshall H. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Mark E. | Bell, Craig D. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Bagley, Terrence M. | Bilik, R. Eric | Cairns, Scott S. |
| Barger, Brian D. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barnum, John W. | Boland, J. William | Cason, Alan C. |
| Barr, John S. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brown, Thomas C., Jr. | Cogbill, John V., III |

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

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

Rezoning Attachment to Par. 1(c)

DATE: MAY 26 2009
 (enter date affidavit is notarized)

1016062

for Application No. (s): PCA/FDPA 2003-MV-033
 (enter County-assigned application number (s))

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

McGuireWoods LLP
 1750 Tysons Boulevard, Suite 1800
 McLean, VA 22102

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

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

- | | | |
|-------------------------------|----------------------------|----------------------------|
| Covington, Peter J. | Gordon, Alan B. | Krueger, Kurt J. |
| Cramer, Robert W. | Grant, Richard S. | Kutrow, Bradley R. |
| Cromwell, Richard J. | Greenberg, Richard T. | La Fratta, Mark J. |
| Culbertson, Craig R. | Grieb, John T. | Lias-Booker, Ava E. |
| Cullen, Richard (nmi) | Harmon, Jonathan P. | Lieberman, Richard E. |
| de Cannart d'Hamale, Emmanuel | Harmon, T. Craig | Little, Nancy R. |
| De Ridder, Patrick A. | Harmon, Yvette (nmi) | Long, William M. |
| Dickerman, Dorothea W. | Hartsell, David L. | Manning, Amy B. |
| DiMattia, Michael J. | Hayden, Patrick L. | Marianes, William B. |
| Dooley, Kathleen H. | Hayes, Dion W. | Marks, Robert G. |
| Dorman, Keith A. | Heberton, George H. | Marshall, Gary S. |
| Downing, Scott P. | Horne, Patrick T. | Marshall, Harrison L., Jr. |
| Edwards, Elizabeth F. | Hosmer, Patricia F. | Marsico, Leonard J. |
| Ey, Douglas W., Jr. | Hutson, Benne Cole | Martin, Cecil E., III |
| Feller, Howard (nmi) | Isaf, Fred T. | Martin, George Keith |
| Fennebresque, John C. | Jackson, J. Brian | Martinez, Peter W. |
| Foley, Douglas M. | Jarashow, Richard L. | Mason, Richard J. |
| Fox, Charles D., IV | Jeffcoat, Brenton D. | Mathews, Eugene E., III |
| France, Bonnie M. | Johnston, Barbara Christie | Mayberry, William C. |
| Freedlander, Mark E. | Kanazawa, Sidney (nmi) | McCallum, Steven C. |
| Fuhr, Joy C. | Katsantonis, Joanne (nmi) | McDonald, John G. |
| Getchell, E. Duncan, Jr. | Keenan, Mark L. | McElligott, James P. |
| Gibson, Donald J., Jr. | Kennedy, Wade M. | McElroy, Robert G. |
| Glassman, Margaret M. | King, Donald E. | McFarland, Robert W. |
| Glickson, Scott L. | King, Sally Doubet | McIntyre, Charles Wm. |
| Gold, Stephen (nmi) | Kittrell, Steven D. | McLean, J. Dickson |
| Goldstein, Philip (nmi) | Kratz, Timothy H. | McRill, Emery B. |

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

Rezoning Attachment to Par. 1(c)

DATE: MAY 26 2009
(enter date affidavit is notarized)

1016062

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

- | | | |
|------------------------|-------------------------|-------------------------|
| Muckenfuss, Robert A. | Riley, James B., Jr. | Stone, Jacquelyn E. |
| Murphy, Sean F. | Riopelle, Brian C. | Swan, David I. |
| Nesbit, Christopher S. | Roberts, Manley W. | • Tackley, Michael O. |
| Nunn, Daniel B., Jr. | Robinson, Stephen W. | Tarry, Samuel L., Jr. |
| O'Grady, Clive R. G. | Rogers, Marvin L. | Thornhill, James A. |
| O'Grady, John B. | Rohman, Thomas P. | Tirone, Joseph G. |
| O'Hare, James P. | Rust, Dana L. | Vick, Howard C., Jr. |
| Oakey, David N. | Satterwhite, Rodney A. | Viola, Richard W. |
| Oostdyk, Scott C. | Scheurer, P. Christian | Wade, H. Landis, Jr. |
| Padgett, John D. | Schewel, Michael J. | Walker, John Tracy, IV |
| Pankey, David H. | Schill, Gilbert E., Jr. | Walsh, James H. |
| Parker, Brian K. | Schmidt, Gordon W. | Watts, Stephen H., II |
| Phears, H.W. | Sellers, Jane Whitt | Werlin, Leslie M. |
| Plotkin, Robert S. | Shelley, Patrick M. | Westwood, Scott E. |
| Potts, William F., Jr. | Simmons, L. D., II | Whelpley, David B., Jr. |
| Pryor, Robert H. | Simmons, Robert W. | White, H. Ramsey, III |
| Pusateri, David P. | Skinner, Halcyon E. | • White, Walter H., Jr. |
| Rak, Jonathan P. | Slone, Daniel K. | Williams, Steven R. |
| • Rakison, Robert B. | Spahn, Thomas E. | Wilson, Ernest G. |
| Reid, Joseph K., III | Spitz, Joel H. | Wilson, James M. |
| Richardson, David L. | Stallings, Thomas J. | Wren, Elizabeth G. |
| Riegle, Gregory A. | Steen, Bruce M. | Young, Kevin J. |
| Rifken, Lawrence E. | Stein, Marta A. | Younger, W. Carter |

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

Rezoning Attachment to Par. 1(c)

DATE: MAY 26 2009
(enter date affidavit is notarized)

10160615

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number (s))

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

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

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

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

(Former Equity Partner List)

- | | | |
|---------------------------|--------------------------|------------------------|
| Anderson, Corby C. | Iselin, Benjamin B. | Summers, W. Dennis |
| Baril, Mary Dalton | McArver, R. Dennis | Suzumoto, Mark K. |
| Beane, John C. | McGoogan, E. Graham, Jr. | Swartz, Charles R. |
| Carter, Joseph C., III | Menges, Charles L. | Van Etten, David B. |
| Cordell, Stephen L. | Menson, Richard L. | Vaughn, Scott P. |
| Culbreth, James H., Jr. | Michels, John J., Jr. | Walker, Howard W. |
| Cutchins, Clifford A., IV | Middlebrooks, James. G. | Wells, David M. |
| Dillon, Lee Ann | Milton, Christine R. | Whittemore, Anne Marie |
| Dimitri, James C. | Newman, William A. | Williamson, Mark D. |
| Douglass, W. Birch, III | Pilkington, Kathy L. | Wood, R. Craig |
| Dyke, James Webster, Jr. | Rappaport, Richard J. | Zirkle, Warren E. |
| Evans, David E. | Ricciardi, James P. | |
| Fifer, Carson Lee, Jr. | Russell, Deborah M. | |
| Freye, Gloria L. | Samson, Gary D. | |
| Germaise, Susan L. | Samuels, Lawrence R. | |
| Goodall, Larry M. | Sippelle, Keith A. | |
| Grandis, Leslie A. | Smith, Stuart (nmi) | |

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

REZONING AFFIDAVIT

DATE: MAY 26 2009
(enter date affidavit is notarized)

101606-e

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

REZONING AFFIDAVIT

DATE: MAY 26 2009
(enter date affidavit is notarized)

101606v

for Application No. (s): PCA/FDPA 2003-MV-033
(enter County-assigned application number(s))

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

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

Richard W. Hausler (Lorton Arts Foundation, Inc.) donated in excess of \$100 to Sharon Bulova for Chair.
Conrad R. Mehan (Lorton Arts Foundation, Inc.) donated in excess of \$100 to Sharon Bulova for Chair.
Conrad R. Mehan (Lorton Arts Foundation, Inc.) donated in excess of \$100 to Sharon Bulova for Supervisor.
Conrad R. Mehan (Lorton Arts Foundation, Inc.) donated in excess of \$100 to Hyland for Supervisor.
Conrad R. Mehan (Lorton Arts Foundation, Inc.) donated in excess of \$100 to Frey for Supervisor.

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

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

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

WITNESS the following signature:

(check one)

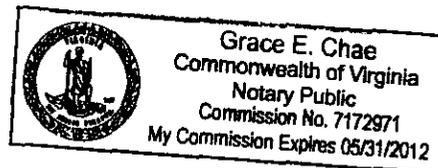
Lori R. Greenlief
[] Applicant [x] Applicant's Authorized Agent

Lori R. Greenlief, Land Use Planner
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 26th day of May 2009, in the State/Comm. of Virginia, County/City of Fairfax

Grace E. Chae
Notary Public

My commission expires: 5/31/2012



NARRATIVE STATEMENT OF JUSTIFICATIONPCA/FDPA for "LORTON WORKHOUSE ARTS CENTER"
BY LORTON ARTS FOUNDATION, INC.

July 11, 2008

Revised April 2, 2009

Pursuant to Section 18-204 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Lorton Arts Foundation, Inc., (the "Applicant"), hereby requests approval of an amendment to the approved proffer conditions (the "Proffers") dated July 14, 2005 and changes to the Conceptual Development Plan/Final Development Plan (the "CDP/FDP"), dated July 1, 2003 revised through June 28, 2004 associated with RZ/FDP 2003-MV-033.

I. BACKGROUND/GENERAL DESCRIPTION OF APPROVED USE

The rezoning of the "Lorton Correctional Complex", completed in 2004, paved the way for the Lorton Workhouse Arts Center, a creative adaptive reuse serving as a model for sensitive preservation of historically significant structures, respectful appreciation of heritage and cultural resources and active support of the arts, music and theatre in our community. As approved, the Workhouse will present exhibitions and performances by professional artists, major cultural institutions and heritage groups. Youth development, arts education and experiential learning, along with heritage research and study, will be key focuses within the Workhouse's overall cultural framework. Rehearsal halls, art and exhibit fabrication shops, production studios and workshops will all be open to public view. The Workhouse will provide space, tools, time, expertise and an interactive venue for artists, cultural and heritage institutions and businesses and government working in the fields of light and heavy art, theater, music, dance, film, digital and print media and culinary arts. The Workhouse will also display representational exhibits of selected national, regional and local heritage issues unique to Laurel Hill and southern Fairfax and eastern Prince William Counties. Eating establishments and residences were also approved as integral parts of the Workhouse "community".

II. EXECUTIVE SUMMARY

As work on refining the vision for programs, uses and space allocations has progressed since the 2004 approval, it has become apparent that revisions to certain aspects of the approved plan/program are necessary in light of engineering, programmatic and financial considerations. These revisions are discussed below.

The goal of this project has and will continue to be to become an important platform for creating, transforming, presenting and distributing the best of regional culture and history in our area. The requested changes are critical to the health and viability of this goal.

III. STATUS OF THE PREVIOUS APPROVAL

Subsequent to the approval of the rezoning of the Workhouse property, a site plan was approved in September of 2006 for "Phase I" development on the property. Work then began on the renovations to the "quad" buildings as well as the proffered deceleration lane along Rt. 123 and the proffered left and right turn lanes along Lorton Road. Land was dedicated along Lorton Road and at the corner of Lorton Road and Rt. 123 for future road improvements. The interior renovations for the majority of the quad area have been completed and the Lorton Arts Workhouse opened its doors in September of 2008..

A continuing and parallel effort to the physical work underway on the property, is the effort to grow the artist community to be housed in the studios, foster connections with the community through outreach programs with area schools, municipalities and the Occoquan Regional Park and build an enthusiastic and dedicated staff.

Additional development of the Workhouse complex will include the rehabilitation and renovation of the remaining buildings on the site to include the outdoor performance center and the garden area. It is anticipated that the next phase of construction will be the restaurants, the "Laurel Hall" – an events center, and the Workhouse Theatre.

IV. REQUESTED REVISIONS

a. Revisions to Permitted Uses

School of Special Education/University. Education is a vital component of the Workhouse program. The ability to provide engaging arts education programs for people of all ages and artistic abilities is central to the Workhouse's mission. All the art disciplines presented at the Workhouse will have an education component and each studio building, as well as the gallery, will include education space. There are also plans to partner with Northern Virginia Community College and/or Shenandoah University to offer some accredited courses at the Workhouse. As already indicated, these classes will be held throughout the complex. The University use is not envisioned as a full service-type university with dorms, eating facilities, student center, etc.; however, students currently enrolled in institutions such as Shenandoah or NOVA could take classes for credit at the Workhouse. The commitment that there will not be a full-service university on the site has been included in the proffers. In no circumstance will the 450 enrollment come from a single source like a university. These university classes will be during off-peak traffic volume times. To ensure that this vital part of the Workhouse is captured in the approvals, we are requesting approval of a school of special education and a university (to the extent that accredited classes will be offered) which will encompass all of the different classes to be offered at the Workhouse. It is anticipated that, while the programs will vary by day, a

maximum daily enrollment for the school of special education will be 450 students. Parking, which is discussed later, is calculated as if 450 spaces were needed at any one time.

It is noted that this educational component was always a part of the Workhouse Plan and was indicated on the approved CDP/FDP. This amendment just seeks to clarify the operational aspects of the school and quantify the use for traffic study purposes. This “school/university” will be very similar to the schedule of classes offered by the Park Authority in their ParkTakes brochure. Below is the Table of Contents page from the current course listing for Spring/Summer which illustrates the types of classes being offered.



Table of Contents	
Performing Arts & The Art of Movement	
Theatre	pg. 4
Dance	pg. 5
Art of Movement	pg. 8
Classes for Young People	
The Kid Zone	pg. 14
Youth Spotlight	pg. 16
Visual Arts Classes	
Fiber, Paper, Leather	pg. 10
Ceramics	pg. 12
Film	pg. 17
Photography	pg. 18
Visual Arts	pg. 19
Creative Writing	pg. 24
Glass	pg. 26
News and Information	
Registration Info & Form	pg. 20

Culinary Arts: To fulfill the applicant’s vision of the Workhouse as a complete cultural arts center, a culinary arts component, to possibly include such elements as a creamery, cheese-making, bakery, brewery and wine-making, is requested. This aspect of the Workhouse is envisioned as the same type of use as the artist’s studios. The applicant desires to create an interactive culinary community that joins together with the visual and performing arts programs and events, and provides services and products to the events center and restaurants on site. This would be a dynamic environment that incorporates the culinary arts into all areas of the site, marrying the various art disciplines programmatically while providing the unique opportunity for top artisans in each of the culinary disciplines to be situated in close proximity – as a member of a “Culinary Artists’ Colony”, and as part of the greater community of artists at the Workhouse. This will not be a food processing facility where products are produced for the public nor will it be an eating establishment as the primary purpose of the facility is for demonstration and learning, not to come and eat a meal.

The culinary programs on site will educate the casual cook and the emerging professional, as well as provide products made by the students to support the

needs of Workhouse programs and events. For example, the students learn to bake bread in the bakery. The bread is then distributed to the events center and restaurants to be consumed by patrons that day. Students may also be required to cook and/or serve in the restaurants or events center as part of their training.

The retail component to these areas will not only allow artisans to sell their creations but also further a student's education on how to package, promote and sell their goods. The same types of services are part of the visual arts program where studio artists are trained (as part of their lease agreement) on how to frame/display their work, photograph it, create a portfolio and market their work to potential buyers and galleries.

To promote a more green approach, the "made at the Workhouse" and "made in Virginia" theme is envisioned for food services at the Workhouse. The idea is to provide and promote food that is grown, produced or created close to our home- for example, the server at the events center knows and can tell the patron what their bread or pastry or cheese is and where it was made, preferably on site. The concept for the arts garden, approved in the original rezoning, would also play a major role in this culinary environment- providing organic fruits, vegetables, herbs, etc, to the culinary school and other Workhouse users and programs.

Essentially, this component would be no different operationally, from those disciplines of visual arts and performing arts approved with the original rezoning. The visual arts and performing arts use categories are Cultural Center/Museum and similar facilities to include Gallery and Exhibit areas and a School of Special Education. The program will most likely be conducted in a portion of the Events Center and deliveries would occur in the back of that building. The facility is parked at the museum/cultural center rate and any cooking classes would be figured into the 450 enrollment total.

Restaurant: The applicant has had the benefit and associated knowledge of marketing the approved restaurant pads for nearly a year. This experience has shown that for potential tenants of a smaller scale, it is more economical to utilize an existing building. Likewise, larger operators are interested in a somewhat larger footprint. The economic viability of the Workhouse project hinges on revenues generated from the restaurant tenants. Thus, the ability to offer options and to operate the restaurants prior to the opening of an event venue is critical. The applicant, therefore, requests that the new restaurant footprints be a total of 12,200 square feet in size with the option of combining the two pads into one for a large operator. Additionally, it is requested that existing building W-13, located near the new restaurant pads, be approved as a restaurant. This location would provide a unique, historic setting for an additional small (75 seats) restaurant for the smaller operator. .

Accessory Retail: It has always been planned that areas such as the Artist Studios and the garden include gift shops where articles of art or herbs, plants or culinary creations can be purchased while visiting the Workhouse. In conjunction with the horticultural program/area, the Applicant wishes to have a small retail area set up to sell plants. The square footage of such area is restricted in the proffers and on the plat. The area is located off of the easternmost Lorton Road driveway near the horticultural display area. The use should not be considered a plant nursery because the stock will not be grown on the property.

b. Minor Reconfiguration of Approved Residences

Due to engineering reasons (water line location and the desire to eliminate a retaining wall), the two buildings shown for residential purposes on the approved CDP/FDP have been combined into one building. The square footage of the building is 48,600 sf. Landscaping and screening to the level agreed upon during the rezoning review will be provided and tree save area, as shown on the original CDP/FDP will be retained. The height of the single residential structure will remain as approved at 45 feet.

c. Hours of Operation

The applicant requests that the hours of operation for the Performing Arts Center and the Music Barn be amended to 8:00am to 1:00am, 7 days a week. Any outdoor event at the Music Barn will end by 11:00pm. The applicant also requests that the hours for the Events Center be amended to 7:00 am to 2:00 am, 7 days a week.

d. Traffic Analysis/Access

A detailed traffic analysis was not performed at the time of the 2004 approval. Kimley-Horn and Associates, Inc. has now conducted a detailed traffic report that documents the results of the traffic analyses with the refined activity levels proposed with this application at the Lorton Workhouse Arts Center in place. The traffic study analyzed the AM and PM commuter peak hours and the Saturday peak hour of activity. Intersection turning movement traffic counts were conducted and existing traffic volumes were increased to incorporate background traffic growth. Additionally, peak hour trips generated by the all phases/components of the Lorton Workhouse Arts Center were added to background traffic to result in total future traffic. The key findings of the study confirmed some assumptions made without the benefit of the study during the rezoning process in 2004 and shed light on other requirements than need to be revisited.

In summary, since the activities at the Lorton Workhouse Arts Center will occur over the span of the entire day, there is not a significant peaking of traffic activity during the commuter peak hours. As a result, the traffic analysis findings show that the Lorton Arts Foundation can achieve its desired activity levels without adversely affecting the area roadway system. All intersections and roadways will operate at acceptable levels of traffic service. The complete traffic report is included as part of this submittal with the conclusions highlighted below:

- **Lorton Road Improvements.** The existing area roadway system will accommodate the full development as proposed in this amendment application. This study shows no need for widening Lorton Road except for turn lanes at vehicle access points as discussed below.
- **Timing of Access Points.** For Phase 1 of development (as already approved per the site plan) but also including all three proposed restaurants and the residence building, the existing access along Lorton Road opposite Old Ox Road including a deceleration lane into the entrance should be provided and a right turn in and right turn out access along VA Route 123 is adequate. Driveway traffic counts were conducted in March 2009 in order to provide the basis for identifying the triggers for the timing of the new access points described below. Once seating capacity in any of the venues reaches 621 seats, a second driveway to the Occoquan Regional Park entrance road is proposed. Once seating capacity in any of the venues reaches 1001 seats, a fourth entrance along Lorton Road will be provided. This new driveway should permit full traffic movements and should include a deceleration lane for right turn in and left turn lane into the property. The existing driveway, referenced above opposite Old Ox Road, would then be limited to right turns in and right turns out.

e. Attendance

During peak hour all intersection at acceptable levels of service. As mentioned above, neither the applicant nor the county had the benefit of a detailed traffic analysis at the time of the previous approval. The traffic study, included with this submittal, indicates that the surrounding road system and intersections can support an attendance limit of 1,200 guests for concurrent events and 2,000 guests for special events. As previously proffered, the applicant has contracted with Vulcan Quarry to provide off-site parking for special events.

f. Special Events

The traffic study has concluded that the surrounding road system can support the attendance anticipated at special events with the use of off-site parking areas. The Applicant also requests that the number of allowed special events be increased to 6 per year in the first five years and 12 per year thereafter.

g. Miscellaneous

Stormwater Management. It is noted that the stormwater management system as shown on the CDPA/FDPA was reviewed and approved in conjunction with the recently approved site plan. All approved information has been provided on the plan. No changes to that approved system are proposed. However, as requested by the Department of Public Works and Environmental Services, a waiver to permit underground detention in a residential area of a PDC District has been requested.

Greenway Trail. Construction of the Greenway Trail is still proposed as previously proffered. Construction of the trail on either of the adjacent properties, however, has not commenced as of April 2009.

IV CONFORMANCE WITH THE COMPREHENSIVE PLAN

It was determined at the time of the previous approval that the uses and plans as proposed were in conformance with the Comprehensive Plan provisions. The proposed changes will enhance the development of the site as previously approved and, in fact, protect its viability. The use will remain in harmony with the Comprehensive Plan recommendations.

V WAIVERS AND MODIFICATIONS

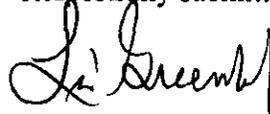
Requested waivers and modifications of certain transitional screening and barrier requirements are detailed on the CDPA/FDPA. Given the emphasis on restoring and preserving the historic structures on the property, such waivers and modifications will ensure that proper visibility of the historic structures is maintained.

The Applicant also requests a waiver to permit underground detention in a residential area. It is noted that this SWM system has already been approved under the first site plan but at that time, the waiver process was not necessary.

The Applicant also requests a modification of Par. 5 of Sect. 206 which limits the square footage of secondary uses in the PDC to 25% of the total square footage. Again, the request has not changed in terms of uses from the last approval except for the acknowledgement of the Workhouse classes as a school of special education/university. This component, together with the cultural center/museum component will exceed the 25% square footage limitation.

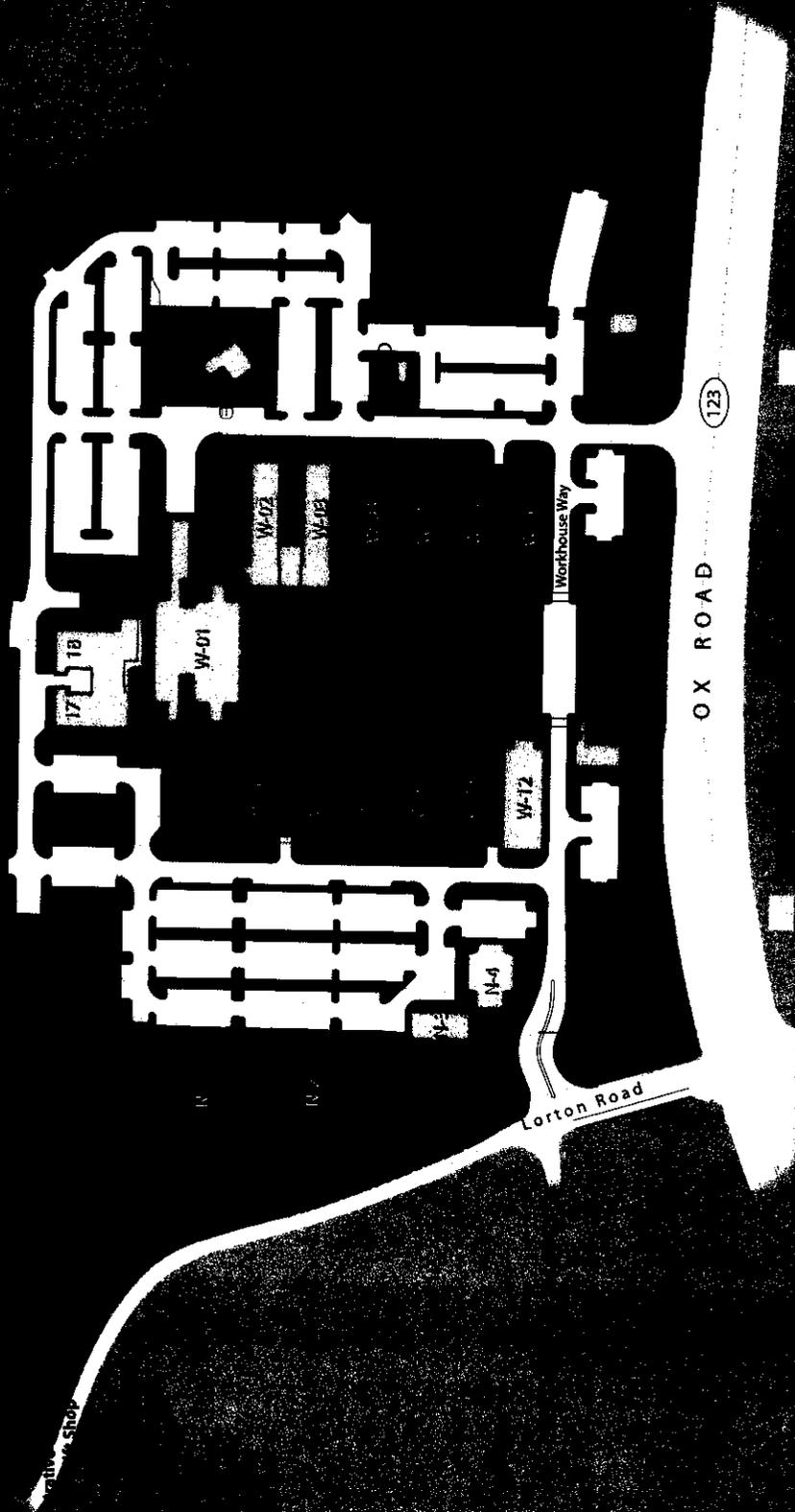
With the exception of the waivers and modifications noted on the CDPA/FDPA and those discussed above, to the best of the Applicant's knowledge, the proposed development complies with all applicable standards and regulations. There are no hazardous or toxic substances to be generated, utilized, stored treated, and/or disposed of on site

Respectfully submitted by



McGuireWoods LLP
Agent for Applicant

\\REA\157787.1



SYNTH



FAIRFAX COUNTY

APPENDIX 5

OFFICE OF THE CLE
BOARD OF SUPERVISOR
12000 Government Center Parkway, Suite
Fairfax, Virginia 22035-0

Tel: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3

V · I · R · G · I · N · I · A

www.fairfaxcounty.gov/gov/bos/clerkhomepage
Email: clerktothebos@fairfaxcounty.gov

August 25, 2004

Gregory A. Riegler, Esquire
McGuire, Woods, LLC
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102-4215

RE: Rezoning Application
Number RZ 2003-MV-033

Dear Mr. Riegler:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on July 26, 2004, granting Rezoning Application Number RZ 2003-MV-033 in the name of Lorton Arts Foundation, Incorporated to rezone certain property in the Mount Vernon District from the R-C District to the PDC District, to permit mixed use development on a portion of the former District of Columbia Department of Corrections Facility known as the Occoquan Workhouse, as an Art Center consisting of theaters, cultural center, museums and similar facilities; eating establishments; commercial recreation (Events Center) and multi-family dwellings for resident artists, performers, etc., at a Floor Area Ratio (FAR) of 0.08, located on the east side of Ox Road south of its intersection with Lorton Road, Tax Map 106-4 ((1)) 54 pt. (also known as "Subparcel G"), subject to the proffers dated July 14, 2004, consisting of approximately 56.04 acres.

The Board also approved the Conceptual Development Plan; the Planning Commission having previously approved Final Development Plan Application FDP 2003-MV-033 on July 14, 2004, subject to the development conditions dated July 1, 2004, and subject to the Board's approval of RZ 2003-MV-033, and proffers dated July 14, 2004.

RZ 2003-MV-033
August 25, 2004

- 2 -

In addition, the Board:

- **Modified the transitional screening yard requirement along the northern boundary; waived the barrier requirement along the northern boundary;**
- **Modified the transitional screening requirement, and waived the barrier requirement between the artist residences and the work house;**

in favor of that shown on the combined Conceptual/Final Development Plan, as referenced in the proffers.

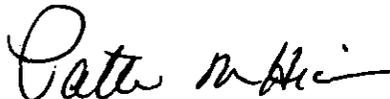
Further, the Board approved the demolition of the following five buildings as recommended by the Architectural Review Board:

- **W-21, Control Building Historical Hospital**
- **W-21A, Administrative Building Historic Hospital Wing**
- **W-40, OFACM Shops Heating Plant**
- **H-42, Medical Services Historic Residence**
- **H-43, Psychology Historic Residence**

and:

- **Deferred decision on approval of the demolition of the smokestack at Building W-29 until September 13, 2004, at 3 p.m.**

Sincerely,



Patti M. Hicks
Deputy Clerk to the Board of Supervisors

PMH/ns

RZ 2003-MV-033

August 25, 2004

- 3 -

cc: Chairman Gerald E. Connolly
Supervisor Gerald W. Hyland, Mount Vernon District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Michael R. Congleton, Deputy Zoning Enforcement Branch
Leslie B. Johnson, Deputy Zoning Administrator for Zoning Permit Review Branch
Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Trnsprt'n. Planning Div.,
Charles Strunk, Project Planning Section, Dept. of Transportation
Michelle Brickner, Deputy Director, DPWES
Kenny King, Proffer Administrator, Plans & Document Control, OSDS, DPWES
Department of Highways - VDOT
Irish Granfield, Land Acqu. & Planning Div., Park Authority
District Planning Commissioner
James Patteson, Director, Facilities Mgmt. Div., DPWES
Barbara J. Lippa, Executive Director, Planning Commission
Gary Chevalier, Office of Capital Facilities, Fairfax County Public Schools

RECEIVED
Department of Planning & Zoning
SEP 01 2004
Zoning Evaluation Division

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 26th day of July, 2004, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2003-MV-033

WHEREAS, Lorton Arts Foundation, Incorporated filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the R-C District to the PDC District, and

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

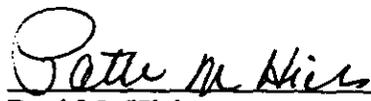
WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

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

Be, and hereby is, zoned to the PDC District, and said property is subject to the use regulations of said PDC District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 26th day of July, 2004.



Patti M. Hicks
Deputy Clerk to the Board of Supervisors

PROFFERED CONDITIONS FOR REZONING
BY
LORTON ARTS FOUNDATION, INC.
FOR
"LORTON WORKHOUSE"

RZ/FDP 2003-MV-033

July 14, 2004

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owner and Applicant in this rezoning proffer that the development of the parcels under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 106-4-((1))-54, Sub-parcel "G" (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said Rezoning request for the PDC Zoning District is granted. In the event said application request is denied, these proffers shall be null and void. The Owner and the Applicant ("Applicant"), for themselves, their successors and assigns, agree that these proffers shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The proffered conditions are:

1. CONCEPTUAL DEVELOPMENT PLAN//FINAL DEVELOPMENT PLAN

(a) Substantial Conformance. Subject to the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted and any additional requirements of these proffered conditions, the development shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP), containing ten (10) sheets prepared by Greenhorne & O'Mara, dated July 10, 2003 and revised

through June 28, 2004. For the purpose of these proffers, the structures and uses on the Property may be collectively referred to as "the Workhouse."

(b) Amendment to CDP/FDP. Notwithstanding the above, it shall be understood that the Applicant has the right to request a Final Development Plan Amendment (FDPA) for elements other than CDP elements for all or a portion of the CDP/FDP in accordance with the provisions set forth in Section 16-402 of the Zoning Ordinance. For the purpose of this Proffer, CDP elements shall include those principal and secondary uses permitted by these proffers, the maximum floor area ratio, the general layout and the general orientation of access points to public roads, parking, and open space areas.

2. PHASING

(a) Phasing of New Construction. The Artists Colony (N-1, N-2) may be constructed concurrent with the renovation of the artist studio space (W-04-W-011). A Non-Residential Use Permit (Non-Rup) for the first of two freestanding eating establishments shall not be issued until a Non-Rup has been issued for one of the following venues: Music Barn (W-22); Theatre (W-12); or Performing Arts Center (W-17, W-18, W-18A). A Non-Rup for the second freestanding eating establishment shall not be issued until a Non-Rup has been issued for at least two of the venues described above.

(b) Parking Requirements and Phasing of Parking. Minimum parking requirements shall be fulfilled at all times by providing the number of spaces required by the applicable provision of Article 11 of the Zoning Ordinance, as determined by DPWES. Minimum parking may be fulfilled through a combination of "hard surface" and overflow spaces in the location general identified on the CDP/FDP. It is intended that a waiver of the dustless surface

requirement will be requested for the "overflow" spaces. These spaces shall be paved if the waiver is not granted.

(c) Phasing of Infrastructure. The Applicant shall demonstrate to the satisfaction of DPWES prior to each site plan approval that supportive utility infrastructure (i.e. sanitary sewer, water, etc.) is available to service the development and uses reflected on any individual site plan. If necessary, an additional sewer pump station and/or related infrastructure shall be provided.

(d) Trails. The Laurel Hill Greenway shall be provided as outlined in Proffer 9 below. The connecting trails shall be provided at the same time as the Laurel Hill Greenway, as generally shown on the CDP/FDP.

(e) Road Improvements. Entrance improvements, road widening and associated pedestrian facilities shall be provided in accordance with Proffer 10 below.

3. ARCHITECTURAL REVIEW

(a) Architectural Approval for New Structures. All construction and development shall be subject to review by the Architectural Review Board to the extent required by Article 7 of the Zoning Ordinance for Historic Districts and/or the Memorandum of Agreement executed by the Advisory Council for Historic Preservation on June 28, 2001 ("MOA"), as may be applicable.

(b) Signage. Notwithstanding the locations for signs and entry features shown on the CDP/FDP, all signs shall comply with Article 12 of the Zoning Ordinance. The Applicant further reserves the right to pursue a Comprehensive Sign Plan in accordance with Section 12-205. All signs shall be further identified and reviewed as part of plans forwarded to the ARB in

accordance with Section (a) above and the sign permits shall be forwarded as required by Part 2 of Article 7, Historic Overlay Districts. To the extent signs are shown on the CDP/FDP, those signs shall be in substantial conformance with the CDP/FDP.

(c) Notification of Requirements for Architectural Review Board Approval. Separate notation shall be placed on all site plan submissions reading "all development actions for this rezoning are subject to Architectural Review Board review and approval," or similar text.

(d) Architecture of Artists Colony (N-1, N-2). Building materials associated with this use shall be compatible to those associated with the historic structures on the Property as approved by the ARB. All facades and fenestration (the arrangement, proportioning, and design of windows and doors in a building) of the Artists Colony shall be architecturally treated with such features as, but not limited to, a brick water table, trim, shutters, and/or cornices so as to add variety to the façade, subject to ARB approval in accordance with the Historic Overlay District Provisions as required by the MOA.

(e) Screening of Service Areas. All dumpsters shall be screened using materials that are compatible to the approved architecture as approved by the ARB. All dumpsters and their screening shall be further identified and reviewed as part of plans forwarded to the ARB in accordance with Section (a) above.

(f) Sculpture Garden. Any art work displayed within the "Sculpture Garden" identified on the CDP/FDP shall be designed and located so as not to interfere with sight distance along any public road or site entrance. Displays in the Sculpture Garden shall not be illuminated and shall have no motorized parts on components. Prior to placing any sculpture or having other activities within the area labeled "Signage/Sculpture Display Area", a plan describing pedestrian

access to that portion of the site shall be provided for review and approval by County DOT and/or DPZ.

4. DOCUMENTATION OF HISTORIC STRUCTURES TO BE DEMOLISHED

(a) Documentation of Contributing Buildings to be demolished. Prior to any demolition of a contributing building (W21A, W21, H42, H43 and W40 and possibly W-29), each structure shall be photographed with a large format camera (4"x 5" minimum negative) using black and white film. Photographic recordation shall be done to the standards of the Historic American Buildings Survey (HABS). The number and angle of views shall be coordinated with the Fairfax County Park Authority (FCPA) prior to the taking of photographs and the completed photos shall be approved by the FCPA prior to demolition of the buildings. Such photographs shall be submitted to the Virginia Room of the Fairfax County Public Library, the District of Columbia Archives, and the Virginia Department of Historic Resources (VDHR). A copy of the photos shall be kept at the Prison Museum in Buildings W-02 and W-03. The negatives shall be submitted to VDHR. The construction, occupants and significant events associated with each building to be demolished shall be documented in writing by qualified professional in consultation with Fairfax County DPZ and the Cultural Resource Management and Protection Section of the FCPA. Where applicable, such photographic and written documentation shall be done to a standard as required for determination for National Register eligibility based on the "VDHR Preliminary Information Form".

(b) Incorporation of Demolished Buildings at the Prison Museum. Depictions of the architecture, design, use, history and relationship to the overall workhouse of the contributing

buildings to be demolished shall be displayed within the Prison Museum proposed to be located within the Workhouse.

(c) Historical Identification of Contributing Buildings. Any contributing building to be demolished shall be identified on the property with an appropriate plaque, marker or similar identification. The Applicant shall consult with the Fairfax County History Commission in determining the specific site and text of such identification and the site and text shall be subject to the review and approval of the Fairfax County History Commission.

5. PROTECTION OF HISTORIC STRUCTURES

(a) All renovation of existing structures shall be subject to review by the ARB to the extent required by Article 7 of the Zoning Ordinance for Historic Districts and/or the MOA as may be applicable.

(b) On-site development and demolition activity in proximity to the historic structures to remain shall be done in substantial conformance with the procedures that follow:

(i) Around each historic structure or group of historic structures, an area of land not less than ten (10) feet from the structure(s) will be enclosed with chain link fencing (one (1) opening per side permitted), consisting of at least six (6)-foot steel posts driven 18 inches into the ground and placed no further than ten (10) feet apart, so as to prevent accidental damage by heavy construction equipment during on-site demolition and earth moving activities. Steel posts and fencing may be removed once such activities are completed, to provide necessary access to the structure and the land adjacent to it.

Nothing herein shall preclude activity within this area as long as such activities do not harm the building or its foundation, as described in 5(a)ii below.

(ii) For each protected building or structure, a line of foundation protection shall be delineated from the base of the foundation, with such line to be shown on all grading and/or site plans (e.g. a plan section or profile), including rough grading plans. If the building foundation is concrete, a line of protection shall be drawn at a 45-degree angle from the base of the foundation projecting downward. If the building foundation consists of rock or rubble, the Applicant's structural engineer will determine if a wider line of protection is necessary to the satisfaction of DPWES. If activities such as excavation, installation of utilities, stabilization/development activities related to the Greenway, or building restoration/modification are necessary within this area of protection, measures will be taken to insure the stability of the building foundation per current structural engineering standards and to the satisfaction of DPWES. A wider area may be required where deemed necessary by the County. Nothing herein shall preclude surface grading around the buildings to a depth of 6 to 12 inches, landscaping, or other activities that will not harm the building foundation.

(c) Archeological Investigation. Prior to the first site plan approval, the Property shall be subject to a Phase I archeological survey conducted in conformance with the MOA. If warranted by the initial Phase I survey, as determined by Fairfax County, subsequent Phase II archeological evaluation and/or Phase III archeological data recovery excavations shall occur with the scope of work of such potential Phase II and Phase III analyses and any associated recovery of artifacts being consistent with the requirements of the MOA and subject to review and approval by the Cultural Resource Management and Protection Section (the Section) of the

Fairfax County Park Authority. Prior to the design of any Phase I, II or III archaeological study, the Applicant or consultant shall consult with the Manager of the Section as to the scope and schedule of the studies.

6. PERMITTED USES/HOURS OF OPERATION

(a) Permitted Uses. As described on the CDP/FDP, the Property may be developed with the following permitted principal and secondary uses.

- Museum/Cultural Center and Similar Facilities to include Gallery and Exhibit Areas (generally, W-2 – W-11, W-16 and W-29 if retained)
- Theater (W-12), to include Music Barn (W-22) and Performing Arts Center (W-17, W-18, W-18A)
- Office uses in support of or affiliated with Workhouse functions or activities
- Residential-multifamily (N-1, N-2) (as restricted by Par. d below)
- Eating Establishments, both free standing and within structures to be renovated, to include but not be limited to the Events Center (W-01)
- Commercial Recreational Use (Events Center, W-01) to consist of meetings, receptions, exhibitions and similar functions/uses
- Ballfields

This proffer shall not preclude establishment of accessory and accessory service uses. Such accessory uses may include, but shall not be limited to the incorporation of certain food service and eating establishments within otherwise permitted uses.

(b) Alternate Use of Performing Arts Center. Notwithstanding its designation as a "Theater Use" on the CDP/FDP, within the "Performing Arts Center" (W-17, W-18, W-18A),

the Applicant reserves the right to incorporate those uses permitted in the Events Center, provided, however, there shall be no eating establishment use in the Performing Arts Center. Any such alternate use of the Performing Arts Center shall be subject to compliance with all occupancy limitations on this use prescribed by (e) and (f) of these proffers and the parking requirements of these proffers.

(c) Location of Certain Uses. The Artists Colony, Freestanding Eating Establishments, Music Barn, Theater, Events Center and Performing Arts Center shall be located in the buildings so designated on the CDP/FDP. Other permitted uses may be located within varying locations, subject to conformance with these proffered conditions.

(d) Occupancy of Artists Colony. Occupancy of those residential units identified as the "Artists Colony" (N-1, N-2) shall be restricted to persons directly involved with an activity of the Workhouse, including, but not limited to, artists, producers, directors, interns, fellowship recipients, educators and apprentices.

(e) Hours of Operation. The hours of operation at the Museum/Cultural Center, Theater, Events Center, Music Barn and Eating Establishments shall be limited to the following:

(i) Museum/Cultural Center

- Attendance by outside visitors at the Museum/Cultural Center (W-02, W-03) and associated artist studio(s) shall be limited to the hours between 8:00 a.m. and midnight seven days per week.

(ii) Theater

- Performances at the Theater (Building W-12) shall be permitted between the hours of 8:00 a.m. and midnight seven days per week.

(iii) Performing Arts Center.

- Performances and Events at the Performing Arts Center (W-17, W-18, W-18A) shall be permitted between the hours of 8:00 a.m. and 11:00 p.m. seven days per week.

(iv) Events Center

- Scheduled Events may occur within the Events Center (Building W-01) from the hours of 7:00 a.m. to midnight Sunday through Thursday and 7:00 a.m. to 2:00 a.m. on Fridays and Saturdays.

(v) Music Barn

- Performances at the Music Barn (Building W-22) shall be permitted to be scheduled within the hours of 8:00 a.m. to 11:00 p.m. seven days per week. The hours of performances at the Music Barn may be further restricted based on the noise study in Proffer Number 8 (h).

(vi) Free-Standing Eating Establishments

- Any free-standing Eating Establishments shall be permitted to operate within the hours of 11:00 a.m. to 11:00 p.m. from Sunday through Thursday and 11:00 a.m. to 1:00 a.m. on Friday and Saturday. Other eating establishments or food sales activities shall be limited by the hours of the building in which they are located.

(vii) There shall be no "hourly" restrictions on the use and occupancy of structures and facilities by the individual artists and/or staff/employees of the Workhouse.

7. SCHEDULING OF EVENTS.

(a) Limitations for Certain Venues.

(i) Except as provided for in Paragraph (b) below, at no time shall scheduled events having a combined total projected attendance or ticket sales of more than 900 Outside Guests be concurrently scheduled at either the Music Barn (W-22), Theater (W-12), Performing Arts Center (W-17, W-18, W-18B), Events Center (W-01) and/or common/lawn areas of the Workhouse. For the purpose of these proffers, a scheduled event shall mean a performance, concert, social gathering, conference or similar function whereby attending of an amount or duration above and beyond that associated with other permitted uses is expected. For the purpose of these proffers, "Outside Guests" shall mean those persons attending scheduled events based on tickets available or permitted seating capacity and/or persons "guaranteed" for catering purposes that are not employees, vendors or contractors of the Workhouse, its assigns, or affiliated franchise facilities, or individuals otherwise engaged in technical or production elements of any such scheduled event. The term "concurrently scheduled" shall mean such scheduled events having a published starting or projected ending time within 44 minutes of one another.

(ii) Peak Hour Restrictions. Irrespective 7(a)(i) above and 7(b)(i) below, during weekday (Monday-Friday) peak hour (5:00 pm-7:00 pm) periods, the term

“concurrently scheduled” shall mean scheduled events having a published starting or ending time within 119 minutes of one another.

(iii) Monitoring. To confirm compliance with these occupancy requirements, the schedule of starting or ending times for any scheduled events and projected attendance based on tickets sold/distributed, persons “guaranteed” for catering purposes or other similar information shall be furnished to DPZ on request.

(iv) Use of Non-Paved Parking. Any time a total projected attendance of 700 Outside Guests is anticipated, staff shall be available to direct guests and visitors to designated non-paved parking areas on the site in the areas south and east of the ball field.

The restrictions above shall not preclude occupancy by any Workhouse facility staff and/or technical professionals for set up, rehearsals and similar purposes.

(b) Special Events.

(i) For the purpose of these proffers, a “Special Event” shall be an event associated with an otherwise Permitted Use that has a number of Outside Guests that exceed the occupancy limitation in 7(a) above. Such events are anticipated to involve numbers of artists, exhibitors, performers and Outside Guests beyond that associated with day to day operation of the Workhouse. A Special Event may also occur over the course of a multi-day period, which shall not exceed three (3) consecutive days.

(ii) During the first five (5) years of operation following the issuance of the first NonRUP, the Applicant reserves the right to schedule up to four (4) so-called

“Special Events” per year. The initial Special Event shall be limited to up to 600 outside guests above that otherwise allowed by Proffer 7(a).

(iii) Following the first five (5) years of operation, the number of Special Events may be increased to allow a total of eight (8) Special Events per year, subject to approval by the County upon a determination that the special events met the applicable County codes, regulations and ordinances, complied with the terms of the agreements in (d) below and that in the judgment of the County, traffic associated with the special event did not result in an unacceptable level of congestion.

(c) Sanitation for Special Events. All such Special Events shall require the provision of additional temporary bathroom facilities or similar sanitation measures as may be required by the Fairfax County Health Department. It shall be the responsibility of the Applicant to obtain any and all necessary Health Department approvals prior to all such Special Event.

(d) Off-Site Parking for Special Events.

(i) Special Events shall require the provision of off-site parking arrangements sufficient to accommodate those vehicular trips reasonably projected to occur as a result of the Special Event and any regularly scheduled or permitted uses and activities at the Workhouse. Prior to the first Special Event, the Applicant shall provide documentation and shall identify: (1) areas reserved, rented or leased for off-site parking, and (2) the nature and/or form of the associated agreement with the off-site land owner, and (3) a description of any proposed shuttle operation to/from the same (collectively, the “Parking Plan”). The amount of off-site parking shall be based, at a minimum, on the number of Outside Guests expected at the first Special Event and may reflect a greater number of

Outside Guests, based on anticipated attendance at future events. Such off-site parking arrangements shall be subject to review and approval to confirm the general sufficiency of available on and off-site parking by DPZ in consultation with Fairfax County Department of Transportation (FCDOT) based on historic operational characteristics of the Workhouse, similar local events, or other similar objective and professionally accepted methodology. Such determinations shall not unreasonably be withheld by the County.

(ii) To the extent the number of Outside Guests at future Special Events does not exceed that described in the Parking Plan, no further review of off-site parking shall be required in connection with future Special Events after the approval of the Parking Plan. In the event subsequent Special Events propose greater numbers of persons than reflected in the Parking Plan, the Parking Plan shall be revised and reviewed as generally outlined in item 7(d)(i) above. Regardless of the need for further parking review, DPZ and FCDOT shall receive thirty (30) days written notice of all scheduled Special Event.

(iii) In the event following any Special Event, the County identifies objective problems concerning the adequacy or availability of off-site parking, additional review in accordance with item 7(d)(i) above shall occur prior to the next scheduled Special Event.

8. ENVIRONMENTAL

(a) Stormwater Management.

(i) Stormwater management and associated BMP measures shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES, unless

requirements for the same are waived or modified under the appropriate authority given to DPWES. Any required structural detention facilities shall be located in substantial conformance with the locations of water features or areas reserved for the same on the CDP/FDP. The Applicant shall locate, design and construct any off-site stormwater facilities and other adequate outfall improvements for the Property in accordance with the requirements of DPWES.

(b) The Applicant intends to seek the necessary waivers to provide portions of the required stormwater management on the adjacent FCPA property as generally shown on the CDP/FDP. The Applicant shall coordinate the location, design, and construction of those portions of any off-site SWM/BMP facility with the FCPA prior to site plan submission for the facility, and the same shall be subject to review and approval by the FCPA in conjunction with site plan approval. Offsite SWM/BMP facilities constructed by the Applicant shall include any landscaping screening of the facility in addition to that shown on the CDP/FDP, maintenance access to the facility, location/screening of proposed outfall structures, and combined outfall as required by the FCPA and DPWES. Such features shall be identified on the appropriate site plan involving any such SWM/BMP facilities submitted to the County and the FCPA. The Applicant further agrees that any excess capacity associated with the proposed off-site facility may be utilized by the FCPA in connection with the development of its property. If for any reason, arrangements for off-site stormwater management area not available, the Applicant reserves the right to locate all of the required stormwater management on-site in substantial conformance with the CDP/FDP. Maintenance of any off-site SWM/BMP facility shall be the responsibility of the Applicant.

(c) Low Impact Development Techniques. The Applicant shall pursue incorporation of low impact development techniques subject to approval by DPWES. Such measures may include, but shall not be limited to, (i) infiltration trenches, (ii) rain gardens, (iii) rain cisterns, (iv) permeable paving in select locations. To increase public awareness of such measures, a narrative and/or pictorial description of any approved low impact development techniques shall be displayed within the Prison Museum or other alternative location suitable for public viewing.

(d) Landscaping.

(i) General. Landscaping of the parking areas, internal streets, the SWM ponds, and the periphery of the property shall be provided in substantial conformance with the landscaping concepts generally shown on the CDP/FDP, subject to changes to reflect Low Impact Development Techniques if such changes are in substantial conformance with landscaping shown on the CDP/FDP..

(ii) Landscaping of Horticulture Display Area. The requirements of Proffer 1(a) concerning substantial conformance with the CDP/FDP, shall not apply to landscaping within the area identified as "Horticulture Display Area" and/or "Area D" on the CDP/FDP. The landscaping concepts within this area are illustrative in nature only. Development within these areas, including, but not limited to, clearing and grading, site improvements, paving, new construction and landscape design elements shall be subject to review and approval of the ARB.

(iii) Location of Utilities. To the extent possible, utilities shall be placed throughout the development to avoid conflict with landscaping shown on the CDP/FDP, as determined by the Urban Forestry Division. If the amount or location of new

landscaping on the CDP/FDP is affected by the location of utilities, equivalent amounts of landscaping consisting of trees and/or plant material of a type and size consistent with that displaced shall be substituted in an alternative location on the property, subject to approval by the Urban Forestry Division.

(e) Establishment of Final Clearing Limits. Prior to the submission of the first site plan or grading plan and prior to all subsequent submissions, the Applicant's certified arborist or landscape architect shall walk the property with an Urban Forestry Division representative for the purpose of establishing the final clearing limits. Such limits shall be based on a location of development and uses that are in substantial conformance with the CDP/FDP, but are not greater than that shown in terms of the overall amount of disturbance. Once clearing limits are established, the Applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant's certified arborist or landscape architect shall walk the site a second time with an Urban Forestry Division representative to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees and the edge of the limits of clearing and grading and these shall be adjusted accordingly. Trees not likely to survive construction due to their species and/or proximity of disturbance will also be identified at this time and the Applicant shall also be given the option of removing them as part of the clearing operation. Any tree designated for removal at the edge of the limits of clearing and grading or within tree preservation area shall be removed using a chain saw to avoid damage to surrounding trees. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees.

(f) Tree Preservation.

(i) Plan for Preservation. The Applicant shall submit a tree preservation plan for areas protected by the final approved limits of clearing and grading as part of the first and all subsequent site plan submissions. Preservation plans shall be prepared by a professional with experience in the preparation of tree preservation plans such as a certified arborist or landscape architect for the review and approval of the Urban Forestry Division.

(ii) Content of Tree Preservation Plan. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees twelve (12) inches in diameter and greater that are within ten (10) feet that are to be protected on either side of the limits of clearing and grading as shown on the site plan. The condition analysis rating shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal, published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as crown pruning, root pruning, mulching, fertilization and others as necessary shall be included in the plan.

(iii) Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan shall be protected by tree protection fencing. Tree protection fencing consisting of four foot high, 14 gauge welded wire attached to six foot steel post driven 18 inches into the ground and placed no further than ten feet apart shall be erected at the limits of clearing and grading as shown on the demolition and phase 1 and 2 erosion and sediment control sheets for the tree save and protection areas generally delineated on the CDP/FDP. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures within or adjacent to tree

save areas. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect. Three days prior to the commencement of any clearing, grading or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed.

(g) Lighting. All light fixtures shall be in conformance with the provisions of Part 9 of Article 14, Outdoor Lighting Standards. The maximum height of light standards used in the parking lots shall be 24 feet. The types and locations of all light fixtures shall be subject to the review and approval of the ARB. The location and type of all light fixtures shall be identified on the plans forwarded to the ARB in accordance with Proffer 3, Architectural Review, Paragraph (a).

(h) Noise Mitigation for Music Barn. Prior to the issuance of a Building Permit for the Music Barn (W-22), the Applicant shall demonstrate through a noise impact study reviewed and approved by DPWES and DPZ (herein the Noise Study) that noise impacts, at the periphery of the property, generated by the indoor and outdoor events at the Music Barn, based on the nature, type and size of events proposed, can be mitigated to the levels prescribed by the Zoning Ordinance, the Comprehensive Plan and/or the County Code through the appropriate combination of structural and operational requirements. Once the Noise Study is approved, the Applicant shall adhere to the operational and mitigation requirements of the same. Nothing herein shall preclude the Applicant from preparing a subsequent Noise Study to reflect changes to the nature, type and size of events and proposed mitigation measures from that reflected in the approved Noise Study. Any subsequent Noise Study shall also be subject to review and approval by DPWES and DPZ.

(i) Interior Noise Mitigation for Residential Uses. In order to mitigate interior noise to DNL 45dBA, each dwelling shall have the following acoustical attributes: (1) exterior walls shall have a laboratory sound transmission class (STC) rating of at least 39; (2) doors (excluding garage doors) and windows shall have an STC rating of at least 28. If glazing (excluding garage doors) constitutes more than 20% of any facade, then such windows shall have the same STC rating as the facade; and (3) materials to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission. Any units requiring mitigation shall be identified on the site plan. Compliance with these building material standards will be demonstrated by the Applicant, to the satisfaction of DPWES, prior to the issuance of building permits for the units.

9. RECREATION

(a) Parks and Recreation Contribution. Pursuant to Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities, the Applicant shall expend the sum of nine hundred fifty-five dollars (\$955.00) per approved dwelling unit within the Artists Colony for onsite recreation facilities. Such recreational facilities (e.g. gazebos, croquet lawns, bocce courts, badminton courts and trails providing connections to the Greenway and to County-Wide trails) that do not require fully enclosed structures may be provided within any open space area that is proximate to the Artists Colony without the requirement of a CDPA/FDPA or a proffered condition amendment provided that such are determined to be in substantial conformance with the CDP/FDP and are subject to the approval of the ARB as required by these proffers. The balance of any funds not expended onsite, if any, or on the construction of offsite trails (excluding the Laurel Hill Greenway or landscaping, shall be provided to the FCPA for recreation facilities in the vicinity.

(b) Use of Ballfield.

(i) The ballfield identified on the CDP/FDP shall be the subject of a "sublease" or similar arrangement whereby the FCPA, or its designee is given, rights for access to and programming of the ballfield for practice and routinely scheduled games, along with proportional maintenance obligations based on the amount and nature of use by the FCPA or its designee. Other than these maintenance obligations, such rights shall be given to the FCPA at no cost.

(ii) No "tournament type" activity may be scheduled without permission from the Applicant.

(iii) To prevent conflict with Workhouse activities and special events, specific timing and days of use shall be coordinated between the Applicant and the FCPA or its designee on a semi-annual basis, or more frequently if warranted.

(iv) During Special Events, which are to be identified on a semi-annual basis, the Applicant reserves the right to limit use of the ballfield.

(v) To the extent possible, the ballfield shall remain open for play during construction activity.

(c) Laurel Hill Greenway.

(i) The Applicant shall design, permit and construct, or cause to be constructed, the Laurel Hill Greenway and trail as generally shown on the CDP/FDP. The trail shall ultimately be field located in consultation with FCPA Staff and as a result,

minor modifications from the configuration shown on the CDP/FDP may occur as needed to address topographic or other functional considerations.

(ii) The Laurel Hill Greenway improvements shall be constructed prior to June 30, 2007, provided that the County has initiated construction of the Greenway on either side of the application property. In the event the County has not initiated the Greenway on the adjacent parcels, if approved; by the FCPA, the Applicant's obligation may be deferred to coincide with the construction by others of the adjacent portion or portions of the Greenway not addressed in this proffer as obligations of the Applicant, but in no event shall the improvements be constructed later than June 30, 2015.

(iii) The Applicant shall coordinate with the FCPA on the design of the trail in the Laurel Hill Greenway prior to site plan submission for areas of the property involving the trail or prior to June 30, 2006, whichever occurs first or later if agreed by FCPA. The trail shall be typically fourteen (14) feet. As a guideline, approximately ten (10) feet of the trail width is to be surfaced with asphalt, and approximately four (4) feet of the trail width is to be surfaced with stone dust as may be modified as a more detailed plan is designed by the FCPA. The landscaping, trail width, surface materials, and location shall be shown on the Site Plan associated with Phase 3 or such earlier version as may be necessitated by the phasing requirements of these proffer conditions.. The trail is to be maintained by others.

(iv) All improvements to the site within seventy-five (75) feet of the Greenway shall be reviewed and approved by the FCPA, which approval shall not preclude the improvements shown on the CDP/FDP.

approved by FCDOT which demonstrates to the satisfaction of FCDOT, based on Level Of Service or other objective traffic engineering standards, that arrivals and departures are not causing unsafe stacking or turning movements to and from the site entrance(s) and from Route 123 to Lorton Road during times of peak demand. In the event this option is exercised, the Applicant may, at the option of the County, be required to provide similar traffic analysis prepared in accordance with methodology approved by FCDOT, prior to the issuance of Non Residential Use Permits associated with each additional building or use. This analysis shall reflect the additional development and uses associated with each site plan. The Applicant shall be obligated to construct the Lorton Road improvements when warranted by this subsequent traffic analysis, as reviewed and approved by FCDOT. Once the improvements are warranted, based on this analysis, no further Non-RUPs shall be issued until the road improvements are constructed and open to traffic.

(c) Site Entrance from Route 123. The entrance from Rt. 123 shall be open prior to the first Non-RUP. Prior to the opening and use of the site entrance from Route 123, the Applicant shall construct or cause to be constructed a right turn lane into the site entrance from Route 123. The final design and configuration of this improvement shall be subject to review and approval by VDOT and DPWES.

(d) Access to Non-Paved Parking. Vehicular access to the parking areas labeled as "unpaved parking" and located south and east of the ball field may be provided via a gravel driveway or similar "pervious" material to include grasscrete or similar products from paved travel ways. The location of the access is subject to approval by DPWES. The Applicant further reserves the right to install walkways to provide pedestrian access from on-site overflow areas to the Workhouse.

10. TRANSPORTATION

(a) Interim Lorton Road Improvements. Prior to the issuance of the first Non-RUP, the Applicant shall construct interim left and right turn lanes from Lorton Road into any site entrance that is open to traffic from Lorton Road. The design and configuration of such turn lanes shall be subject to review and approval by VDOT and DPWES. In the event only one of the two entrances to Lorton Road is proposed to be opened prior to the first Non-RUP, the selection of the entrance to be opened shall be subject to approval by the County.

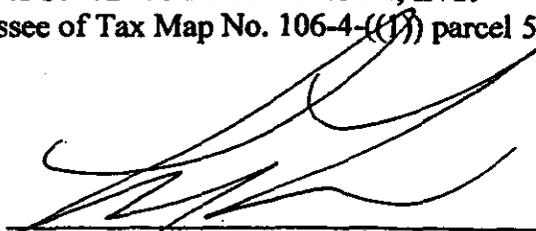
(b) Lorton Road Improvement.

(i) Prior to the issuance of a Non-Residential Use Permit (Non-RUP) for more than one of any of the following uses (Theater (W-12), Music Barn (W-22), Events Center (W-01), Performing Arts Center) (W-17, W-18, W-18A), the Applicant shall construct or cause to be constructed, improvements to Lorton Road necessary to create the section along the property frontage as generally identified on the CDP/FDP. The final design and configuration of such improvements shall be subject to review and approval by VDOT and DPWES. Irrespective of the preceding, these Lorton Road Improvements shall be required prior to the issuance of a Non-RUP for any of the four uses identified above (Theater, Music Barn, Events Center, Performing Arts Center), if the number of "Outside Guests" associated with scheduled events exceeds 450 persons.

(ii) The Applicant shall further have the right to defer the construction of the Lorton Road improvements referenced in 10(b) above with the approval of the County, provided, however, that the County shall have no obligation to approve the deferral of the Lorton Road Improvements. As part of the request to defer the improvements that Applicant shall prepare a traffic impact analysis in accordance with a methodology

Land Acquisition or other appropriate County official, accompanied by (1) plans, plats and profiles showing the necessary right-of-way or grading easements to be acquired, including all associated easements and details of the proposed transportation improvements to be located on said right-of-way property (2) an independent appraisal of the value of the right-of-way property to be acquired and of all damages to the residue of the affected property; (3) a sixty (60) year title search certificate of the right-of-way property to be acquired; and (4) a letter of credit in an amount equal to the appraised value of the property to be acquired and of all damages to the residue which can be drawn upon by the County. It is also understood that in the event the property owner of the property to be acquired is awarded with more than the appraised value of the property and to the damages to the residue in a condemnation suit, the amount of the award in excess of the letter of credit amount shall be paid to the County by the Applicant within forty-five (45) days of said award. In addition, the Applicant agrees that all reasonable and documented sums expended by the County in acquiring the right-of-way and necessary easements shall be paid to the County by the Applicant within sixty (60) days of written demand.

LORTON ARTS FOUNDATION, INC.
(Lessee of Tax Map No. 106-4-((1)) parcel 54 pt.)

By: 
Name: TINA LEDAK
Title: EXECUTIVE DIRECTOR

(e) Dedication of Right-of-Way of Lorton Road. Right-of-way, as generally shown on the CDP/FDP, shall be reserved and made available for implementation of the Lorton Road improvements, described in Proffer 10a above. Until such time as the right-of-way is needed for road improvements, that area shall be maintained in a manner consistent with all other common open space located within the development. The Applicant shall be responsible for the preparation of plats for recording to identify the portion of the subject property to become right-of-way (ROW).

(f) Acquisition of Right-of-Way.

(i) In order to implement the Lorton Road improvements referenced above, concurrent with the first site plan review process for the approved development, the Applicant shall attempt to acquire, and then if successful, shall dedicate such off-site right-of-way and easements as are necessary to complete the Lorton Road improvements described on the CDP/FDP and referenced in Proffer 10(b) above. The Applicant shall use its good faith efforts and offer a reasonable fair market value for said right-of-way and easements. If, six (6) months subsequent to the filing of the first site plan, the Applicant is unable to bring about the dedication by others and the necessary right-of-way and easements, or to acquire by purchase the right-of-way or easements at fair market value, as determined by an MAI (Member of the Appraisal Institute) appraisal, then the Applicant shall request the Board of Supervisors to condemn the necessary land and/or easements.

(ii) It is understood that the Applicant's request to the Board of Supervisors for condemnation will not be considered until it is forwarded in writing to the Division of

FAIRFAX COUNTY BOARD OF SUPERVISORS,
a body corporate and politic
(Title Owner/Lessor of Tax Map No. 106-4-((1)) parcel 54 pt.

By: A H Griffin
Name: ANTHONY H. GRIFFIN
Title: COUNTY EXECUTIVE

\\REA\193338.17

PROPOSED DEVELOPMENT CONDITIONS

July 1, 2004

FDP 2003-MV-033

The Planning Commission approved Final Development Plan FDP 2003-MV-033 to allow an arts center on property located at Sub-Parcel G of Tax Maps 106-4 ((1)) 54, by requiring conformance with the following development conditions:

1. The plant material between the proposed eating establishments and Lorton Road shall be increased to the amount required to provide Transitional Screening Yard 2 distributed through the area between the eating establishments and Lorton Road, while avoiding the water line easement.
2. The northern façade of each of the two artists' residences (Buildings N-1 and N-2) (the façade that faces toward Lorton Road) shall be no higher than forty-five (45) feet as measured from the grade along that façade to the mid-point of the roof, if a peaked roof is proposed, or to the top of the roof, if a flat roof is proposed.
3. Bike racks, benches, picnic areas and a place to obtain water shall be provided within the Arts Center in one or more locations along the Laurel Hill Greenway trail subject to the approval of the Fairfax County Park Authority.
4. A sidewalk shall be provided at the westernmost entrance along Lorton Road. The sidewalk shall extend from the trail along Lorton Road to connect to the internal pedestrian network.
5. The median strips located along Lorton Road shall be constructed as determined by the Virginia Department of Transportation.
6. The left turn lanes from Ox Road (Rt. 123) to Lorton Road (Rt. 642) shall be lengthened upon demand of either the County or the Virginia Department of Transportation when it is determined that longer turn lanes are warranted by the amount of traffic turning left onto Lorton Road.
7. Prior to the first "Special Event" as defined in the proffers for RZ 2004-MV-033, the applicant shall submit a traffic management plan to the County for review and approval; said plan to include measures to be taken during special event to maintain traffic flows on Ox Road (Rt. 123) and Lorton Road (Rt. 642) and through the intersection of these two roads; measures by which alternate parking locations will be publicized as part of the event publicity and during the event, and the manner in which vehicles will be directed to the off-site parking and the method and frequency of transportation between the off-site parking areas and the Arts Center.



County of Fairfax, Virginia

MEMORANDUM

DATE: March 28, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division

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

SUBJECT: Transportation Impact

FILE: 3-4 (RZ 2003-MV-033)

REFERENCE: PCA/FDPA/CPDA 2003-MV-033; Lorton Arts Federation
Traffic Zone: 1634
Land Identification: 106-4 ((1)) 58

The following comments reflect the position of the Department of Transportation. These comments are based on the amended Final Development Plan and draft proffers, both revised to February 27, 2009. The applicant is seeking approval for various modifications to the site layout, access, and operations. Several of the changes relate to the timing and design of transportation mitigation. This Department can not support approval of the application due to the phasing of the proposed access changes as discussed below, but would not object if the access issue identified below is adequately addressed.

The approved proffers now provide for the reconstruction of Lorton Road to a four lane divided roadway between the proposed eastern entrance and Route 123, with construction of the eastern Lorton Arts Federation site entrance. The applicant is now proposing, in lieu of reconstructing Lorton Road, to provide additional site access with a connection to Route 123. The additional access would be via the existing Northern Virginia Regional Park Authority entrance. Thresholds related to the time frame for construction of these additional access points are also revised.

This Department does not object to the proposed threshold modifications and supports the access to Route 123 via the regional park entrance. The entrance is already signalized and would provide good alternative access for the site. However, proposed draft proffer 10(c) allows the applicant to provide, as the third point of access, *either* the eastern connection to

Regina Coyle, Director
PCA/FDPA/CDPA 2003-MV-033
March 28, 2009
Page 2 of 2

Lorton Road *or* the connection to Route 123. Provision of the new connection to Route 123 is expected to shift a significant amount of traffic from the eastern Lorton Road entrance to the Route 123 entrance, thereby addressing the need to reconstruct Lorton Road. Therefore, this Department can not support approval of the application with the *either* caveat because construction of just the eastern connection to Lorton Road would significantly increase trips on this substandard roadway segment.

This department does not object to approval of the application if this issue is adequately addressed by the applicant.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, DPW&ES



APPENDIX 6

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

DAVID S. EKERN, P.E.
COMMISSIONER

June 9, 2009

Ms. Regina Coyle
Director of Zoning Evaluation
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035-5511

Re: Lorton Workhouse Arts Center
PCA/FDPA 2003-MV-033

Dear Ms. Coyle:

In accordance with the Virginia Traffic Impact Analysis Regulations, 24 VAC 30-155, the zoning application was submitted to the Virginia Department of Transportation (VDOT) for review on April 10, 2009. It was anticipated the zoning would create a substantial impact or change to the existing transportation network of state highways.

In general, the TIA is found acceptable with the comments provided in the attached Evaluation Report.

Please contact me if you have any further questions regarding this report.

Sincerely,

Noreen H. Maloney
Transportation Engineer

**EVALUATION REPORT OF
Lorton Workhouse Arts Center
TRAFFIC IMPACT ANALYSIS
2nd Submission**

Summary of the Key Findings

The proposed development consists of a mix of uses including approximately 92,000SF of event, gallery, and other specialty space, approximately 104,600 SF of classroom and studio space, 17,180 SF of restaurant space, a day care center, a baseball field, 43 residential units, and 50 total Lorton Workhouse employees. The approved vehicle access for Phase I of the project consists of a full movement driveway along Lorton Road opposite Old Ox Road and a right-turn in/right-turn out driveway along Route 123. For Phase 2 of the project, access at the Lorton Road/Old Ox Road driveway will be modified to right-turn in/right-turn out. A second entrance will be provided along Lorton Road approximately 650 feet to the east of the existing driveway opposite Old Ox Road. The east entrance will be full movement. Only after the second entrance along Lorton Road is opened will the entrance opposite Old Ox Road be modified from a full movement to a right-turn in/right-turn out driveway. As a result, the vehicle access for the development of the project will consist of the right-turn in/right-turn out along Lorton Road opposite Old Ox Road, the full movement driveway along Lorton Road approximately 650 feet to the east of Old Ox Road, and the right-turn in/right-turn out driveway along Route 123. The proposed development will generate an estimated 155 AM, 458 PM and 549 Saturday peak hour trips with about 70% trips to and from Route 123 only.

Accuracy of the Traffic Impact Analysis

The applicant has addressed our previous comments after a meeting with the Fairfax County staff and the consultant/applicant.

Comments on the Recommended Improvements

1. No transportation improvements are recommended in the traffic impact analysis. However, east bound and west bound turn lanes at the east site entrance at Lorton Road should be considered as recommended improvements to mitigate the impact by the site traffic and the proposed turn lanes need to meet VDOT's turn lane length requirements.

Additional VDOT Recommendations

1. It should be noted that in the build out condition, the existing full movement driveway along Lorton Road opposite Old Ox Road should be converted to a right in, right out driveway with a raised median in Lorton Road. This conversion will only occur after the third entrance, located at the entrance to the Occoquan Regional Park, is opened for full movements in Phase II.

Conclusions

In general, we have found the study acceptable.



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

May 27, 2009

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5511

Re: PCA/FDPA 2003-MV-033, Lorton Workhouse Arts Center
Tax Map No.: 106-4-01-0058

Dear Ms. Coyle,

This office has reviewed the final development plan amendment relative to the above-referenced applications and offers the following comments.

The applicant should provide engineering detail along both Lorton Road and Route 123 clearly showing the right of way, curb and gutter and turn lanes. The plan should also be revised to show the County Bond Project for Lorton Road.

For any additional information please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

cc: Ms. A. Rodeheaver

**Comments on
Lorton Workhouse Arts Center
TRAFFIC IMPACT ANALYSIS
2nd Submission**

1. It is anticipated in a TIA that analysis parameters and assumptions will be kept the same when analyzing the build and no build scenarios and then the build scenario is analyzed with needed improvements to mitigate the impact of the project. With this observation, we found a few discrepancies in analysis of the intersection of Lorton Road and Route 123. For example, Synchro analysis of the three phases of the project is not based on same signal timing and phasing for this intersection and the text in study lacks any explanation of analysis with such changes. Following are some of the inconsistencies apparent in Synchro analysis;
 - a. Existing, background and Phases II & III scenarios are analyzed with north bound U turns during AM, PM and Saturday periods but Phase I is analyzed without north bound U turns except AM period.
 - b. Existing, background and Phase I are analyzed with the west bound right turn overlap but Phases II and III are analyzed without the west bound right turn overlap.
 - c. Phase III is analyzed with different signal times/splits than all other scenarios. It should also be analyzed with existing signal times.
 - d. Phase II and III are analyzed with different offsets than existing, background and Phase I. Phase II and III should be analyzed with same offsets as existing
 - e. Why Phase II has been analyzed with west bound U turns compared to all other scenarios.
2. There is no transportation improvements recommended in the traffic impact analysis. However, the report includes analysis of various alternatives which should result in some recommendations. Such improvements could include removing the west bound right turn overlap, adding signage to allow west bound U turns in Phase I and to allow more green time for the southbound left turn at the Lorton Road and Route 123 intersection to improve the level of service. However, retiming of individual signals can be an option but the impact of such action should be analyzed for entire corridor or network.
3. The Synchro analysis of intersection of Lorton Road and east driveway is based on the east bound right turn lane and west bound left turn lane (Phases II & III) along Lorton Road but the study does not include these recommendations either.
4. Please note that the design plans for widening of Lorton Road from Route 123 to Silverbrook Road (which includes the two site driveways along Lorton Road) are at 50% stage. It is advised that TIA should be closely coordinated as the widening project will impact the location of the driveways and related improvements.



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

DAVID S. EKERN, P.E.
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

December 16, 2008

Ms. Regina Coyle
Director of Zoning Evaluation
Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035-5511

Re: Lorton Workhouse Arts Center - TIA - 527

Dear Ms. Coyle:

In accordance with the Virginia Traffic Impact Analysis Regulations, 24 VAC 30-155, the zoning application was submitted to the Virginia Department of Transportation (VDOT) for review on November 14, 2008. It was anticipated the zoning application would create a substantial impact or change to the existing transportation network of state highways.

Attached is the Evaluation Report. Please re submit the traffic analysis addressing these issues.

Please contact me if you have any further questions regarding this report.

Sincerely,

A handwritten signature in cursive script that reads "Noreen H. Maloney".

Noreen H. Maloney
Transportation Engineer

EVALUATION REPORT OF Lorton Workhouse Arts Center TRAFFIC IMPACT ANALYSIS

Summary of the Key Findings

The proposed development consists of a mix of uses including approximately 92,000 SF of event, gallery, and other specialty space, approximately 104,600 SF of classroom and studio space, 17,180 SF of restaurant space, a day care center, a baseball field, 43 residential units, and 50 total Lorton Workhouse employees.

The approved vehicle access for Phase I of the project consists of a full movement driveway along Lorton Road opposite Old Ox Road and a right-turn in/right-turn out driveway along Route 123. For Phase 2 of the project, access at the Lorton Road/Old Ox Road driveway will be modified to right-turn in/right-turn out. A second entrance will be provided along Lorton Road approximately 650 feet to the east of the existing driveway opposite Old Ox Road. The east entrance will be full movement. Only after the second entrance along Lorton Road is opened will the entrance opposite Old Ox Road be modified from a full movement to a right-turn in/right-turn out driveway. As a result, the vehicle access for the development of the project will consist of the right-turn in/right-turn out along Lorton Road opposite Old Ox Road, the full movement driveway along Lorton Road approximately 650 feet to the east of Old Ox Road, and the right-turn in/right-turn out driveway along Route 123.

The proposed development will generate an estimated 155 AM, 458 PM and 549 Saturday peak hour trips with about 70% trips to and from Route 123 only.

Accuracy of the Traffic Impact Analysis

The methodologies and assumptions used in the traffic impact analysis are based upon the results of a scope of work meeting held by VDOT and others involved in the project. The following are the comments for the traffic impact analysis.

1. The study needs to follow "Organization of a Traffic Impact Analysis Report" in Traffic Impact Analysis Regulations Administrative Guidelines.
2. Clearly identify the phases of the project in the trip generation table and site map as accessibility issues are closely tied to a particular phase per the discussion on page 6 of the report.
3. Use the same consistent peak hour period for LOS analysis of all intersections. Existing counts for intersections shown in Figure 3 and 4 for each peak hour starts at different times of the peak period.
4. Provide LOS by lane group in both tables and figures. LOS tabulated in Tables 5 and 7 by approach only is not acceptable.
5. Provide Queuing analysis of south bound left turns at the intersection of Lorton Road and Route 123. Also include Synchro analysis work sheets for queuing in appendix.
6. Default value of one for PHF for intersection analysis is not acceptable. Please use the values from actual counts (within reasonable limits) for existing traffic and 0.85 to 0.95 for future scenarios.

Comments on the Recommended Improvements

No transportation improvements are recommended in the traffic impact analysis for any of the traffic scenarios analyzed in the report. However, the study is based on the assumption that the existing full access driveway on Lorton Road just east of Route 123 will be converted to a right-turn in and right-turn out driveway with phase II. This driveway does not meet the state guidelines for a full access due to its close proximity to route 123. Since phases of the project are not clearly identified, our recommendation is to open the second access to the site from Lorton Road as shown in the plan and

convert the first access to a right-turn in and right-turn out driveway only per the assumptions of the study.

Additional VDOT Recommendations/Comments

No additional recommendations or comments are suggested for this submittal.

Conclusions

In general, we have the found the study unacceptable for final comments. Therefore, the study is rejected and needs to be revised and resubmitted. The resubmitted package should include a response letter, hard copies of the revised study, and a CD which includes an electronic copy of the study and the capacity analyses.



County of Fairfax, Virginia

MEMORANDUM

DATE: April 3, 2009

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief
Environment and Development Review Branch, DPZ

SUBJECT: Land Use and Environmental Assessment: PCA/FDPA 2003-MV-033
Lorton Workhouse Arts Center

This memorandum, prepared by Maya Dhavale, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject conceptual/final development plan dated August 25, 2008 as revised through February 27, 2009 and proffers as revised through April 2, 2009. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The applicant is seeking to revise the 2004 conceptual/final development plan to allow additional uses including a school of special education and culinary arts center with up to 450 students, and accessory retail and office. The applicant also proposes to modify currently approved uses including the restaurant, and a residential component. The restaurant use was originally approved at 11,175 square feet, but the applicant proposes to increase that to 12,200 square feet for both restaurants with an option to consolidate them into one building. The residential component may be consolidated into two buildings as opposed to the one approved building.

The applicant also wishes to modify hours, attendance limits, and days of operation of the Music Barn and Events Center. The applicant would like to extend the hours of operation of the Music Barn to 8 am to 1 am (from the previously approved midnight), 7 days a week, and the Events Center to 7 am to 2 am (from the previously approved midnight and only Monday through Thursday), 7 days a week. The applicant would also like to increase attendance limits to 1,200 patrons for concurrent events and 2,000 for special events (from the approved limits of 900 and 1,500, respectively). Additionally, the applicant would like to increase the number of special events to 6 per year for the first five years and then to 12 events per year in subsequent years (from the approved 4 and 8).

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LOCATION AND CHARACTER

The Lorton Workhouse Arts Center is located on the east side of Ox Road. It is zoned PDC. The Fairfax County Water Authority facilities are located across Route 123 to the west on land that is zoned R-1 and planned for public use. The area to the north is residentially developed land that is zoned R-1 and planned for residential use at .2-.5 dwelling units per acre (du/ac). The Fairfax County Park Authority owns the land to the east and south. This land is zoned R-C and planned for public use.

COMPREHENSIVE PLAN CITATIONS

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

Land Use

The Fairfax County Comprehensive Plan, Area IV, 2007 Edition, Lower Potomac Planning District, as amended through 1-28-2008, Laurel Hill Community Planning Sector (LP1), pages 52-55 states:

“Land Unit 5 is comprised of approximately 590 acres of which about 15 percent is in environmentally sensitive areas (see Figure 24). Approximately 200 acres of this land unit is located outside of the former Corrections Property boundary and is currently used by Vulcan Quarry and the Fairfax Water Facility. The land unit is generally bounded by the Occoquan River to the south, Mills Branch to the east, the former Corrections Property line to the north and the American Telephone and Telegraph Easement to the west.

A major historic feature in Land Unit 5 is the former Occoquan Workhouse and related ancillary masonry buildings located immediately to the east of Route 123. The former Occoquan Workhouse complex has the greatest potential for adaptive reuse. Development of this land unit should be in accordance with the guidance for the sub-units. . . .

Sub-unit 5B: Sub-unit 5B is wedge shaped and is generally bounded by Route 123 to the west, Lorton Road to the north and Mills Branch to the east. The major element in this sub-unit is the former Occoquan Workhouse and associated administrative offices which are planned for adaptive reuse. This former facility has been approved for reuse as an arts center. The Laurel Hill Greenway runs north/south through the Sub-unit adjacent to Lorton Road and is planned to be an integral link within the open space/pedestrian system, connecting the Occoquan Regional Park facility with the trails and open space areas to the north.

The developable acreage should be developed with the following additional guidance:

- The Laurel Hill Greenway should be integrated as a major focal feature of the area.
- The original Occoquan facilities, and newer administrative and support facilities, such as the Administrative Office building and training buildings built in the late 1980's and the medical building built in the 1970's should be preserved and subject to approved

adaptive reuse. Adaptive reuse could include compatible governmental, cultural arts, and public institutional uses.

- The 'Barn', located on the northeastern side of the sub-unit (see Figure 24: Land Unit 5: Sub-units 5A & 5B), should be adaptively reused for community activities. . . ."

COMPREHENSIVE PLAN MAP: Public Facilities, Governmental, and Institutional Use

Environment

The Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section, as amended through 2-25-2008, pages 7-18 states:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County.

Policy a. Maintain a best management practices (BMP) program for Fairfax County and ensure that new development and redevelopment complies with the County’s best management practice (BMP) requirements.

Policy b. Update BMP requirements as newer, more effective strategies become available. . . .

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County’s streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created. . . .
- Where feasible, convey drainage from impervious areas into pervious areas. . . .
- Encourage fulfillment of tree cover requirements through tree preservation instead of replanting where existing tree cover permits. Commit to tree preservation thresholds that exceed the minimum Zoning Ordinance requirements. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements. . . .
- Where feasible and appropriate, encourage the use of pervious parking surfaces in low-use parking areas. . . .

Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

- Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.
- Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way. . . .

Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

- Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:
- Environmentally-sensitive siting and construction of development.
 - Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*).
 - Optimization of energy performance of structures/energy-efficient design.
 - Use of renewable energy resources.
 - Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
 - Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
 - Reuse of existing building materials for redevelopment projects.
 - Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
 - Use of recycled and rapidly renewable building materials.
 - Use of building materials and products that originate from nearby sources.
 - Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED®) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR® rating where applicable and to ENERGY STAR qualification for homes.

Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

- Policy c. Ensure that zoning proposals for residential development will qualify for the ENERGY STAR Qualified Homes designation, where such zoning proposals seek development at the high end of the Plan density range and where broader commitments to green building practices are not being applied.”

LAND USE ANALYSIS

The Comprehensive Plan strongly supports adaptive reuse of this site, with particular emphasis on the Music Barn as being adaptively reused for community activities. The current proposal is supported by the plan language and is largely in conformance with the Comprehensive Plan. However, there are some outstanding concerns that require further clarification.

Issue: Signage. Staff have questions concerning the type of signage propose on the buildings, specifically the accessory uses. The applicant provided information in their memo of December 4, 2008 and proffer from April 2, 2009 recognizing they will address these questions by filing a Comprehensive Sign Plan and will comply with Article 12 of the Zoning Ordinance. This issue is resolved.

Issue: Parking. Staff have concerns that there is enough parking for the proposed new uses, particularly the school, the culinary arts facility, and the restaurants. The applicant has indicated that they will do a parking reduction study in the future, and should the parking not be sufficient, the applicant will revise the parking with a PCA. This issue is resolved.

Issue: Proposed accessory daycare use. The applicant had originally suggested an accessory child care use. Staff had concerns regarding this use. The applicant stated in their December 4, 2008 memo states that this use would not longer be pursued. This issue is resolved.

Issue: Use of building W-13. The original proposed use for W-13 was an office use for a financial planner with clients seen by appointment or an eating establishment. Staff had concerns regarding the financial planner accessory use and felt an eating establishment would be a more appropriate accessory use for the users of the Arts Center. The revised plan and proffers now show W-13 to be used as an eating establishment. This issue is resolved.

Issue: Restaurant consolidation. The applicant has discussed having the option to combine the two proposed restaurant structures (N-3 and N-4) into one building, thereby creating a larger restaurant instead of two smaller and potentially more casual restaurants. Staff had initial concerns that two restaurants would better meet the needs of the accessory student and residential population as well as the visitors to the Workhouse. The applicant has provided information indicating that the restaurant consolidation may have benefits for leasing the restaurants. The issue is resolved.

Issue: Noise impacts from extended hours of operation. Staff have concerns about potential noise impacts that could result from the extended hours of operation in the Music barn and Events center. The applicant has provided a noise study which addresses these concerns. This issue is resolved.

Issue: Non-affiliated residential occupants. The applicant had proposed to allow individuals not associated with the Workhouse to rent unoccupied residential units to ensure full occupancy. Staff had concerns about the use of these units by non-affiliated residents. The April 2, 2009 proffers address this issue and state that the occupation of these residential units "shall be limited to persons directly involved with an activity of the Workhouse..." This issue is resolved.

ENVIRONMENTAL ANALYSIS:

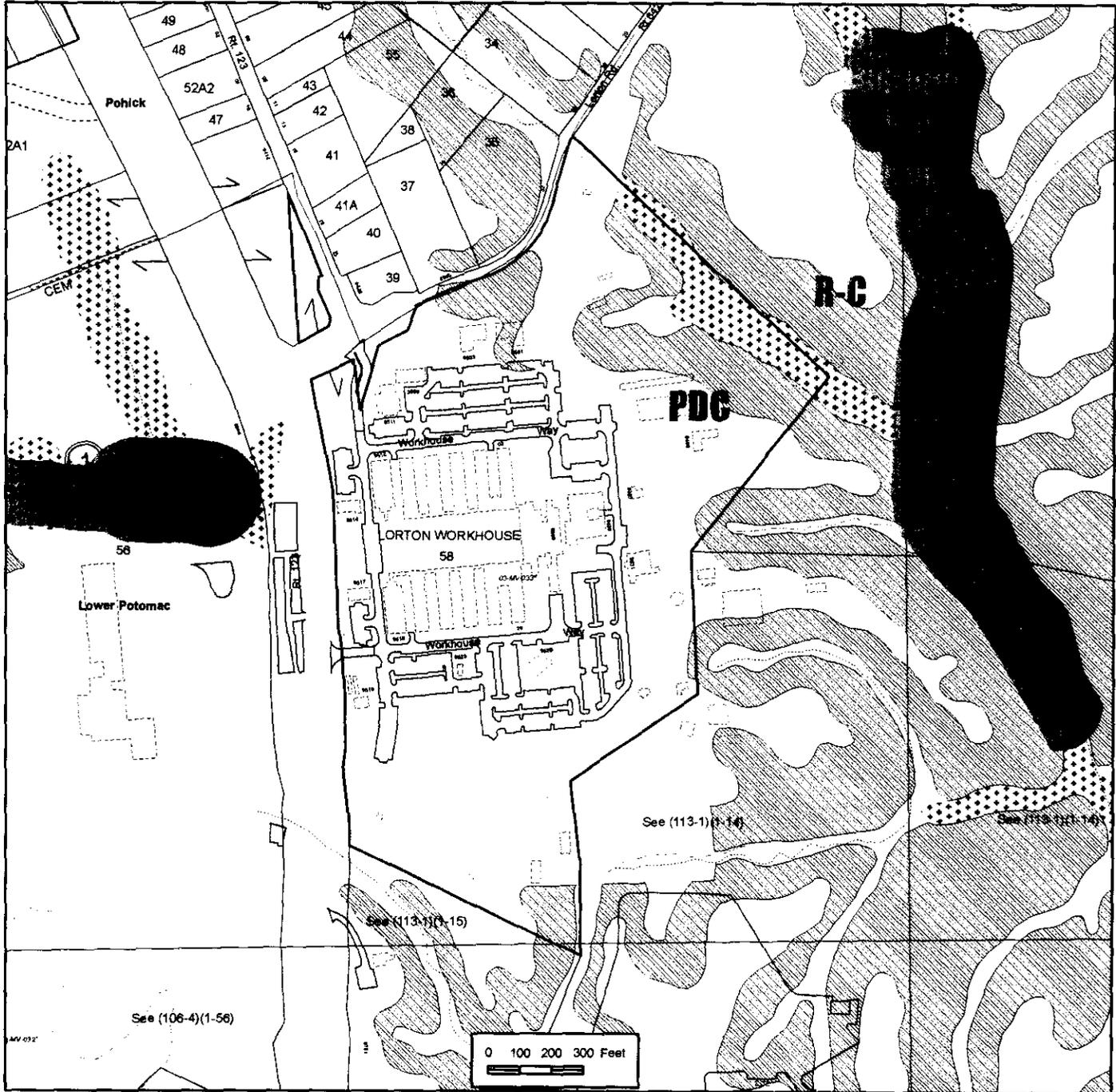
Issue: Green Building. Fairfax County has a policy that all building development undertaken by Fairfax County greater than 10,000 square feet be built to the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Silver level standard. This project is on County land, and as such staff strongly recommend that the new construction on this site be at the LEED certified level at minimum. In addition, staff suggests the use of Energy Star rated appliances in the new residential construction. The applicant has proffered to Energy Star appliances in the residential construction but has not proffered to LEED certification for new construction. This issue remains unresolved.

Issue: Stormwater. The stormwater information has been revised since the original conceptual/final development plan. Staff recommends the applicant coordinate with DPWES to ensure that stormwater objectives are met with these revisions. The applicant also needs to apply for a stormwater management waiver and as such this issue remains unresolved.

Issue: Tree cover. Staff have raised concerns regarding tree preservation around the new residential buildings in the Artist Colony. Staff strongly encourage the applicant to continue working with Urban Forestry Management and the Tree Commission to ensure optimal tree preservation. This issue is resolved.

Environmental Assessment Map

Lorton Arts Foundation, Inc. - TM 106-4 ((1)) 58



Study Area Assessment:

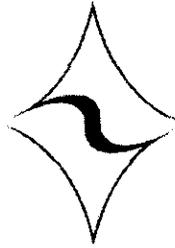
Asbestos: 0.00 Acres
 Hydric Soils: 2.09 Acres
 Slopes >= 15%: 5.58 Acres
 RPA: 0.00 Acres

Notes:

Prepared by the Fairfax County Department of Planning and Zoning, using Fairfax County GIS
 The features here are generalized and therefore approximate.
 Information provided is partial in nature - do not assume that a feature not shown, does not exist.
 This information has not been verified and should not be used in place of site specific environmental studies.

Legend

-  Slopes >= 15%
-  Hydric Soils
-  Asbestos Soils
-  Streams
-  Resource Protection Areas



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December 22, 2008

Project: Lorton Arts Workhouse

Dear Tina Leone,

Attached is the Polysonics report for the Lorton Arts Workhouse Music Barn. Please let me know if you have any questions or concerns.

Respectfully submitted,

Christopher D. Morgan, PE, PhD, INCE Bd. Cert.



Lorton Arts Workhouse Music Barn

Contents

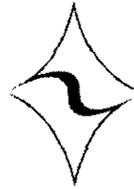
Introduction..... 3
Requirements for Noise Ordinance..... 4
Instrumentation: 5
Measurement Results: 6
 Source location S1 6
 Measurement location P1 6
 Measurement location P2 7
 Measurement location P3 7
Calculation of sound levels at the periphery 10
 Northwest border; Lorton Road..... 11
 Southeast border 11
 Effect of Frequency Attenuation 11
Event Sound Mitigation 12
 Condition 1: Music inside the barn..... 12
 Condition 2a: Music outside the barn –Effect at Lorton Road boundary 13
 Condition 2b: Music outside the barn –Effect at the Southeast boundary (Lorton Construction Landfill)
 13
Conclusions..... 14
Appendix 1. Calculations Related to Expected Sound Levels at Property Boundaries 15

List of Tables

Table 1. Distance to adjacent properties 3
Table 2. Fairfax County Zoning codes 3
Table 3. Maximum Sound Pressure Levels for Residential Zone (extracted from Fairfax County Code, Section 108-4-4.) 5
Table 4. Measurement locations 7
Table 5. Measurement results. Numbers in (parentheses) are estimated 8
Table 6. Expected maximum noise levels, L_{max} dB(A), at property boundaries due to 90 dB(A) noise source at Music Barn..... 11
Table 7. Expected attenuation, per frequency band, between Music Barn and Lorton Road property boundary..... 12

List of Figures

Figure 1. Extract from Zoning Map grid 106-4 showing the Lorton Workhouse property and bordering properties..... 4
Figure 2. Sound levels generated at the Music Barn..... 8
Figure 3. Sound levels measured at Location P1..... 9
Figure 4. Sound levels measured at Location P2..... 9
Figure 5. Sound levels measured at Location P3..... 10
Figure 6. Expected attenuation between music generated at Music Barn and property line at Lorton Road..... 12



Introduction

The Lorton Workhouse Music Barn is located in Fairfax County, Virginia. It is a primarily wood structure placed on a concrete pad. This concrete pad extends some 6' to the front of the barn and runs the width of the barn. Polysonics understands that Lorton Workhouse Arts Foundations wishes to allow amplified live music to be performed on this pad, and/or inside the Music Barn. This study was carried out in order to define maximum permissible sound levels at the source of the music as to not exceed the county noise ordinance at the nearest property line. Note that *adherence to applicable noise ordinance does not guarantee that there will not be negative community reaction This is especially true with music as a noise source when compared to other more steady state noise such as traffic.*

The Music Barn site is zoned Planned Development Commercial (PDC) and is bordered on the West by Ox Road (Rt. 123) and on the Northwest by Lorton Road (Rt. 642). Approximate distances to the boundaries, as well as the zoning for properties outside the boundary are shown in Table 1. An explanation of the zoning abbreviations is shown in Table 2.

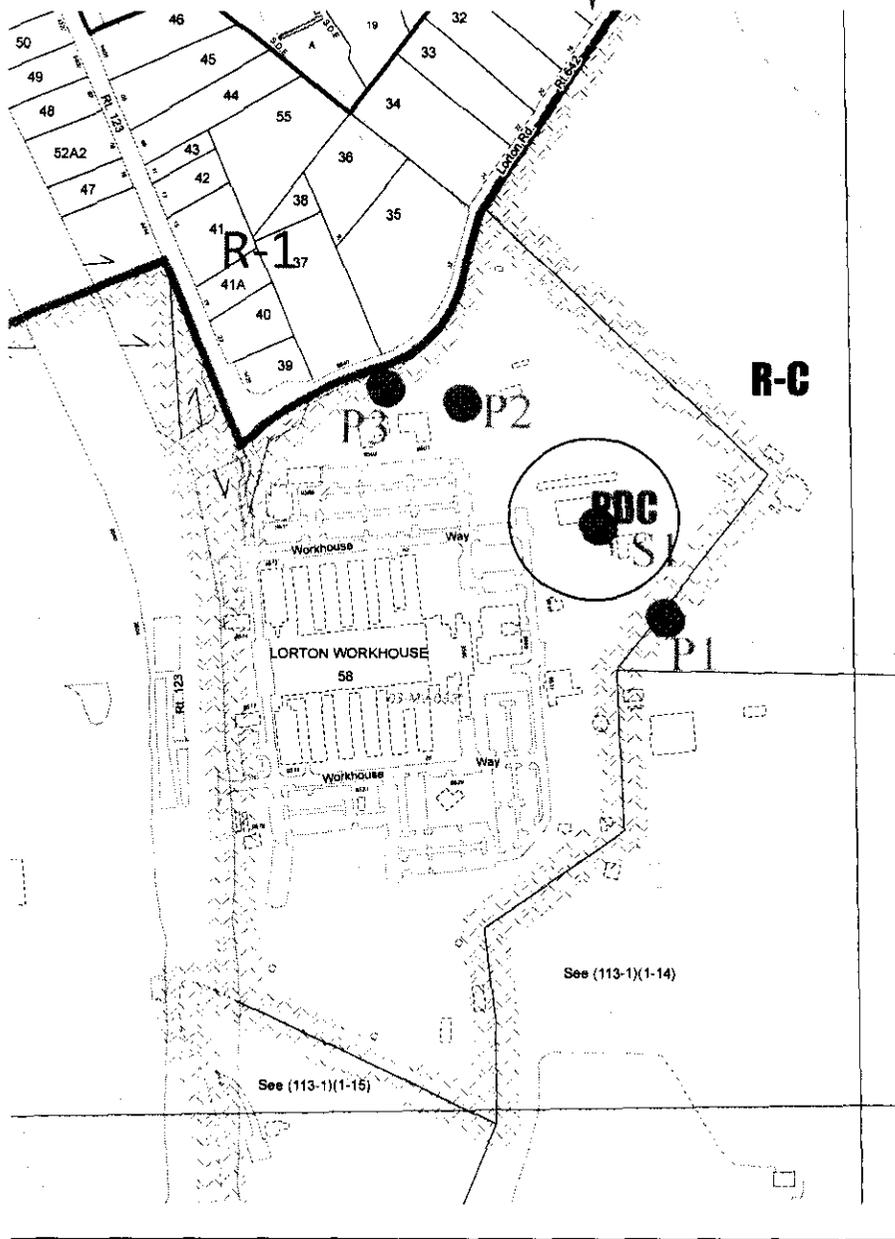
Figure 1 shows an extract from the Fairfax County zoning map; the Music Barn is circled and the boundaries and zonings are annotated, as are the noise measurement locations.

Table 1. Distance to adjacent properties

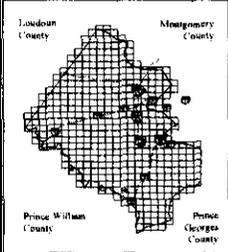
Boundary	Zoning	Distance feet (apprx)
Northeast	R-C	300
East	R-C	300
Southeast	R-C	250
South	R-C	400
West	PDC	950
Northwest	R-1	600

Table 2. Fairfax County Zoning codes

Zone Abbreviation	Explanation
PDC	Planned Development Commercial
R-1	Residential - 1 Dwelling Unit Per Acre
R-C	Residential Conservation



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ADMINISTRATIVE INDEX

106-1	106-2	107-1
106-3	106-4	107-3
112-1	112-2	113-1

SHEET INDEX

PROPERTY MAP ZONING
106-4

Revised to : 10 - 20 - 2008

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Print Date: 2/26/2009

Figure 1. Extract from Zoning Map grid 106-4 showing the Lorton Workhouse property and bordering properties.

Requirements for Noise Ordinance

Section 108-4-4 ("Maximum permissible sound pressure levels") of the Fairfax County code states:

- (a) It shall be unlawful for any person to operate, or permit to be operated, any stationary noise source in such a manner as to create a sound pressure level which exceeds the limits



set forth in the table following titled "Maximum Sound Pressure Levels" when measured at the property boundary of the noise source or at any point within any other property affected by the noise. When a noise source can be identified and its noise measured in more than one zoning district classification, the limits of the most restrictive classification shall apply.

The relevant information from the aforementioned table is shown in Table 3.

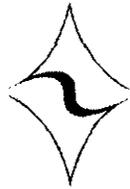
Table 3. Maximum Sound Pressure Levels for Residential Zone (extracted from Fairfax County Code, Section 108-4-4.)

ZONING DISTRICT CLASSIFICATION	MAXIMUM dBA	CENTER FREQUENCY HERTZ (HZ)	OCTAVE BAND LIMIT (dB)
RESIDENTIAL	55	31.5	70
		63	69
		125	64
		250	59
		500	53
		1,000	47
		2,000	42
		4,000	38
		8,000	35

Instrumentation:

Measurements were performed using a Norsonics Model N-118, real time frequency analyzer functioning as a precision (Type 1) sound level meter. The analyzer was outfitted with Type 1225 1/2 inch microphone and preamplifier. The analyzer was set for 1/3-Octave Band measurements over a 6.3 Hz – 20 kHz frequency range. Data was collected for a period of 10 seconds for each measurement.. The microphone was protected by a windscreen. Instrumentation was field calibrated prior to the survey and the last laboratory calibration was 18Sep2008, traceable to National Institute of Standards and Technology (NIST).

We have contacted the Fairfax Zoning Enforcement Branch regarding the measurement procedures for the ordinance, as it is not clear in the ordinance. At the time of this report we have not had a reply. If their recommend procedure is different than our assumptions, Polysonics will provide an addendum to this report. We are assuming Lmax slow for our reporting. Note that most modern noise ordinances dictate a time period over which an integrating sound level meter is to measure. In this case an equivalent sound level is reported (Leq) as opposed to Lmax.



Test tones used for this test were generated by 2 loudspeakers, a Mackie SRM450 and a JBL EON15-G2 with a pink noise generator as a signal source. The Mackie SRM450 is a full range active loudspeaker using a 12" woofer and a 1.75" diaphragm titanium compression driver with a 1" exit throat capable of 127 dB peak SPL. The JBL EON15-G2 is a full range active loudspeaker using a 15" woofer and a .75" diaphragm titanium compression driver with a 1" exit throat capable of 129 dB peak SPL. Both loudspeakers have a 90 degree horizontal coverage. The Mackie SRM450 has a 45 degree vertical coverage and the JBL EON15-G2 has a 60 degree vertical coverage. These loudspeakers are typical for use as a public address system for a small ensemble performing for a limited audience.

The loudspeakers were mounted on stands at approximately 72" above the ground and approximately 144" apart. The loudspeakers were aimed directly away from the barn and parallel to the ground plane.

Measurement Results:

The measurement survey was performed between 2:00 PM – 4:00 PM on Dec 4, 2008 at the property line pts P1 and P3 and also at a location P2 which is approximately between P3 and the barn (see map, Figure 1). At this time the temperature was 45 degrees F, wind speed remained under 12 MPH, and the ground was dry. Measurement areas were grass covered land and considered acoustically soft. This survey includes ambient noise levels as well as noise levels due to artificially produced noises at the Music Barn, pt S1 (see map, Figure 1). Polysonics made an effort to keep meters away from extraneous noise sources such as rustling leaves. Measurements were also conducted in a manner to minimize acoustic shadowing from nearby buildings. Source and measurement locations are described in Table 4 and the maximum sound power levels, L_{max} , measured at those locations are shown in Table 5.

Source location S1

Source location (shown as S1 on map, Figure 1) was at the Music Barn in each of 2 locations, directly in front of the Music Barn on the cement pad, and inside the Music Barn approximately 48" from the main door. At each location the loudspeakers were placed approximately 72" above the ground and approximately 144" apart. Loudspeakers were aimed directly away from the barn. For the inside location, measurements were conducted with the doors open and also with the doors closed. To characterize the source sound level, measurements were made with the microphone placed approximately midway between the two loudspeakers. A graph of the noise levels measured at the source is shown in Figure 2.

Measurement location P1

Measurement location P1 was 250 feet southeast of the Music Barn doors along the east property line, adjacent to the Lorton Construction Landfill. This location was chosen to be the closest point on any property line in relation to the Music Barn with an offset of approximately 30 feet further southeast to avoid the acoustic shadow of a nearby building. It was noted that a slight hill was present between the source location and P1 and, although there was a clear sightline, the attenuation at this distance could be influenced by slight acoustic reflections and shadowing from this hill.



A graph of the noise levels measured at P1 is shown in Figure 3

At P1, the overall attenuation of the noise generated at the Music Barn was 31.6 dB(A) for the case of the noise source located in front of the barn, 43.5 dB(A) for the case of the noise source located inside the barn with the doors open, and 52.2 dB(A) for the case of the noise source located inside the barn with the doors closed.

Measurement location P2

Measurement location P2 was 400 feet northwest of the Music Barn atop a hill inside the Lorton Foundation property lines. This location was chosen as it had an unobstructed sightline to the Music Barn, low background noise from traffic along Lorton Road, and could be more indicative of the attenuation to expect with increasing distance from the music barn in the northwest direction. It was noted that an acoustic reflection was present from the main Lorton Workhouse buildings.

A graph of the noise levels measured at P2 is shown in Figure 4

At P2, the overall attenuation of the noise generated at the Music Barn was 28.8 dB(A) for the case of the noise source located in front of the barn, 42.2 dB(A) for the case of the noise source located inside the barn with the doors open, and 51.8 dB(A) for the case of the noise source located inside the barn with the doors closed.

Measurement location P3

Measurement location P3 was 600 feet northwest of the Music Barn along the property line adjacent to Lorton Road. This location was chosen as it is closest to a nearby residence. This location had traffic noise which was louder than the sound levels heard from the barn, which may have interfered with the noise survey at this location.

A graph of the noise levels measured at P3 is shown in Figure 5

At P3, the overall attenuation of the noise generated at the Music Barn was 35.6 dB(A) for the case of the noise source located in front of the barn, 49 dB(A) for the case of the noise source located inside the barn with the doors open, and 55.4 dB(A) for the case of the noise source located inside the barn with the doors closed.

Table 4. Measurement locations

Location	Apprx distance from Source (feet)	Comments
S1	0	Source located at Music Barn
P1	250	Point on property line closest to Music Barn; adjacent to Lorton Construction Landfill.
P2	400	Inside property line, on a hill
P3	600	Adjacent to road



Table 5. Measurement results. Numbers in (parentheses) are estimated

Source location:	Sound level at source (S1) L_{max} dB(A)	Sound level at Nearest Property Line (P1) L_{max} dB(A)	Sound Level on hill, near residences (P2) L_{max} dB(A)	Sound Level at property line near residences (P3) ¹ L_{max} dB(A)
Ambient Only		43.1		58.2
Front of Barn	97	65.4	(68.2)	(61.4)
Inside Barn, doors open	100.5	56	58.3	51.5
Inside Barn, doors closed	102.8	50.6	(51)	(47.4)

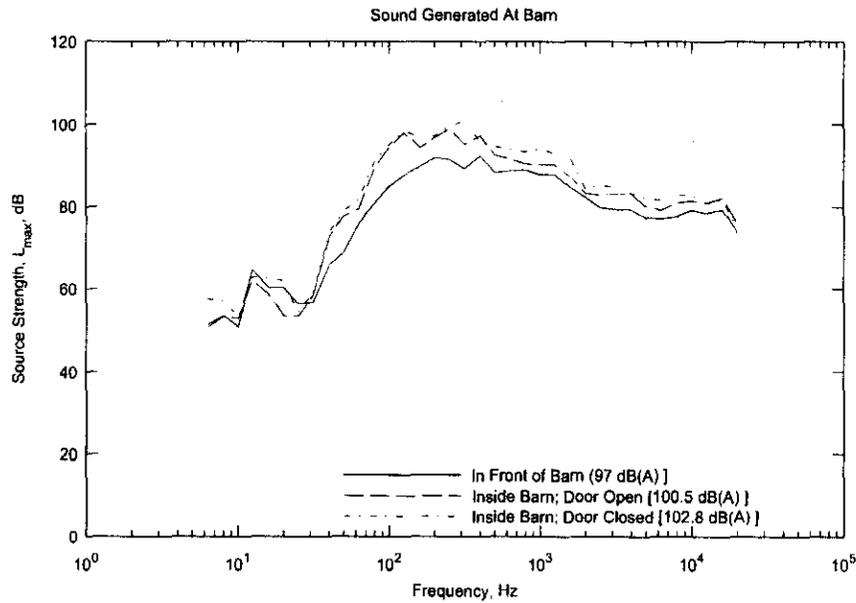


Figure 2. Sound levels generated at the Music Barn.

¹ Along the northwest property line (Lorton Road), corresponding to measurement location P3, it was noticed that the noise due to automotive road traffic was higher than the noise artificially generated for this test.

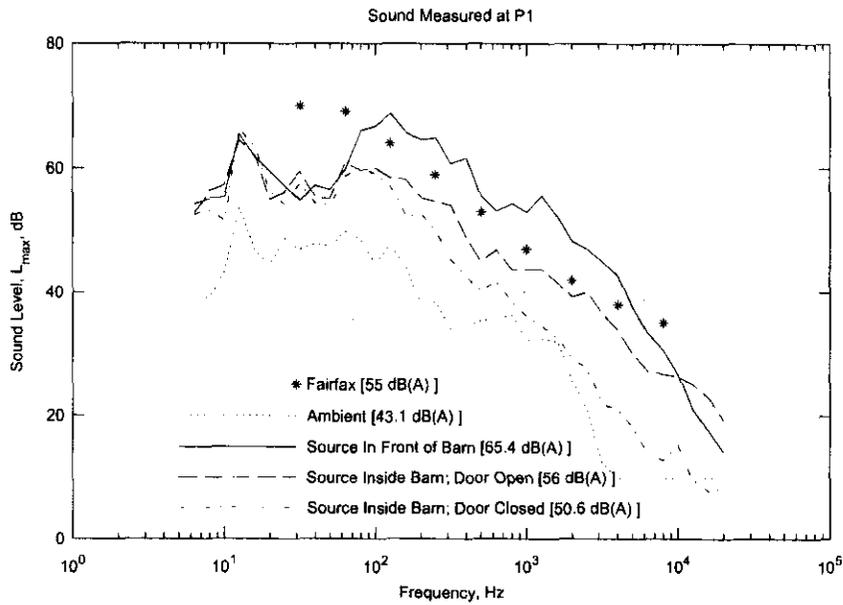


Figure 3. Sound levels measured at Location P1.

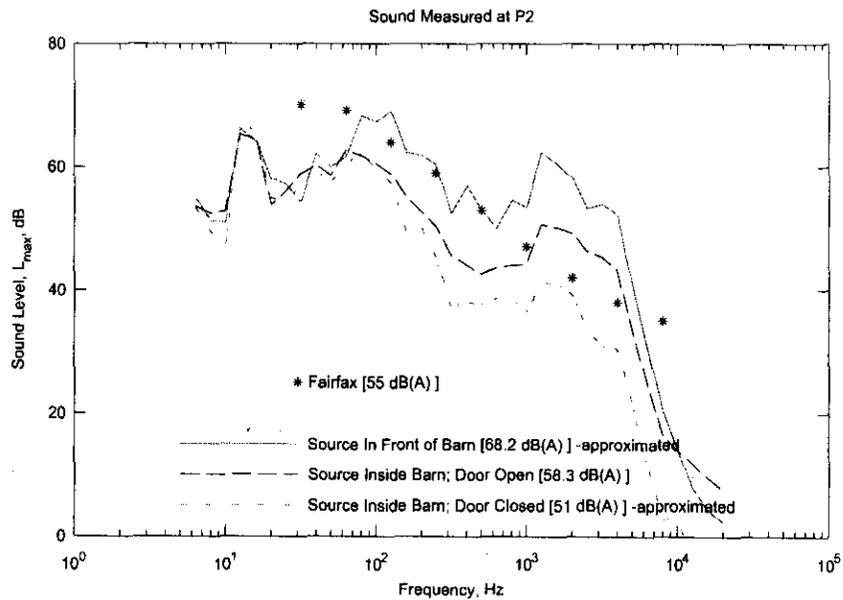


Figure 4. Sound levels measured at Location P2.

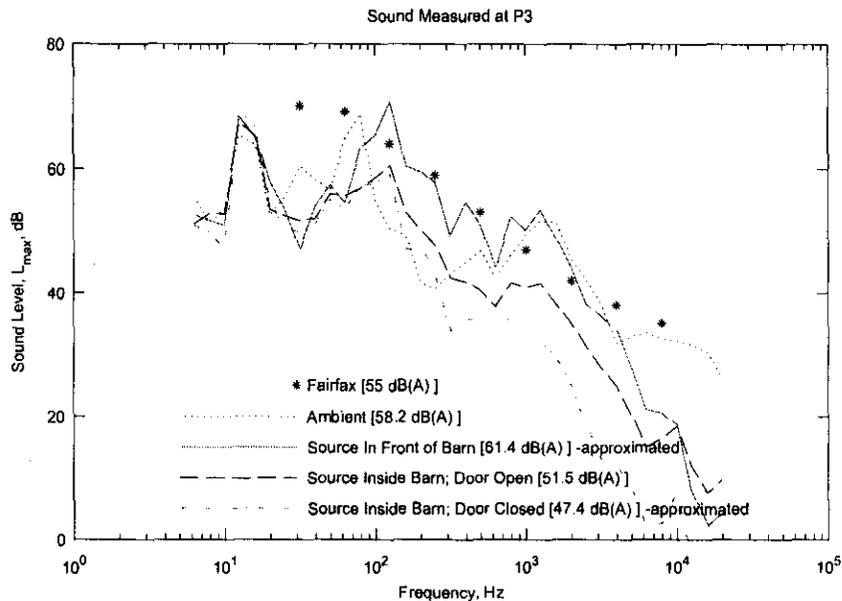


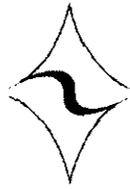
Figure 5. Sound levels measured at Location P3.

Calculation of sound levels at the periphery

Expected noise levels at the property boundaries are computed using the method described in Appendix 1. Calculations Related to Expected Sound Levels at Property Boundaries.

A music source level of 90 dB(A) was used as a baseline in this report pursuant to Section 108-4-2 (“Places of public entertainment or assembly”) of the Fairfax County code. Note that most amplified live music and unamplified drum kits easily exceed 90 dB(A) when measured in the manner set forth below. We assume that most live entertainment establishments in Fairfax County are required to post the sign defined below. Section 108-4-2 (“Places of public entertainment or assembly”) of the Fairfax County code states:

It shall be unlawful after the Zoning Administrator has given appropriate notice requesting abatement, for any person to operate, or permit to be operated, any loudspeaker or other device for the production of sound in any place of public entertainment or other place of public assembly which produces sound pressure levels of 90 dB(A) or greater at any point that is normally occupied by a person, as read with the slow response on a sound level meter, unless a conspicuous and legible sign is located outside such place, near the entrance, stating "WARNING! PROLONGED EXPOSURE TO SOUND ENVIRONMENT WITHIN MAY CAUSE HEARING IMPAIRMENT." (24-75-16A; 1961 Code, § 16A.4.2; 3-79108.)



Northwest border: Lorton Road

Lorton Road defines the Lorton Arts boundary to the northwest of the Music Barn. Lots existing on the other side of that boundary are zoned Residential and are subject to the noise limits described in Table 3 (see page 5). For a noise source producing a 90dB(A) sound at the entrance to the Music Barn, the maximum sound level expected at the Lorton Road boundary is 54.4 dB(A). Noise levels for other loudspeaker locations are tabulated in Table 6.

Southeast border

The southeast border is adjacent to a lot which is zoned Residential Conservation and contains no residences and is also subject to the noise limits as described in Table 3 (see page 5). For a noise source producing a 90 dB(A) sound at the entrance to the Music Barn, the maximum sound level expected at the Southeast border is 58.4 dB(A). Noise levels for other loudspeaker locations are tabulated in Table 6.

Effect of Frequency Attenuation

Sound does not necessarily attenuate in a uniform manner; different frequencies can have different attenuation rates due to building reflections as well as topographical considerations that may be present at this site. Frequency attenuation is tabulated in Table 7 at the Fairfax Ordinance frequencies of Table 3 and graphed across the measured frequency spectrum in Figure 6.

Table 6. Expected maximum noise levels, L_{max} dB(A), at property boundaries due to 90 dB(A) noise source at Music Barn.

Music Location	Southeast boundary (Lorton Cons. Landfill) dB(A)	Northwest boundary (Lorton Road) dB(A)
Source in front of barn	58.4	54.4
Source inside barn doors fully open	45.5	41
Source inside barn doors closed	37.8	34.6

Table 7. Expected attenuation, per frequency band, between Music Barn and Lorton Road property boundary.

	Frequency, Hz								
	31 ²	63	125	250	500	1000	2000	4000	8000
Source in front of barn	9	21	16	33	37	37	38	45	57
Source inside barn doors fully open	6	23	37	51	52	49	48	58	64
Source inside barn doors closed	9	28	39	56	59	60	59	71	80

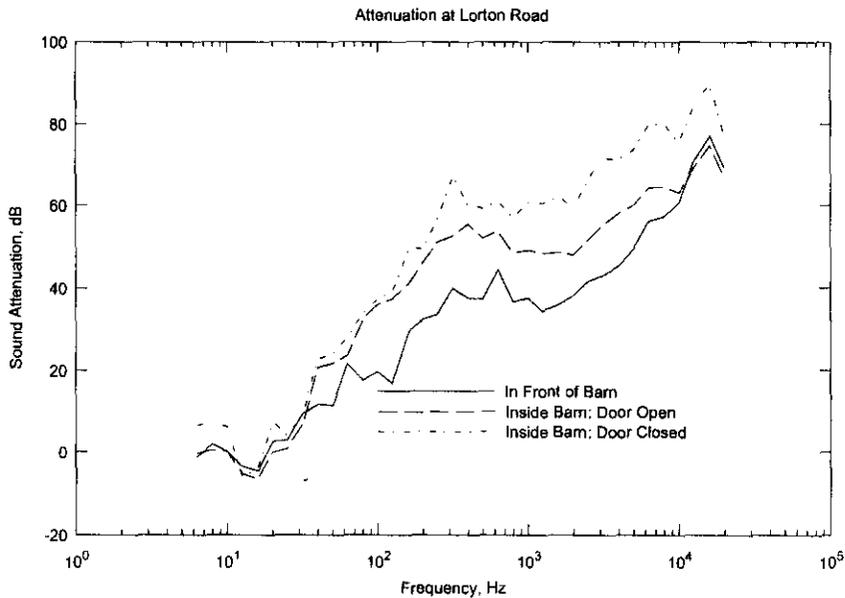


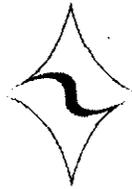
Figure 6. Expected attenuation between music generated at Music Barn and property line at Lorton Road.

Event Sound Mitigation

Condition 1: Music inside the barn

As shown in Table 6, when the noise source is placed in the Music Barn and the amplitude is kept below 90 dB(A), the noise levels at the property boundaries remained below the Ordinance-required 55 dB(A). This was the case both with the doors open and also with the doors closed. If music is played under these circumstances, there is not expected to be an issue with the noise ordinance.

² 31 Hz attenuation may be underestimated due to high ambient noise in this frequency band and low noise produced by noise generating equipment on site.



Condition 2a: Music outside the barn –Effect at Lorton Road boundary

As shown in Table 6, when the noise source is placed on the cement platform in front of the Music Barn and the amplitude is kept below 90 dB(A), the noise levels at the Lorton Road boundary are expected to remain below 55 dB(A).

Condition 2b: Music outside the barn –Effect at the Southeast boundary (Lorton Construction Landfill)

As shown in Table 6, when the noise source is placed on the cement platform in front of the Music Barn and the amplitude is kept below 90 dB(A), the noise levels at the Lorton Construction Landfill boundary can be expected to rise above 55 dB(A). This noise level can be reduced in either of the following two ways:

1. Source control: Limit the sound pressure level of the music onstage to 86 dB(A).
2. Construct a noise barrier wall or berm between the Music Barn and the Lorton Construction Landfill boundary. Some notes on this are as follows:
 - a. To be effective, this wall or berm must present a solid face with no air gaps. Any material at a reasonable thickness such as wood or concrete or steel or earth will be acceptable.
 - b. The closer this barrier is to the Music Barn, the more effective it will be, however a barrier along the property line that is 10' 6" tall, follows the 235' topographical line at the property boundary closest to the Music Barn and extends to all points on the topographical line within 400' of the Music Barn should provide the needed attenuation at the property line. This height is required because (1) the Music Barn is at an elevation of 246' which is a higher elevation than the property boundary and (2) there exists significant foliage along and beyond the property line, the noise-scattering effect of which tends to reduce noise barrier effectiveness.
 - i. The 235' topographical line is the line, according to the 2003 topographic map, Sheet 106-4, provided by Fairfax County, that the closest property boundary to the Music Barn is on. If the Noise Barrier is built at a different elevation, a different height will be required.
 - ii. An important characteristic of the noise barrier is its height in relation to the noise source. If the barrier does not follow a topographical line, care must be taken to make sure the top of the noise barrier is at a constant elevation.
 - c. Beyond the property line, the land slopes downward, increasing the attenuation so there is little-if-any concern that noise slightly beyond the noise barrier will raise above the required 55 dB(A). Far beyond the noise barrier, the natural attenuation of sound over a distance is expected to decrease the noise level below 55 dB(A) prior to the landscaping sloping out of the noise barrier acoustic shadow.
 - d. Be advised that the construction of this wall could increase the noise levels at the Lorton Road locations due to increased reflection.



Conclusions

1. Music performed at the Music Barn is not expected to cause a noise ordinance concern along the Lorton Road boundary, provided the music does not exceed 90 dB(A) on the stage.
2. Music performed inside the Music Barn is not expected to cause a noise ordinance concern along either the Lorton Road boundary or the Lorton Construction Landfill boundary, provided the music does not exceed 90 dB(A) inside the Music Barn.
3. When measured at the Lorton Construction Landfill boundary, music performed on the concrete pad outside the Music Barn may exceed the Fairfax County Code Section 108-4-4 if played at 90 dB(A) or above. To remain in compliance, it is proposed that either the music volume may be turned down by 3.4 dB(A) or, alternately, a noise wall may be erected.



Appendix 1. Calculations Related to Expected Sound Levels at Property Boundaries

The attenuation between the noise source location S1 and the measurement locations P1, P2, and P3 (see Figure 1, page 4, for noise source and measurement locations) is computed by subtracting the actual measurements taken at each location.

$$A_{21} = SPL_2 - SPL_1$$

Where A_{21} is the attenuation between the receiver and source locations, SPL_2 is the sound pressure level at the source location, and SPL_1 is the sound pressure level at the receiver location.

To account for the effect of increasing distance, the following relationship is used:

$$A_{xy} = 20 * \log \frac{D_x}{D_y}$$

Where A_{xy} is the additional attenuation due to increased distance, D_x is the distance between the noise source and a point with a measured noise level, and D_y is the distance between the noise source and the point of interest for which additional attenuation is computed.



County of Fairfax, Virginia

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

19 February 2009

Ms. Lori Greenlief
Land Use Planner
McGuireWoods LLP
1750 Tysons Blvd., Suite 1800
McLean, VA 22102

RE: FDPA/PCA 2003-MV-033

Dear Ms. Greenlief:

This letter will serve as official notice of the action taken by the Fairfax County Architectural Review Board (ARB) at its January 8, 2009 meeting on FDPA/PCA 2003-MV-033; Lorton Arts Foundation. At its January 8, 2009 meeting the ARB took the following action:

Recommend approval of item FDPA/PCA 2003-MV-033, a proposed Proffered Condition Amendment (PCA) for the Lorton Arts Foundation (LAF) for the following changes: 1) option for residential rental to those not associated with LAF; 2) potential affiliation with university and expansion of class offerings; 3) culinary arts program and operation; 4) option to combine footprint and increase square footage of new restaurant to be constructed; 5) option for W-13 to be a restaurant; 6) accessory retail-gift shops and horticulture sales area; 7) change in hours of operation and increase attendance and number of special events; 8) conversion of portion of parking lot to gravel; 9) additional overflow areas for parking; 10) option for additional driveway connecting to Occoquan Regional Park entrance; 11) option to construct new storage/office building, N-5; and 12) proposal to combine the previously approved two artists residence buildings into one building.

If you have any questions, I can be reached at 703 324-1241 or linda.blank@fairfaxcounty.gov.

Sincerely,

Linda Cornish Blank
Historic Preservation Planner
Planning Division, Department of Planning & Zoning



COMMONWEALTH of VIRGINIA

L. Preston Bryant, Jr.
Secretary of Natural Resources

Department of Historic Resources
2801 Kensington Avenue, Richmond, Virginia 23221-0311

Kathleen S. Kilpatrick
Director

Tel: (804) 367-2323
Fax: (804) 367-2391
TDD: (804) 367-2386
www.dhr.virginia.gov

21 January 2009

Ms Lori Greenlief
McGuire Woods
1750 Tysons Boulevard
Suite 1800
McLean, Virginia 22102-4215

RE: Lorton Arts Foundation, PCA Application
Lorton, Fairfax County
VDHR File No. 1998-1786

Dear Ms Greenlief:

We have received your request for our review and comment regarding the proposed proffered condition amendment for the Lorton Arts Foundation (LAF) Workhouse project. Most of the requested changes to the proffer document appear to be programmatic in nature. Therefore, we have no objections to the proposed changes. However, we remind the LAF that the existing Memorandum of Agreement (MOA) for the historic Workhouse property requires that any new construction on the site, rehabilitation of contributing buildings, or planned demolitions of historic structures requires consultation with the Department of Historic Resources (DHR). The changes to the proffer document must be consistent with the terms of the existing MOA.

If you have any questions about our comments, please contact me at (804) 367-2323, Ext. 114.

Sincerely,

Marc Holma, Architectural Historian
Office of Review and Compliance

C: Ms Linda Blank, Preservation Planner, County of Fairfax

Administrative Services
10 Courthouse Avenue
Petersburg, VA 23803
Tel: (804) 863-1624
Fax: (804) 862-6196

Capital Region Office
2801 Kensington Ave.
Richmond, VA 23221
Tel: (804) 367-2323
Fax: (804) 367-2391

Tidewater Region Office
14415 Old Courthouse Way, 2nd Floor
Newport News, VA 23608
Tel: (757) 886-2807
Fax: (757) 886-2808

Roanoke Region Office
1030 Penmar Ave., SE
Roanoke, VA 24013
Tel: (540) 857-7585
Fax: (540) 857-7588

Northern Region Office
5357 Main Street
PO Box 519
Stephens City, VA 22655
Tel: (540) 868-7031
Fax: (540) 868-7033

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

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

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

APPENDICES

1. Draft Proffers
2. Proposed Development Conditions
3. Affidavit
4. Statement of Justification
5. Previously Approved Clerk's Letter & Proffers (RZ 2003-MV-033)
6. Transportation Analysis
7. Land Use and Environmental Analysis
8. Stormwater Management Analysis
9. Urban Forestry Management Analysis

APPENDICES (Continued)

10. Fairfax County Park Authority Analysis
11. Sanitary Sewer Analysis
12. Fairfax County Water Authority
13. Fairfax County Fire and Rescue
14. Zoning Ordinance Provisions
15. Glossary



County of Fairfax, Virginia

MEMORANDUM

DATE: MAR 17 2009

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Qayyum Khan, Senior Stormwater Engineer *QK*
Stormwater and Geotechnical Section
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Proffered Condition Amendment and Final Development Plan Amendment Application, PCA/FDPA 2003-MV-033, Lorton Art Foundation, Inc., Plan Dated February 27, 2009, LDS Project #1183-ZONA-001-3, Tax Map #106-4-01-0058, Mount Vernon District

We have reviewed the subject application and offer the following comments related to Stormwater Management (SWM):

Chesapeake Bay Preservation Ordinance

There is no Resource Protection Area on the site. The applicant proposes a phosphorus removal of 13.6%. He states that a portion of the Bio-retention Filters and a number of StormFilters were constructed under Site Plan #1183-SP-014-2.

Floodplain

There is no floodplain on the site.

Downstream Drainage Complaints

There is no drainage complaint on file.

SWM

The applicant states that the proposed residential buildings would be rented to the general public, if vacancies remain in the "Artists Colony". Because of the existing on-site underground stormwater vault, this arrangement is deemed as having an underground facility in the residential area. Section 6-0303.8 of the Public Facilities Manual restricts use of such facilities. The Board of Supervisors may grant a waiver after taking into consideration possible impacts on public safety and the environment.



Suzanne Lin, Staff Coordinator
PCA/FDPA 2003-MV-033
Page 2 of 2

Site Outfall

A narrative for outfall has been provided.

If further assistance is desired, please contact me at 703-324-1720.

QK/dah

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES
Jeremiah Stonefield, Chief, Stormwater and Geotechnical and Section, ESRD,
DPWES
Zoning Application File



County of Fairfax, Virginia

MEMORANDUM

March 18, 2009

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Jessica Strother, Urban Forester II
Forest Conservation Branch, UFMD, DPWES

SUBJECT: Lorton Workhouse Arts Center, PCA/FDPA 2003-MV-033

RE: Your Request for Additional Comments and Recommendations

This review is based on the PCA/Final Development Plan Amendment (FDPA) Plat stamped as received by the Department of Planning and Zoning (DPZ) on March 2, 2009, and a copy of a portion of the original tree preservation plan from the first rezoning and consequent site plan. Previous site visits have been conducted and comments dated December 17, 2008 were provided to you at that time. Draft proffers dated February 29, 2009 were provided, **and comments/recommendations on those will be forthcoming.**

Background: A previous rezoning, approved site plan and substantive construction and building development is complete under site plan number 1183-SP-014- Phase 1. A tree survey and tree preservation plan was developed and approved under the site plan which is still bonded and permitted. The forested area and residence buildings on the site have not been developed or built, even though an approved plan as noted above exists to develop this portion of the site.

Brief Site Description of Areas Proposed for Development: The forested area described above contains mostly mature oaks and hickories. Many of these trees are of a moderate to large size, and the majority are in moderate to good health. This area is mostly sloped and could be prone to slippage if the soils are problematic.

The area to the far east of the site that is proposed for a horticultural display, trails, gazebo, and a gravel/existing paved parking lot, contains some early successional hardwood vegetation, some old-age Eastern red cedar and a lesser amount of mid-successional hardwoods and some open grass area.

1. **Comment:** The proposed limits of clearing and grading for the N-1 and N-2 residence buildings as previously discussed with the Applicant, will necessitate the removal of some mature trees. Additionally, the eating establishment, building N-3, is positioned very close to a forested area (shown to be preserved on the Plat) that contains 2 outstanding specimen white oaks. These tree's critical root zones may become damaged with the construction of Building N-3. The following are some recommended strategies to address these issues.

Department of Public Works and Environmental Services
Land Development Services, Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes



Recommendation: 1.) A preferred design and tree preservation strategy is to re-locate buildings N-1, N-2 and N-3 closer to the inside of the project where the parking lot is, thereby preserving more trees on the slope above Lorton Road. If this cannot be achieved, the preservation of trees located on the slopes to the northeast of the northeast corner of building N-1 should become a high priority. In order to accomplish this, the following should be addressed by the Applicant:

- (Buildings N-1 and N-2) The limits of clearing and grading on the PCA/FDPA Plat to the northeast of the northeast corner of building N-1 should be revised and positioned approximately 50-60 feet to the south, towards the existing utility easement. This will enhance the preservation of the critical root zones of some mature and specimen trees in this area. Additionally, the Plat should reflect the placement of a retaining wall at the edge of the revised limits of clearing and grading in this area. A retaining wall will ensure and minimize impacts to the critical root zones of trees to be preserved in this area. The Applicant should proffer to provide a retaining wall in this area.
 - (Building N-3) There is minimal room behind Building N-3 to construct this building. Behind this building are two outstanding and specimen white oaks on the opposite-far side of the existing utility easement in this area. The Applicant should proffer safeguards and design considerations that will protect these trees during the construction of Building N-3. As much of this information should be reflected on the PCA/FDPA as well.
2. **Comment:** A closer assessment was conducted of the forest cover and trees in the east portions of the property, where a horticultural display and other uses are proposed. The proposed limits of clearing and grading and placement of the garden walkways should be revised to preserve more forest cover in this area. There are valuable trees in this area. In order to address additional tree preservation the following revisions to the PCA/FDPA Plat should occur.

Recommendation: The placement of the garden walkways next to the "Existing 1-story building/ W-70A" building should be shifted to the south by 75-100 feet. This will allow the limits of clearing and grading to shift to the south also to preserve more of the forest cover in this area. The limits of clearing and grading on the PCA/FDPA Plat should be revised to address these changes.

3. **Comment:** The adjacent property (not part of this Application?) next to or a part of the Occoquan Regional Park is noted as having a proposed driveway, with substantial clearing. It appears an inordinate amount of area is proposed to be cleared for this driveway, which is to be installed with a future phase. Additionally, this area was not included on the Existing Vegetation Map, (EVM) and it is unclear what exists in this area.



Recommendation: This driveway and associated clearing should either not be proposed with this application, or if necessary, included in the EVM. The EVM will then need to be revised. The limits of clearing and grading should be greatly minimized and the driveway placed in the area where there are minimal trees. These changes, where applicable, must be reflected on the PCA/FDPA.

4. **Comment:** All areas noted with existing trees to be preserved should be labelled as "tree preservation area". Additionally, all changes made to limits of clearing and grading should be reflected on all sheets of the PCA/FDPA Plat.

Recommendation: Revise the PCA/FDPA Plat to address these changes.

5. **Comment:** The tree cover calculations on sheet 6a include a deduction for the Lorton Road right-of-way. Unless the widening and right-of-way dedication for Lorton Road is reflect in VDOT's 6-year plan, this deduction should not be included in the calculations.

Recommendation: Revise the calculations where applicable.

6. **Comment:** The Applicant should proffer to provide a tree survey as part of a tree preservation plan for the project.

Recommendation: Coordinate with the Forest Conservation Branmch of UFMD to develop appropriate and applicable proffers affecting tree surveys and preservation.

JGS/
UFMID #: 144622

cc: RA File
DPZ File





FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, Branch Manager,
Planning and Development Division

DATE: March 18, 2009

SUBJECT: REVISED
PCA/FDPA 2003-MV-033, Lorton Workhouse Arts Center
Tax Map Number: 106-4 ((1)) 58

The Park Authority staff has reviewed the revised CDPA/FPDA plans dated February 27, 2009 and has the following revised comments:

The Fairfax County Park Authority developed multiple interim use fields within the old Lorton Reformatory Site subsequent to the transfer of land from the General Services Administration (GSA) to the Board of Supervisors in 2002. The site of one of these locations, known as **Field #1**, was included within the development area of RZ 2003-MV-033, with the clear intent that this field continue to be used as a ballfield for community use. *Proffer 9bi* refers to this community use:

Proffer 9bi – “The ballfield identified on the CDP/FDP shall be the subject of a “sublease” or similar arrangement whereby the FCPA, or its designee, is given rights for access to and programming of the ballfield for practice and routinely scheduled games, along with proportional maintenance obligations based on the amount and nature of use by the FCPA or its designee. Other than these maintenance obligations, such rights shall be given to the FCPA at no cost.

The proposed overflow parking area identified on the enclosed FDPA encompasses the entire field area. This will eliminate the regular use of this field for practice and routinely scheduled games. Allowing parking on any portion of the diamond field, even intermittent overflow parking, would effectively remove this field from community use, in contradiction to *Proffer 9bi*. This is due to the impacts of the interim use on the infield area which may cause extreme maintenance issues to the point of limiting field usage for scheduled play.

The use of non-paved parking areas is identified on the adopted CDP/FDP and referred to in Proffer 7aiv. Additional options for the provision of additional parking are outlined in Proffer 7d and do not include the ballfield.

If the FDPA is adopted to include overflow parking within the infield of the existing diamond field, the applicant should provide a diamond field of equivalent size and nature in an alternate location and made available to the Park Authority for scheduled play. This field can be on site or off site, but should be coordinated with the Park Authority at the start of the location process to best determine suitability for a diamond field. Moving the field to a different location will require additional changes to the proposed FDPA and Proffers 7 and 9.

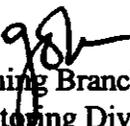
FCPA Reviewer: Pat Rosend
DPZ Coordinator: Suzanne Lin

Copy: Dave Bowden, Director, Planning and Development Division, FCPA
Kirk Holley, Manager, Special Projects Branch, PDD
Pat Rosend, Planner, Planning Branch
Kelly Davis, Project Manger, Special Projects Branch
Chron Binder
File Copy

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Gilbert Osei-Kwadwo, Chief 
Engineering Analysis and Planning Branch
Wastewater Planning and Monitoring Division

SUBJECT: Sanitary Sewer Analysis Report

REF: Application No. RZ/FDP 2003-MV-033
Tax Map: 106-4- /01/0054 Pt. (Sub parcel G)

DATE: June 23, 2004

The Board of Supervisor's (BOS) recently expanded the approved sewer service area (ASSA) to include the property for the referenced application. Therefore, extension of public sewer is permitted. Sewer service to this property will be provided through an existing pump station which currently has a capacity for 40,000 gallons per day (gpd). There may be other uses within the Laurel Hill community which also have a need for sewer service. However, no commitment can be made, since availability will depend on the current rate of construction and timing of this development. It should also be noted that all capacity is allocated on "first come, first serve" basis with no reservation or guarantee for future requirements.

Furthermore, it has been determined that the applicant's projected sewer need exceed the current available capacity, but the pumping station and its appurtenances could be upgraded to make up the deficit. The applicant therefore needs to proffer to do all the necessary upgrades that may be required to the pumping station and appurtenances when the available capacity reaches 85% before any additional sewer permits will be issued.

Fairfax Water APPENDIX 12

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

September 17, 2008

Ms. Regina Coyle, Director
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

Re: PCA 03-MV-033
FDPA 03-MV-033
Lorton Workhouse Arts Center

Dear Ms. Coyle:

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

1. The property is served by Fairfax Water.
2. Adequate domestic water service is available at the site from existing 30-inch, 8-inch and 6-inch water mains located at the property. See the enclosed water system map.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.
4. Site plan for Lorton Workhouse Phase One (1183-SP-014-1) has been approved and is an active site plan in our construction department. Several outstanding construction issues exist with this plan including excessive fill over the existing 42-inch water main, which must be resolved prior to final acceptance by Fairfax Water. Any changes resulting from this amendment will require a revised site plan to be reviewed and approved by Fairfax Water.

If you have any questions regarding this information please contact Dave Guerra at 703-289-6343.

Sincerely,



Traci K. Goldberg, P.E.
Manager, Planning Department

Enclosure



County of Fairfax, Virginia

APPENDIX 13

MEMORANDUM

DATE: 9/9/08

TO: Distribution List

FROM: Regina Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

SUBJECT: Development Plan Analysis

REFERENCE: Application No. PCA/FDPA 2003-MV-033
(Development Plan: Included Not Included)

APPROVED
APPROVED 9/11/08
APPROVED 9/15/08
[Signature]

Attached for your review and comment are the Proffered Condition Amendment and Final Development Plan Amendment Application, Statement of Justification, Location map and Development Plan (if available) for the subject application.

Action addressees are requested to provide written comments to this office by 9/23/2008 to be considered in preparing staff's recommendation on this application. Information addressees who wish to submit comments should provide them by the same date.

Development Plans should be reviewed in accordance with the provisions of the Zoning Ordinance, particularly:

- ___ Generalized Development Plan, Section 18-203.
- ___ Conceptual Development Plan, Sections 16-401, 501.
- ___ Final Development Plan, Sections 16-402, 502.
- ___ PRC Development Plan, Sections 16-203, 302.
- ___ Other Comments: -

INFORMATION ADDRESSEES**

- ___ Clerk to the Board of Supervisors (11)
- ___ Exec. Director, Planning Commission (14)
- ___ Economic Development Authority
Dir. Market Research & Comm.(1)
- ___ Department of Planning & Zoning,
Zoning Evaluation Division
Admin Asst. Legal Notices (1)
- ___ Chiefs, RZ/SE Branches (2)*
- ___ Planning Division
Chief, Public Facilities Branch (1)
- ___ Chief, Proffer Interpretation
Dept. of Planning & Zoning
- ___ Department of Facilities Management
Analyst, Property Management Div. (1)
- ___ Department of Info Technology
Network Services Division
Radio Engineer, The Radio Center (1)
- ___ Southeast Fairfax Development Corp. (1)***
- ___ Adult Aging Services, DFS
AAA, B-3-708
Attn: Jacquie Woodruff
- ___ Greg Chase
Administration
DPZ Web Developer
- ___ Alicia Caperton
Administrative Assistant
Zoning Evaluation Division, DPZ

ACTION ADDRESSEES

- ___ Department of Planning & Zoning
Planning Division
Chief, Env. & Develop. Review Br. (3)
- ___ Fire and Rescue Department
Fire Information Technology Sect. (1)**
- ___ Fire Prevent. Div., Plans Review Sect.(1)
- ___ Fairfax County Public Schools
Facilities Services Division
Office of Design & Const. Svcs.(1)**
- ___ Office of Facilities Planning (1)
Attn: Mary Tsai
- ___ Dept. of Public Works & Environmental Svcs.
Attn: Ken Williams, Plan Control (3)
- ___ Fairfax County Dept. of Urban Forestry
Urban Forester (Gypsy Moth Box)
- ___ Fairfax County Water Authority,
Planning & Engineering Division
Manager, Planning Department (1)
Attn: Jamie Hedges
- ___ Northern Virginia Soil and Water
Conservation District
Conservation Specialist (1)#@
- ___ Department of Transportation,
Transportation Planning
Chief, Site Analysis Section (2)
- ___ DPWES
Sanitary Sewer
Attn: Gilbert Osei-Kwadwo
Dept. of Housing and Community Dev.,

- ___ Housing Development Division,
Housing Development Officer (1)
Attn: Charlene Fuhrman-Schutz
- ___ Director, Office of Community Revitalization & Reinvestment
Office of County Executive
Attn: Barbara Byron(1)
- ___ Dept. of Tax Administration
Dir., Real Estate Division (1)**
- ___ Department of Health,
Div. of Environmental Health
Environmental Hazard Investigations Section (1)
- ___ Fairfax County Park Authority
Planning and Development Division
Plan Review Coord. (1)
Attn: Sandy Stallman
- ___ Fairfax County Park Authority
Resource Management Division
Archaeologist (1)
- ___ Virginia Department of Forestry
Forester (1)**#
- ___ Magisterial District Supervisor
Mount Vernon District (1)
- ___ Planning Commissioner
Mount Vernon District (1)

* All maps only.
** Does not receive development plan.
*** Lee and Mount Vernon District Applications only
Addressee should also send comments to Branch Chief, Environmental and Heritage Resources Branch, Planning Division, OCP.
@ include soils map if not on development plan.

DPWES buildings shall
require full compliance with
the protection and access
requirements listed in the
Public Facilities Manual





County of Fairfax, Virginia

MEMORANDUM

DATE: September 22, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Eric Fisher (246-3501)
Information Technology Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis of Proffered Condition
Amendment/Final Development Plan Amendment 2003-MV-033

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

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #441, **Crosspointe**
2. After construction programmed _____ this property will be serviced by the fire station _____
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. The application property is 2/10 of a mile outside the fire protection guidelines. No new facility is currently planned for this area.



ARTICLE 16

DEVELOPMENT PLANS

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS

16-101 General Standards

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if 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, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent 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.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

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 design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plans. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening

DEVELOPMENT PLANS

PART 2 16-200 PROCEDURES FOR REVIEW AND APPROVAL OF A PRC DISTRICT

All proposed developments of a PRC District, as permitted by the provisions of Part 3 of Article 6, shall be subject to the following procedures for review and approval.

16-201 Comprehensive Plan Approval

1. A PRC District may only be established in an area designated on the adopted comprehensive plan for a planned residential community. Therefore, before the initial establishment of a PRC District, the applicant shall propose an amendment to the adopted comprehensive plan to permit a planned residential community, which shall contain not less than 750 contiguous acres owned and/or controlled by a single individual or entity.
2. Such comprehensive plan amendment shall be presented in at least the same level of detail as the adopted comprehensive plan for the area under consideration. In particular, the amendment shall be prepared in accordance with the provisions of Sect. 301 below.
3. In conjunction with the submission of a proposed comprehensive plan amendment, the applicant shall submit a general development schedule showing the approximate time frame of the development.
4. Ten (10) copies of the proposed comprehensive plan and development schedule shall be submitted to the Director of the Department of Planning and Zoning (DPZ) along with a written request for the consideration of an amendment to the adopted comprehensive plan.
5. Upon receipt, the Director of DPZ, in accordance with adopted procedures for consideration of comprehensive plan amendments, shall cause a thorough review of the proposed amendment by all appropriate agencies. Upon a finding that additional information may be needed to complete the review, the Director of DPZ shall request same of the applicant.
6. As part of the review, the Director of DPZ shall cause a complete analysis of the proposed development schedule and the impact of the development on all public facilities and utilities.
7. Upon completion of such review, the plan amendment shall be submitted to the Planning Commission.
8. The Planning Commission shall hold a public hearing to consider the comprehensive plan amendment and shall forward its recommendation for approval, approval with modifications, or disapproval to the Board. The Board shall hold a public hearing thereon and shall approve, approve with modifications, or disapprove the proposed amendment.
9. When approved, the comprehensive plan for a planned residential community shall constitute a part of the adopted comprehensive plan of the County and shall be subject to review and revision from time to time. Any revision to the adopted comprehensive plan initiated by an applicant, other than the Planning Commission or the Board, shall be

FAIRFAX COUNTY ZONING ORDINANCE

subject to the same procedures as the original amendment and the requirements of Sect. 301 below.

10. Additional land may be added to a planned residential community if it represents a logical extension of the planned residential community under the adopted comprehensive plan and is adjacent thereto. Any addition of land to a planned residential community shown on the adopted comprehensive plan shall be subject to the same requirements and procedures as the original amendment except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

16-202 Rezoning to a PRC District

1. Following Board approval of the comprehensive plan for a planned residential community, the Board may approve an application for rezoning to a PRC District subject to the provisions of this Part and Part 2 of Article 18. The initial rezoning to establish a PRC District shall contain a minimum land area of 750 contiguous acres owned and/or controlled by a single individual or entity.
2. The rezoning application shall include, in addition to the requirements presented in Sect. 18-202, a development plan. Such rezoning application and development plan shall be in accordance with the adopted comprehensive plan for the planned residential community, the standards set forth in Part 1 above and the PRC District regulations and objectives.
3. The rezoning application and development plan shall be filed with the Zoning Administrator and shall contain the information required by Sect. 302 below. A development plan not filed with the initial submission of the application shall be submitted to the Zoning Administrator within sixty (60) days of the acceptance date of the application. Failure to meet this requirement shall change the acceptance date of the application pursuant to Sect. 18-107, and may be due cause to dismiss the application in accordance with Sect. 18-209.
4. Upon a determination by the Zoning Administrator that the rezoning application and the development plan are complete in accordance with the requirements of Sect. 302 below, the application and plan shall be submitted for comment and review to appropriate County departments and agencies. Upon completion of such administrative review, the application and plan shall be submitted to the Planning Commission.
5. The Planning Commission shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon. Subsequent to the public hearing, the Commission shall transmit the rezoning application and development plan to the Board with its recommendation to approve, approve with modifications or disapprove.
6. The Board shall consider the rezoning application and development plan in accordance with the adopted comprehensive plan, the standards set forth in Part 1 above and the PRC District regulations and objectives, and shall hold a public hearing thereon.
7. In the event the Board shall approve the rezoning application, the Board shall also approve or approve with modifications or conditions the development plan. Such

DEVELOPMENT PLANS

conditions or modifications may be established by the Board to assure compliance with the standards of Part I above and the district regulations. Further, the Board may waive or modify subdivision and/or site plan requirements otherwise applicable to the development when such waiver or modification would be in conformance with said standards and regulations.

8. In the event that the Board shall disapprove the rezoning application, the development plan shall thereby be deemed to be denied.
9. Once a development plan has been approved, all subsequent approvals, uses and structures shall be in substantial conformance with the approved development plan and any development conditions associated with such approval. Should there be cause for amendment of the development plan or any portion thereof, such amendment shall be processed as a new submission. A development plan amendment application may be filed on a portion of the property subject to an approved development plan, upon a determination by the Zoning Administrator that the amendment (a) would not adversely affect the use of the property subject to the development plan and conditions but not incorporated into the amendment application, (b) would not inhibit, adversely affect, or preclude in any manner the fulfillment of the development plan and conditions applicable to the area not incorporated into the amendment application, and (c) would not increase the overall approved density/intensity for the development. The portion of the development plan and previously approved conditions which are not subject to the amendment request shall remain in full force and effect.
10. Additional land may be added to a PRC District by a rezoning application if such land is included within the area of the adopted comprehensive plan, if it represents a logical extension of the area zoned PRC, and if it is adjacent thereto. Any addition of land to the PRC District shall be subject to the same requirements and procedures as the original application except for the minimum requirement of 750 acres owned and/or controlled by a single individual or entity.

16-203 PRC Plan Approval

1. Subsequent to the approval of a rezoning application, a PRC plan shall be required for those uses as set forth in Par. 2 below. The Board may approve a PRC plan subject to the provisions of this Part and Sect. 18-110. Such PRC plan shall not be approved by the Board until the rezoning application and development plan have been approved by the Board. However, a PRC plan may be filed with and included in the processing of the rezoning application and development plan.

All PRC plans shall be in accordance with the approved rezoning and development plan, any conditions or modifications that may have been approved by the Board, the design standards of Sect. 102 above, the applicable objectives and regulations of the PRC District and the provisions of Sect. 303 below.
2. A PRC plan shall be required for all uses, except the following:
 - A. Single family detached dwellings, provided the general street and lot layout are shown on the approved development plan.

DEVELOPMENT PLANS

- C. For all approved rezonings and development plans, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
 - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved development plan, such modification shall require the resubmission and amendment of the development plan in accordance with Sect. 202 above.

9. Notwithstanding Par. 8 above, any modification to provide an accessibility improvement shall be permitted and shall not require approval of a development plan amendment.
10. Once a PRC plan has been approved, any proposed amendment shall be processed in the same manner as the original submission.
11. Preliminary site plans approved prior to December 6, 1994 and preliminary site plans approved pursuant to the grandfather provisions for Zoning Ordinance Amendment #94-263 shall be deemed to be approved PRC plans. Additionally, PRC plans processed and approved prior to March 27, 2007 shall be deemed to be approved PRC plans and shall be valid for three (3) years from the date of approval. However, if a site plan for all or a portion of the area is approved during that period, the approved PRC plan for the corresponding area shall remain valid for the life of the site plan.

16-204

Site Plan/Subdivision Plat Preparation

1. Site plan and/or subdivision plat approval shall be required subsequent to the approval of the rezoning and development plan and a PRC plan, if required under Sect. 203 above. Submission and approval of such site plans or subdivision plats, the issuance of Building Permits, Residential and/or Non-Residential Use Permits shall be in substantial conformance with the approved rezoning and development plan and the PRC plan, if applicable, and in accordance with the design standards of Sect. 102 above, the

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBA: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area; information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		