



County of Fairfax, Virginia

JANUARY 7, 2010

STAFF REPORT ADDENDUM

APPLICATION RZ/FDP 2009-DR-016

CRD

DRANESVILLE DISTRICT

APPLICANT(S):	Madison Building Associates LLC and Second Madison Building Associates LLC
PRESENT ZONING:	C-6, SC, HC, CRD
REQUESTED ZONING:	PDC, SC, HC, CRD
PARCEL(S):	30-2 ((4)) D-11B and D-47A
ACREAGE:	2.66 acres
DENSITY:	1.22 FAR
OPEN SPACE:	25%
PLAN MAP:	Retail and other
PROPOSAL:	Rezone the subject site from C-6 to PDC to permit the establishment of a new personal storage warehouse use on a site with an existing commercial building at an overall intensity of 1.22 FAR.

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2009-DR-016 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends approval of FDP 2009-DR-016, subject to the proposed FDP conditions contained in Attachment 2 and the Board of Supervisors' approval of RZ 2009-DR-016 and the associated conceptual development plan.

Brenda J Cho



Staff further recommends that the Board of Supervisors approval at P-district variance in accordance with the provisions of Par. 8 of Sect. 16-401 to allow the proposed secondary uses as proffered to exceed 25 percent of the proposed principal uses.

Staff recommends approval of the 20% reduction in minimum required parking to permit 229 spaces instead of 286.

Staff recommends approval of a modification of the transitional screening requirement along the western property line in favor of the proposed landscaping as shown on the CDP/FDP.

Staff recommends approval of a waiver of the barrier requirements along all property lines of Parcel 47A and along the western property line of Parcel 11B.

Staff recommends a modification of the trail requirement along Old Chain Bridge Road, in favor of that shown on the CDP/FDP.

Staff recommends approval of a modification of the peripheral parking lot landscaping, in favor of that shown on the CDP/FDP.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the CDP/FDP.

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

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

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

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

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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).

Rezoning Application

RZ 2009-DR-016

Final Development Plan

FDP 2009-DR-016

Applicant: MADISON BUILDING ASSOCIATES LLC AND SECOND MADISON BUILDING ASSOCIATES LLC
Accepted: 07/09/2009
Proposed: MIXED USE DEVELOPMENT
Area: 2.66 AC OF LAND; DISTRICT - DRANESVILLE

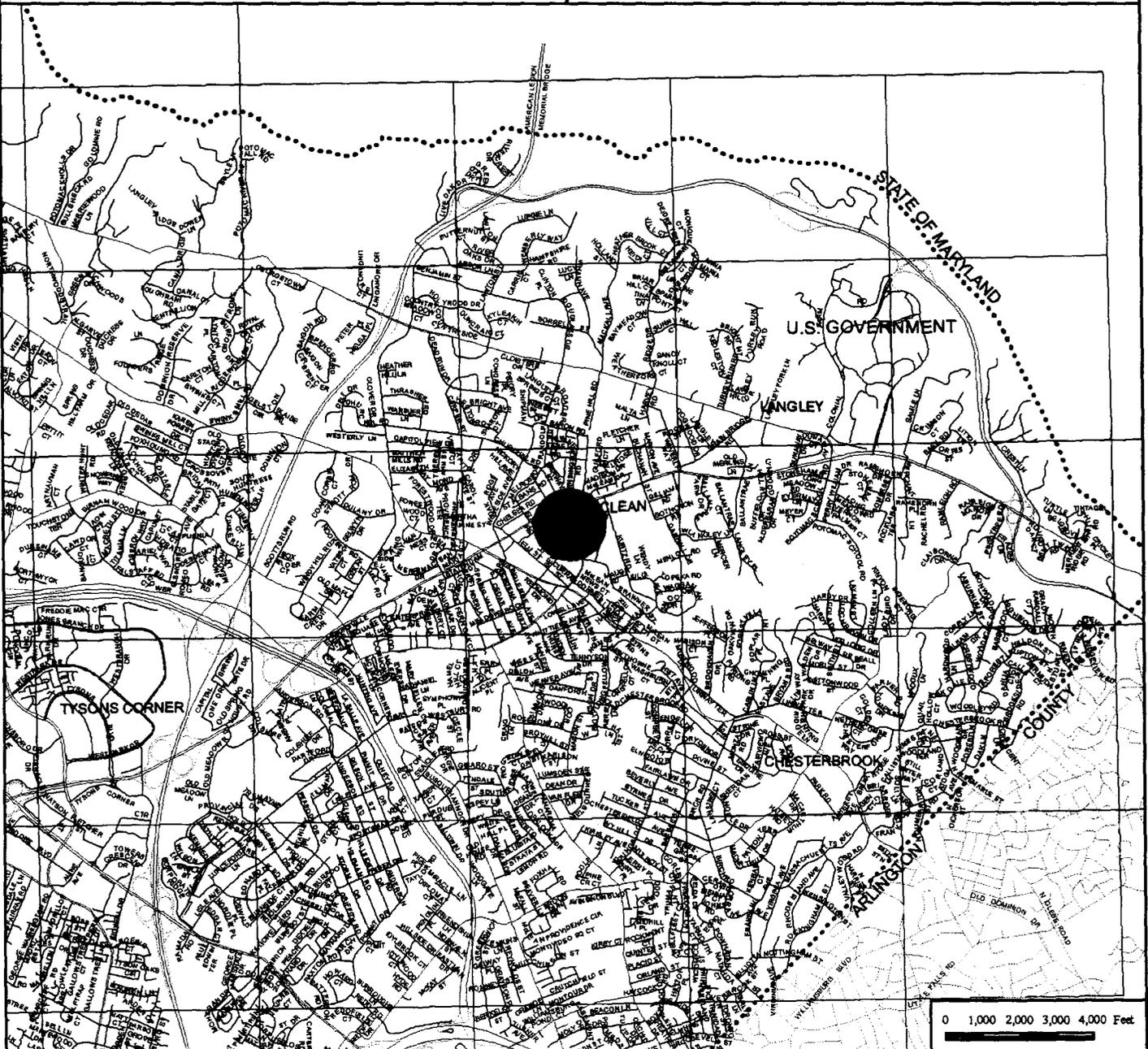
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Zoning Dist Sect:
Located: EAST SIDE OF BEVERLY ROAD, WEST SIDE OF OLD CHAIN BRIDGE ROAD APPROXIMATELY 100 FEET SOUTH OF ITS INTERSECTION WITH FLEETWOOD ROAD

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Located: EAST SIDE OF BEVERLY ROAD, WEST SIDE OF OLD CHAIN BRIDGE ROAD APPROXIMATELY 100 FEET SOUTH OF ITS INTERSECTION WITH FLEETWOOD ROAD

Zoning: FROM C- 6 TO PDC
Overlay Dist: HC CRD SC
Map Ref Num: 030-2- /04/D /0011B /04/D /0047A

Zoning: PDC
Overlay Dist: SC HC CRD
Map Ref Num: 030-2- /04/D /0011B /04/D /0047A



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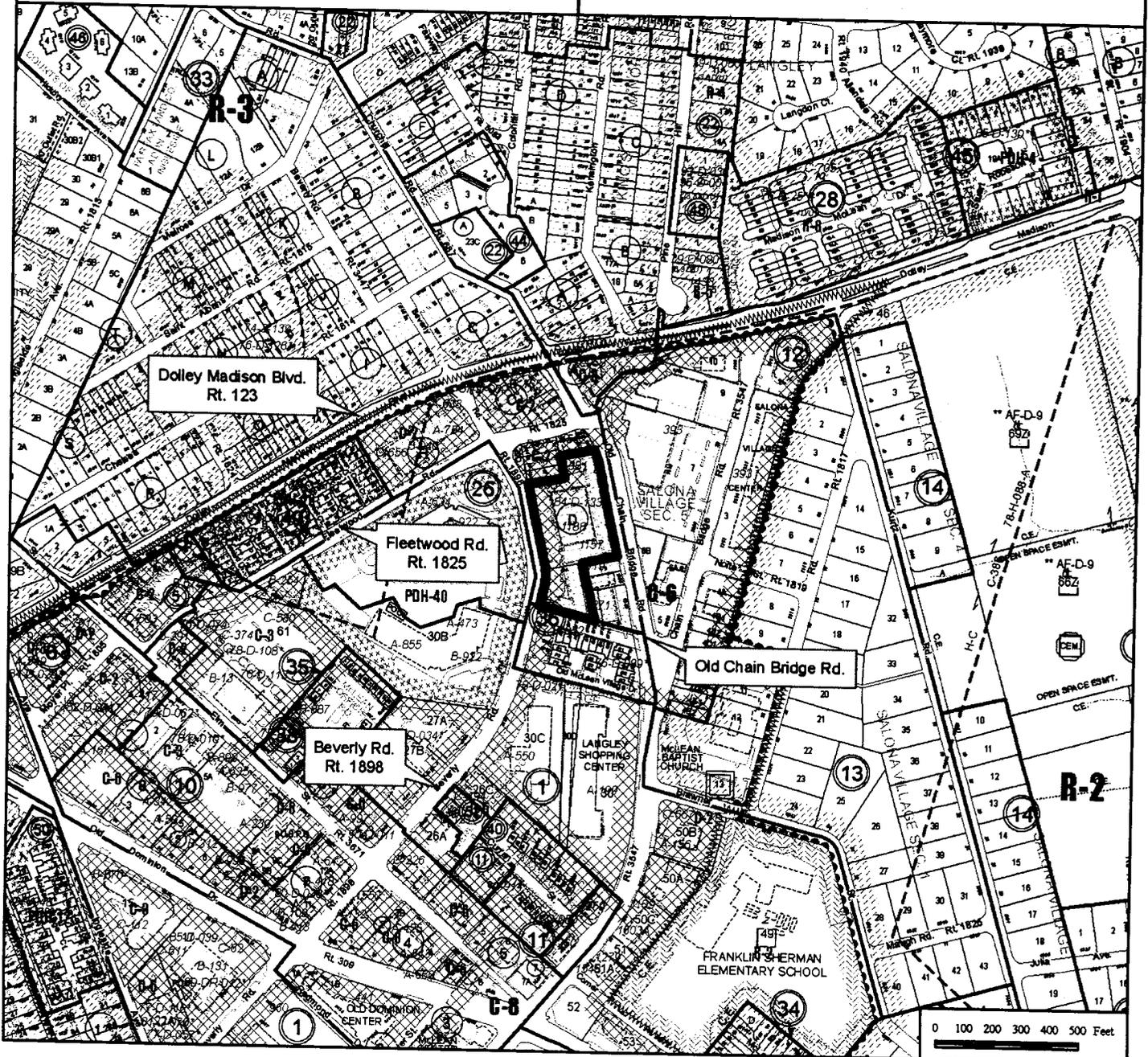
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BACKGROUND

The applicant requests approval to rezone the application property from the C-6 District to the PDC District to retain an existing office building and to build a new mini-warehouse (personal storage) building on an existing surface parking lot within the McLean Community Business Center (CBC). The site is located within the McLean CBC, the McLean Community Revitalization District (CRD), the Sign Control (SC) and the Highway Control (HC) overlay districts. The existing office building, which measures a total of approximately 81,180 square feet (including retail space), will remain, and the site is currently developed at a floor area ratio (FAR) of .70.

The proposed new personal storage building, which will be designed like an office building, will contain 76,457 square feet, including 16,729 square feet of cellar space, and will be 50 feet in height (approximately 4 stories). Loading and dedicated parking spaces for the personal storage will be located on the ground level of the new building. The proposed hours of operation for the personal storage use will be Monday through Friday, 7:00 a.m. to 8:00 p.m. The overall proposed FAR of the site will be 1.22 (it should be noted that the FAR does not include cellar space, as further detailed in the discussion below).

The staff report was published on November 19, 2009. While staff recommended approval of the proposed development, staff noted that a few areas of the application could be improved with further modification to the proffers. These issues included building architecture, principal and secondary uses, and utility undergrounding. Following the publication of the report, the applicant submitted revised proffers dated January 4, 2010, and supplemental statements to address these issues. This addendum discusses the proffer revisions and supplemental statements contained or included as attachments of this addendum.

DISCUSSION

Building Architecture

In the staff report, staff had noted that it believed that the proposed design of the personal storage building could be improved through the incorporation of a couple of design elements to promote a more commercial design. Specifically, in order to achieve a more office-like appearance, staff had recommended the inclusion of a flatter roofline, larger ground floor windows, and continuous ground floor awnings into the architecture for the proposed personal storage building. Staff had proposed a development condition, which required the use of these features in architecture. The condition also had required the applicant to submit the elevations for the new building to the Department of Planning and Zoning (DPZ) for administrative review.

In response to staff's proposed development condition, the applicant sent a letter (contained in Attachment 4), which noted that the applicant had worked extensively with the community (particularly the McLean Planning Committee) on the elevations for the proposed personal storage building. Given this close coordination, the applicant did not want to make further changes to the elevations. While staff values

the collaboration that has occurred between the applicant and the community on the building elevations, staff continues to believe that the incorporation of wider ground floor windows and continuous awnings will improve the overall design scheme without necessarily changing the character of the building. For that reason, staff has amended the previously-proposed development condition to complement the proposed proffer which requires that, at the time building plans for the proposed personal storage building are submitted for permit review to DPWES, the building elevations be submitted to the Dranesville District Supervisor. Staff's proposed condition proposes submission of elevations also to the Planning Commission for administrative review and comment. Under this amended condition, the applicant would not be required to incorporate the flatter roofline, larger ground floor windows, and continuous ground floor awnings but would show alternatives for consideration that incorporate these design details into the ultimate building design, if desired by the Planning Commission and the community.

Principal and Secondary Uses

The Comprehensive Plan recommends an option for office and personal storage uses up to 1.25 FAR on the subject site if the personal storage use constitutes approximately 60,000 square feet with an appearance of an office building and the inclusion of a mid-block pedestrian connection. Par. 5 of Sect. 6-206 of the Zoning Ordinance (Use Limitations) states that in the PDC District, "the gross floor area of all other secondary uses shall not exceed twenty-five (25) percent of the gross floor area of all principal uses in the development." The applicant has proffered that the proposed personal storage use, which is a secondary use in the PDC District, would be a total of 59,728 square feet (excluding cellar space). The applicant has committed to limit the use of the cellar space to storage units, parking and building utilities only, uses which would not incur additional parking requirements.

Staff expressed concern that the proposed secondary uses should be limited in each building and that some of the proposed uses, such as a quick service food store, may not be compatible if their size and scale were unlimited. In response, the applicant has proffered that the mini-warehouse use is to be no less than 59,728 square feet which equates to approximately 43% of the total gross floor area to be developed on the site in accordance with the site specific recommendations of the Comprehensive Plan. Additionally, the applicant has proffered to limit other secondary uses on the site, including quick service food stores and health clubs, up to an additional 9,864 square feet (seven percent of the total gross floor area). The office building and personal storage building are also identified on the Final Development Plan (FDP). With these proffered limits on secondary uses, no more than 50% of the overall gross floor area of the site would be comprised of secondary uses.

To allow the secondary uses to exceed the 25% use limitation set for in Par. 5 of Sect. 6-206, the applicant has requested a P-District variance pursuant to the provisions of Par. 8 of Sect. 16-401 which reads:

8. *In approving a conceptual development plan, the Board may authorize a variance in the strict application of specific zoning district regulations whenever:*
- A. *Such strict application would inhibit or frustrate the purpose and intent for establishing such a zoning district; and*
 - B. *Such variance would promote and comply with the standards set forth in Part 1 above.*

In no case, however, shall the maximum density provisions under the PDH District and the maximum floor area ratio provisions under the PDC and PRM Districts be varied or modified.

In staff's opinion, the proposed variance will not inhibit the purpose or intent of establishing a P-District, especially given that the Comprehensive Plan specifically allows for approximately 60,000 square feet of personal storage use on the subject site. As discussed in the staff report, staff has concluded that the proposed development is consistent with the purpose and intent outlined for a PDC District. Staff also believes that the proposed development meets or exceeds the standards contained in Part 1 of Article 16 for all P-Districts. Finally, the proposed variance does not exceed the floor area ratio limitations of the PDC District, which allows up to a 1.5 FAR; the application proposes a 1.22 FAR. Therefore, staff recommends approval of a P-District variance approval in accordance with the provisions of Par. 8 of Sect. 16-401 to allow the proposed secondary uses to exceed 25 percent of the proposed principal uses as outlined in the proffers.

Utility Undergrounding

In the staff report, it had been noted that though utility undergrounding is part of the Redevelopment Area criteria in the McLean CBC Plan recommendations, the applicant had not addressed this component of the Plan. The applicant has now proffered to provide a utility easement, 12 power and data conduits and adequate pull boxes under the sidewalk along property's Old Chain Bridge Road frontage. The installation of the conduits and pull boxes are subject to review and approval by utility companies. The proposed proffer specifically references Dominion Power only. If the approval of Dominion Power is not granted, the applicant has committed to contributing funds toward the cost of the undergrounding (e.g. conduits) to Fairfax County. Staff recommends that the proffer language be expanded to recognize approvals that may be necessary from other utilities, such as Cox Communications and Verizon, and a commitment to contributing costs associated with these utilities. Staff proposes a development condition that requires undergrounding of the utilities if approval is granted, and if the approval is not granted, contributing funds towards the cost of utility undergrounding, as determined by Verizon and Cox Communications and in agreement with Fairfax County, shall also be required.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

Staff concludes that the subject application is in general harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance provisions.

Recommendations

Staff recommends approval of RZ 2009-DR-016 and the associated Conceptual Development Plan, subject to the execution of proffers consistent with those contained in Attachment 1.

Staff recommends approval of FDP 2009-DR-016, subject to the proposed FDP conditions contained in Attachment 2 and the Board of Supervisors' approval of RZ 2009-DR-016 and the associated conceptual development plan.

Staff further recommends that the Board of Supervisors approval at P-district variance in accordance with the provisions of Par. 8 of Sect. 16-401 to allow the proposed secondary uses as proffered to exceed 25 percent of the proposed principal uses.

Staff recommends approval of the 20% reduction in required parking to permit 229 spaces instead of 286.

Staff recommends approval of a modification of the transitional screening requirement along the western property line, in favor of the proposed landscaping as shown on the CDP/FDP.

Staff recommends approval of a waiver of the barrier requirements along all property lines of Parcel 47A and along the western property line of Parcel 11B.

Staff recommends a modification of the trail requirement along Old Chain Bridge Road, in favor of that shown on the CDP/FDP.

Staff recommends approval of a modification of the peripheral parking lot landscaping, in favor of that shown on the CDP/FDP.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the proffered CDP/FDP.

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

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

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.

ATTACHMENTS

1. Draft Proffers (now dated January 4, 2010)
2. Development Conditions (now dated January 7, 2010)
3. Office of Community Revitalization and Reinvestment Addendum Memo
4. Responses on behalf of the applicant regarding utility undergrounding, cellar space and architecture

PROFFERS
Madison Building Associates, LLC
Second Madison Building Associates, LLC
RZ 2009-DR-016

January 4, 2010

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and the 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 No. 30-2((4))(D)11B, 47A (hereinafter referred to as the "Property") will be in accordance with the following conditions if, and only if, said rezoning request for the PDC District is granted by the Board of Supervisors of Fairfax County, Virginia (the "Board"). In the event said application request is denied or the Board's approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. The Owners 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, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

GENERAL

1. Substantial Conformance. Subject to the proffers and the provisions of Article 16 of the Zoning Ordinance, under which minor modifications to an approved development plan are permitted, development of the Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP"), prepared by Walter L. Phillips, Inc., and dated October 29, 2009. The Applicant reserves the right to request a Final Development Plan Amendment ("FDPA") for elements other than the CDP elements from the Planning Commission for all or a portion of the CDP/FDP in accordance with Section 16-402 of the Zoning Ordinance if such an amendment is in accordance with the approved CDP and these proffers.

2. Minor Modifications. In addition to that described above, pursuant to paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications to the CDP/FDP and these proffers may be permitted as determined by the Zoning Administrator.

3. Maximum Density. The maximum floor area ratio ("FAR") permitted on the Property shall be 1.22. Based on this maximum FAR, the maximum gross floor area ("GFA") that may be constructed shall be 140,908 square feet. The Applicant reserves the right to construct a lesser amount of GFA provided that the building and Property remain in substantial conformance with that shown on the CDP/FDP as determined by the Zoning Administrator.

4. Density Credit. Density credit shall be reserved for the Property as provided by Section 2-308 of the Zoning Ordinance for all dedications described herein and/or as shown on the CDP/FDP or as may reasonably be required by Fairfax County, VDOT or others at the time of site/subdivision plan approvals.

5. Architecture. The development of the proposed mini-warehouse building and existing office building on the Property shall incorporate landscaping, architectural design, and building materials, in substantial conformance with those shown on the CDP/FDP. Mini-warehouse building materials shall include either masonry, stone, precast concrete, metal and glass, or any combination thereof. The Applicants shall submit the final architectural design of the mini-warehouse building to the Dranesville District Supervisor for review and comment at the time building plans are submitted to Fairfax County. Rooftop mechanical equipment will be shielded from view from the ground-level of adjacent streets and by a trellis and planters to shield view from McLean House.

6. Signage. Signage for the Property shall be provided in accordance with the requirements of Article 12 of the Zoning Ordinance or pursuant to a Comprehensive Sign Plan ("CSP") that may be approved by the Planning Commission. The mini-warehouse building mounted and freestanding signs shall be in substantial conformance with that depicted on Sheet 17 of the CDP/FDP provided they are in accordance with Article 12.

7. Building Lighting. Exterior accent lighting of the architectural elements of the mini-warehouse building as shown on the CDP/FDP shall utilize lighting fixtures that are aimed and shielded so that light is directed only on the features intended to be illuminated to minimize light spill into the night sky. In addition, lighting fixtures shall not cause direct glare or direct light beyond the building façade onto neighboring residential property. The lighting fixtures type, number and location on and surrounding the mini-warehouse building shall be in substantial conformance with that shown on Sheet 16 of the CDP/FDP. This proffer shall be

considered supplemental to the glare standards contained in the Fairfax County Zoning Ordinance.

8. Site Lighting/Security. All on-site, outdoor lighting shall comply with the Outdoor Lighting Standards of Section 14-900 of the Zoning Ordinance. The Applicant shall provide a security lighting plan for the mid-block pedestrian walkway, as shown on Sheet 17 of the CDP/FDP.

USES

9. Principal and Secondary Uses. All principal and secondary uses referenced below shall be deemed to be "specifically designated on the FDP" such that approval of a separate special exception shall not be required to initiate such a use interior to the existing office building or within the footprint of the proposed mini-warehouse use pursuant to Section 6-405 of the Zoning Ordinance. The primary principal use of the existing building (Parcel 11B) shall be offices and the primary secondary use shall be a mini-warehouse located within the proposed structure (Parcel 47A). Other principal and secondary uses permitted in the PDC Zoning District that are not specifically listed in this Proffer may be permitted with the approval of a PCA and/or a special exception or special permit as required. A PCA shall not be required as long as the proposal remains in substantial conformance with the CDP.

A. Principal Uses:

- Business Service and supply establishments;
- Financial institutions (without drive-through);
- Garment cleaning establishments (drop-off and pick-up only, no on-site processing);
- Offices;
- Personal service establishments;
- Public uses;
- Repair service establishments; and
- Retail sales establishments;

B. Secondary Uses:

- Mini-Warehouse, no less than 59,728 square feet
- Accessory uses;
- Bank Teller machines, unmanned;
- Fast food restaurants (without drive-through);
- Quick service food stores;
- Vehicle rental establishments;

- Private School of special education
- Health clubs;
- Community clubs, centers, meeting halls;
- Private clubs and public benefit associations;
- Private schools of general education; and
- Telecommunications facilities limited to those that are mounted on the rooftop, mounted to the penthouse, or located within the building.

The Applicant agrees to limit the overall secondary use allocation to a maximum of 43% of the total gross floor area for mini-warehousing and up to 7% of the total gross floor area for all other secondary uses.

C. Cellar space within the mini-warehousing building shall be used solely for storage units, building utilities or parking and shall not be used for any use that would require additional parking.

TRANSPORTATION

10. Bicycle Lane. The Applicant shall provide signage for a bicycle lane along the Property's Beverly Road frontage as approved by FCDOT and VDOT.

11. Bicycle Parking. The Applicant shall install four (4) bicycle racks throughout the Property as generally shown on the CDP/FDP, and reviewed and approved by Fairfax County at the time of site plan approval. These facilities shall be provided in convenient and visible locations, as may be feasible, and shall be located so as not to impede pedestrian use of sidewalks. Bike parking shall be design and installed as inverted U-shaped racks, racks of equivalent or quality for users of the commercial spaces.

12. Right-of-Way Dedication. At the time of site plan approval or upon demand, whichever occurs first, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors right-of-way up to a width of twenty-six (26) feet from the centerline along the Property's Beverly Road frontage as shown on the CDP/FDP.

STORMWATER MANAGEMENT

13. Stormwater Management Facilities. The Applicant shall provide underground on-site Stormwater Management (SWM) and Best Management Practices (BMPs) facilities as shown on the CDP/FDP to satisfy detention and water quality requirements in accordance with the requirements of the Public Facilities Manual, DPWES.

LANDSCAPING

14. Landscaping. At the time of site plan review, the Applicant shall submit to DPWES, a landscape plan showing landscaping consistent with the quality, quantity and general location shown on the Landscape Plan on Sheet 4 for the CDP/FDP. This plan shall be subject to review and approval of Urban Forestry Management, DPWES. Actual types and species of vegetation shall be determined pursuant to more detailed landscape plans approved by Urban Forestry Management at the time of site plan approval.

15. Native Trees. Native trees that are conducive to air quality enhancement shall be used within the landscaping, streetscape and landscaped open space areas as determined appropriate by Urban Forest Management.

PEDESTRIAN IMPROVEMENTS

16. On-site Sidewalks and Crosswalks. Sidewalks and crosswalks shall be provided as shown on the CDP/FDP commensurate with the development of the Property.

- A. Crosswalks that are provided internal to the site shall be distinguishable in design from the internal drive aisles and other internal surface treatments. Crosswalks on the periphery of the development and those crossing Beverly Road and Old Chain Bridge Road shall be painted in accordance with applicable VDOT or County standards, subject to VDOT approval. In the event the crosswalks are not approved by VDOT, the Applicant shall contribute the cost (as estimated by DPWES) of the crosswalks to the Dranesville District Pedestrian Improvement Fund.
- B. The Applicant shall construct a 5 foot wide brick and concrete sidewalk along the frontages of Beverly Road and Old Chain Bridge Road. Street trees and streetscaping shall be provided as shown on the CDP/FDP, as approved by FCDOT and VDOT. Such improvement shall be in place prior to the issuance of a Non-RUP for the mini-warehouse building. Applicant shall enter into a maintenance agreement for said improvements, if requested by FCDOT and/or VDOT.

17. A. Mid-Block Pedestrian Walkway. The Applicant shall construct a pedestrian connection from the edge of right-of-way of Beverly Road to the edge of right-of-way of Old Chain Bridge Road as shown on the CDP/FDP. The Applicant shall dedicate a public sidewalk easement for this pedestrian improvement. Said connection shall be provided prior to the issuance of the Non-RUP for the mini-warehouse building.
- B. ADA Pedestrian Treatment. The Applicant shall construct an ADA pedestrian treatment (handicap ramp) on both sides of Beverly Road and Old Chain Bridge Road as shown on the CDP/FDP provided permission is granted by VDOT and subject to available ROW. The improvement shall be complete prior to the issuance of the Non-RUP for the mini-warehouse building.

GREEN BUILDING PRACTICES

18. The Applicant will include, as part of the site plan submission and building plan submission for the building, a list of specific credits within the most current version of the U. S. Green Building Council's Leadership in Energy and Environmental Design - Core and Shell (LEED® -CS) rating system, or other LEED rating system determined to be applicable to the building by the U. S. Green Building Council (USGBC), that the Applicant anticipates attaining. At least one principal participant of the Applicant's project team shall be a LEED Accredited Professional, and such professional will provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the list are expected to meet at least the minimum number of credits necessary to attain LEED Silver certification for the building.

19. Prior to building plan approval for the building, the Applicant will submit, to the Environment and Development Review Branch of DPZ, documentation from the U. S. Green Building Council demonstrating that LEED Silver precertification under the Core and Shell program has been attained for that building. Prior to release of the bond for that building, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating the status of attainment of LEED Certification from the U. S. Green Building Council for the building.

20. If the Applicant fails to attain LEED Silver precertification prior to building plan approval, the Applicant will, prior to building permit approval, execute a separate agreement and post a "green building escrow," in the form of a cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$2.00 per gross square foot of building. 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 LEED-CS 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 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 fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within two years (or such longer time if the Applicant provided documentation to the satisfaction of the Environment and Development Review Branch of DPZ that USGBC review of the LEED certification has been delayed through no fault of the Applicant) of issuance of the first Non-RUP, exclusive of core and shell, for the building, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

TREE PRESERVATION FENCING

21. All on and off-site trees and vegetation shown to be preserved shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart shall be erected at the limits of clearing and grading adjacent to any on or off-site vegetation to be preserved as shown on the phase I & II erosion and sediment control sheets.

TREE PRESERVATION

22. The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and the plan, narrative and

any requested deviation shall be subject to the review and approval of the Urban Forest Management Division, DPWES. The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 1/2 -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the CDP/FDP and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

TREE PRESERVATION WALK-THROUGH

23. 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 walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

TREE APPRAISAL

24. The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 8 inches in diameter or greater located on the Application Property that are shown to be saved on the Tree Preservation Plan. These trees and their value shall be identified on the Tree Preservation Plan at the time of the first submission of the respective site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

At the time of the respective site plan approvals, the Applicant shall post a cash bond or a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFMD. In addition to this replacement obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized construction activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for furtherance of tree preservation objectives. Upon release of the bond for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

ROOT PRUNING

25. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these

treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation 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, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

SITE MONITORING

26. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

MISCELLANEOUS

27. Mini-warehouse Hours of Operation. The hours of operation of the mini-warehouse facility shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Sunday. Limited 24 hour access by tenants shall be allowed by appointment only.

28. Mini-warehouse storage units shall not be visible from outside the building.

29. Tenants shall not park their vehicles on-site overnight.

30. Noise from the HVAC rooftop units shall not exceed a level of 55 dBA Ldn at the property line along Beverly Road.

31. There shall be no truck, trailer, and/or van rentals conducted from the site.

32. There shall be no amplified music or commercial messages broadcast within the loading area of the mini-warehousing building.

UNDERGROUND UTILITIES

33. The Applicant shall provide a utility easement along the Property's Old Chain Bridge road frontage replacing the existing overhead utility easement.

34. The Applicant shall install 12 power and data conduits and adequate pull boxes under the proposed sidewalk along the Property's Old Chain Bridge Road frontage, subject to Dominion Power approval. In the event Dominion Power does not approve the conduit location under the new sidewalk, then the Applicant shall contribute the cost of the conduit to Fairfax County for future undergrounding of utilities in the McLean CBC.

APPLICANT/TITLE OWNERS

Madison Building Associates, LLC

By: _____
Thomas J. Comparato
Title: Member/Manager

Second Madison Building Associates, LLC

By: _____
Thomas J. Comparato
Title: Member/Manager

FINAL DEVELOPMENT PLAN CONDITIONS

FDP 2009-DR-016

January 7, 2010

If it is the intent of the Planning Commission to approve FDP 2009-DR-016 located at 1320 Old Chain Bridge Road [Tax Map 30-2 ((4)) D-11B and D-47A] to permit a new mini-warehouse building and existing commercial building, the staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. At the time that building plans for the proposed personal storage building are submitted for permit review to the Department of Public Works and Environmental Services, building elevations shall also be submitted to the Planning Commission for administrative review and selection. These building elevations shall reflect an alternative to that shown on the CDP/FDP that incorporate features to make the proposed personal storage building achieve a more office-like appearance, as well as a compatible appearance with the surrounding commercial structures. Such features shall include larger ground floor windows and continuous awnings.
2. A maintenance agreement shall be executed with the Virginia Department of Transportation (VDOT) for the streetscape and sidewalk areas within the right-of-way.
3. The applicant shall include all other applicable utilities, such as Verizon and Cox Communications, in its efforts to obtain approval to underground utilities. Such approvals shall be diligently pursued and, if granted, the applicant shall underground the utilities. If approval is not granted, the applicant shall commit to contribute the necessary funds towards the cost of undergrounding of utilities, as determined by Verizon and Cox Communications and in agreement with Fairfax County.



County of Fairfax, Virginia

MEMORANDUM

DATE: December 21, 2009

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

FROM: *Barbara A. Byron*
Barbara A. Byron, Director
Office of Community Revitalization and Reinvestment

RECEIVED
Department of Planning & Zoning
DEC 21 2009
Zoning Evaluation Division

SUBJECT: Addendum to OCRR Memorandum Dated October 26, 2009
RZ/FDP 2009-DR-016; Tax Map 0302 04D 0011B; 0047A
Madison Building Associates LLC and Second Madison Building Associates LLC

On October 26, 2009 the Office of Community Revitalization and Reinvestment (OCRR) submitted a memo to the Department of Planning and Zoning (DPZ) regarding the above referenced revised Rezoning/Final Development Plan (RZ/FDP) application, and revised Proffers dated October 21, 2009. In addition to the items contained in that Memorandum, OCRR has reviewed the revised proffers dated December 7, 2009, and provides the following:

A. Proffers.

1. **Architecture.** The RZ/FDP sheet reference should be inserted into the proffer to define how the "Rooftop mechanical equipment will be shielded from view from the ground level of adjacent streets" and to identify the location and type of trellis and planter shielding for McLean House.
2. **Building Lighting.** The RZ/FDP sheet reference needs to be corrected. General Proffer 7, *Building Lighting*, states that the lighting fixtures type, number and location on and surrounding the mini-warehouse building shall be in substantial conformance with Sheet 17; Lighting plan details are depicted on Sheet 16.
3. **Uses.** The revised proffer contains a broad list of principal and secondary uses, and the further identifies that the uses could be permitted in "the existing office building or within the footprint of the proposed mini-warehouse use". Some of these uses, such as a large quick service food store or a large quick service food store may not be in conformance with the Comprehensive Plan. The applicant should limit the primary use of the existing building to office and the proposed building to mini-warehouse and should commit to the maximum amount of the other principal and secondary uses that could occur in each of the two buildings.



Office of Community Revitalization and Reinvestment
12055 Government Center Parkway, Suite 1048
Fairfax, Virginia 22035
703-324-9300, TTY 711
www.fcrr.org

4. **Undergrounding of Utilities.** The on-going McLean undergrounding of utilities project currently includes Dominion Power, Verizon, and Cox Communications. The proffer related to utility undergrounding should not be limited to Dominion Power but should also address Dominion Power, Verizon, and Cox Communications; if approval cannot be obtained from those utilities, the Applicant should contribute the cost of the undergrounding of the utilities, as determined by Fairfax County staff, to Fairfax County for future undergrounding of utilities in the McLean CBC.

5. **Pedestrian Improvements.**

- a. On-site Sidewalks and Crosswalks (A): The applicant should define and provide a graphic that illustrates how crosswalks will be distinguishable from the internal drive aisle and other internal surface treatments.
- b. On-site Sidewalks and Crosswalks (B): The applicant should provide a graphic that illustrates the five (5) foot wide brick and concrete sidewalk along the frontages of Beverly Road and Old Chain Bridge Roads.

cc: Brenda Cho, Planner II, DPZ/ZED
OCRR File

BUTZ • WILBERN**LTD.**

Architecture
 Planning
 Interiors
 Property Visioning

December 08, 2009

Jack Wilbern, RA

Supervisor John Foust
 Dranesville District Supervisor
 1437 Balls Hill Road
 McLean Virginia 22101

RE: McLean Personal Storage - Undergrounding
 RZ 2009-DR-016

Dear Supervisor Foust:

This is to update your office and Staff on our understanding regarding the undergrounding of utilities at the proposed self storage project.

The explicit understanding that we got from working with the MPC and MCA over the past eight months, was that the undergrounding was not as important as extending the streetscape along the entire frontage of both streets (even though arguably only Beverly is truly affected by our project) in addition to providing a completely hard-scaped, mid block pedestrian link.

Working in good faith and with that understanding, we were able to:

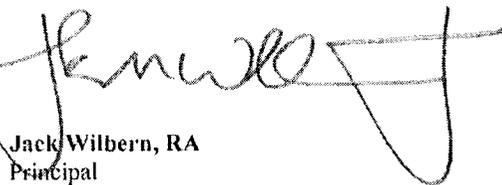
- Provide the 100% preferred streetscape on over 1000 linear feet of internal and street frontage,
- Shrank the foot print along two different elevations to provide additional screen plantings,
- Deleted the parking under the building in order to optimize the pedestrian link,
- Upgraded the building elevations to use spandrel glass throughout rather than EIFS panels,
- Upgraded the building elevations to use predominantly brick on all elevations.
- Provide for both mid block crosswalks including substantial ROW improvements to achieve them.

The existing Madison Building utilities and that of the proposed storage building are fed from Beverly and are already underground. The poles on Old Chain Bridge do not serve our project and make the undergrounding logic even thinner since there is no utility work in that area that we could logically and cost effectively combine with.

Nevertheless, and even though this issue feels like a last minute addition to a long list of already agreed to proffers and improvements, we have added a proffer saying that we would install a significant amount of conduits under the sidewalk and provide appropriate (narrow) easements that would support later installation of wiring by others in a way that also preserves the streetscape trees (where a wide easement would preclude them). We are also investigating the possibility of running the easement through the parking lot as a back up plan. If Dominion Virginia Power can not find a way clear to give us the correct permissions or otherwise blocks a reasonable solution we will be able to transfer our cost for that work to the community into a cash equivalent for future undergrounding.

Given everything else that we have been working with the community on, including working with your offices in getting VDOT approvals of the mid block crosswalks, the Owners have repeatedly demonstrated, in concrete and valuable terms, their commitment to providing a quality project. There is a limit to the ability for the project to bear the burden of every possible option however and we hope that you agree that this project is already above average in its contributions to the McLean community.

Sincerely,



800 West Broad
 Suite 400
 Falls Church, VA
 22046

Jack Wilbern, RA
 Principal
 Butz•Wilbern, Ltd.

703-356-6771
 fax: 356-7010
info@butzwilbern.com

Cc: Brenda Cho
 Maya Huber MPC

Architecture
Planning
Interiors
Property Visioning

Jack Wilbern, RA

December 07, 2009

Supervisor John Foust
Dranesville District Supervisor
1437 Balls Hill Road
McLean Virginia 22101

RE: McLean Personal Storage - Cellar
RZ 2009-DR-016

Dear Supervisor Foust:

This is to update your office and Staff on our understanding regarding the cellar space at the proposed self storage project. 5 years ago during the Comp Plan process, we had proposed that a roughly 60,000 SF facility overtop of the existing parking lot would allow for a good mid block walkway to be built.

The topography of the property is such that a storage facility accessed off Beverly will result in a cellar no matter what. Our original proposals continued to use this cellar for parking. During the multi month process with the McLean community (both with the MPC and the MCA P&Z and with copies to your office) the local community determined that any amount of cars crossing the pedestrian mid block link was of great concern to them – even the 25 or so spaces that would remain on the current 75 car parking lot.

The Owners of the combined project were extremely concerned that eliminating an additional 25 parking spaces (after already losing 50) would have the potential to impact the economics of the Madison Building, since more and more tenants are aware of parking reductions used in infill locations and are writing leases with clauses addressing this. After looking at a variety of traffic demand management strategies they reluctantly agreed to eliminate the parking but if and only if the space could be used for self storage and therefore give them a financial safety net.

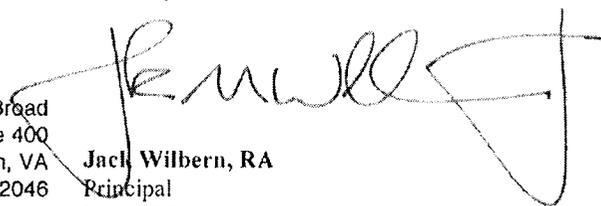
The impact of this additional layer of storage was adequately and fully parked by the already proposed parking off of Beverly and so there were no significant project impacts to the site other than optimizing the pedestrian walkway as desired by the community. Of any use in the zoning code, only self storage is this minimal in its impacts and therefore seemed to all involved, to be a logical extension with little or no negative precedent.

This was discussed at your office a couple of months ago and both community groups reaffirmed that this was their recommendation to you and the planning commission. (In fact the MCA resolution (attached) has an explicit paragraph regarding this.

We have since met with Staff to affirm that there will be proffers put in place that clearly limit any future use to either self storage or parking so that there will never be any use that would negatively impact the site or our neighbors in any way, especially for parking or traffic.

While we would certainly be open to returning the cellar to parking we think that that might be viewed as breaking our promise to the community and would want guidance from you before moving in that direction. In the meantime, Staff has affirmed that the application meets the zoning code and we feel that it meets the intent of the Comprehensive Plan for this location.

Sincerely,



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22046

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Cc: Brenda Cho
Maya Huber MPC

Architecture
Planning
Interiors
Property Visioning

December 07, 2009

Jack Wilbern, RA

Supervisor John Foust
Dranesville District Supervisor
1437 Balls Hill Road
McLean Virginia 22101

RE: McLean Personal Storage - Architecture
RZ 2009-DR-016

Dear Supervisor Foust:

This is to update your office and Staff on our understanding regarding the architectural design at the proposed self storage project.

At your wise counsel and direction, we approached - very early on - our immediate neighbors as well as the McLean Planning Committee and the MCA's Planning and Zoning subcommittee on this issue. Starting in March of this year, we have worked exhaustively with these groups to develop a wide variety of options for the architecture. Per the attached variations, these ranged from matching the Madison Building to high contrast solutions with a range of fenestration, roof lines and glazing.

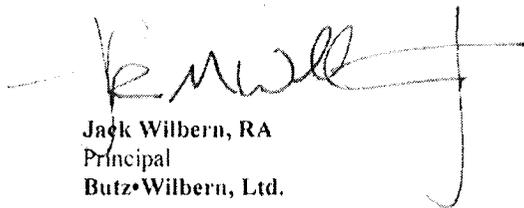
Copies were forwarded to all parties, presentations were made to everyone and invitations were made to the County OCRR multiple times. The elevations selected after this multiple moth process were selected so that they did multiple things.

- They provide the eclectic architecture direction that the McLean community has been consistently interested in having rather than a uniform 'done all at once look''
- Provides the variegated and articulated roof line required by the McLean Design Guidelines (ie no flat roofs)
- Provides a quiet backdrop building that fits into the streetscape of the transitional offices along Beverly.
- Maintains the height of the building within both the fire department restrictions as well as the adjacent buildings' context.

We remain committed to creating the type of active streetscape architecture, with close attention to details, that will make this a welcome addition to the neighborhood, while fitting as seamlessly as is possible within the existing streetscape.

We think that a development condition that states that the final architectural design will be in conformance with the plans provided as part of the FDP/GDP, gives the community assurance that their preferences and hard work will be valued and followed through on. We fully support that effort.

Sincerely,



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