



APPLICATION ACCEPTED: October 27, 2009  
PLANNING COMMISSION: January 28, 2010  
BOARD OF SUPERVISORS: February 9, 2010 @ 3:30 pm

## County of Fairfax, Virginia

---

January 14, 2010

### STAFF REPORT

APPLICATION PCA 1998-LE-048-3 & FDPA 1998-LE-048-1-3

#### LEE DISTRICT

**APPLICANT:** CSHV Metro Park LLC

**ZONING:** PDC

**PARCEL(S):** 91-1 ((1)) 11B2, 23E, ((28)) 1, 2A, ((31)) 1, 1A, 2, 2A, 2B, 3, 3A, 3B, 4A, 4B & 4C

**ACREAGE:** 29.09 acres

**FLOOR AREA RATIO (FAR):** 0.84 (based on 29.09 acres)  
0.62 (based on original application property of 37.17 acres plus density credit to equal 40.88 acres)

**PLAN MAP:** Residential; 1-2 du/ac  
Residential; 3-4 du/ac  
Public Facility along the Power Line Easement

**PROPOSAL:** Amend the proffers and final development plan for RZ/FDP 1998-LE-048 in order to increase the height of Building 6 from 145 to 165 feet.

#### STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 1998-LE-048-3 subject to the execution of the draft proffers contained in Appendix 1 and approval of the Conceptual Development Plan Amendment.

Kelli Goddard-Sobers

---

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



Staff further recommends that the Final Development Plan Amendment be approved by the Planning Commission, subject to the Board of Supervisors' approval of PCA 1998-LE-048-3 and the Conceptual Development Plan Amendment.

Staff further recommends that the transitional screening yard and barrier requirements be modified along the southern and eastern boundaries and within Metro Park in favor of that shown on the Conceptual Development Plan Amendment and referenced in the proffers.

Staff further recommends that the Board of Supervisors grant a variance pursuant to Sect. 16-401 of the Zoning Ordinance to allow a seven-foot tall wall in a front yard with regard to the proffered fence along the southern boundary of the site.

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

It should be 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.

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:\kgodda\PCA\CSHV Metro Park PCA 1998-LE-048-3\Staff Reports\cover.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).

**Final Development Plan Amendment**

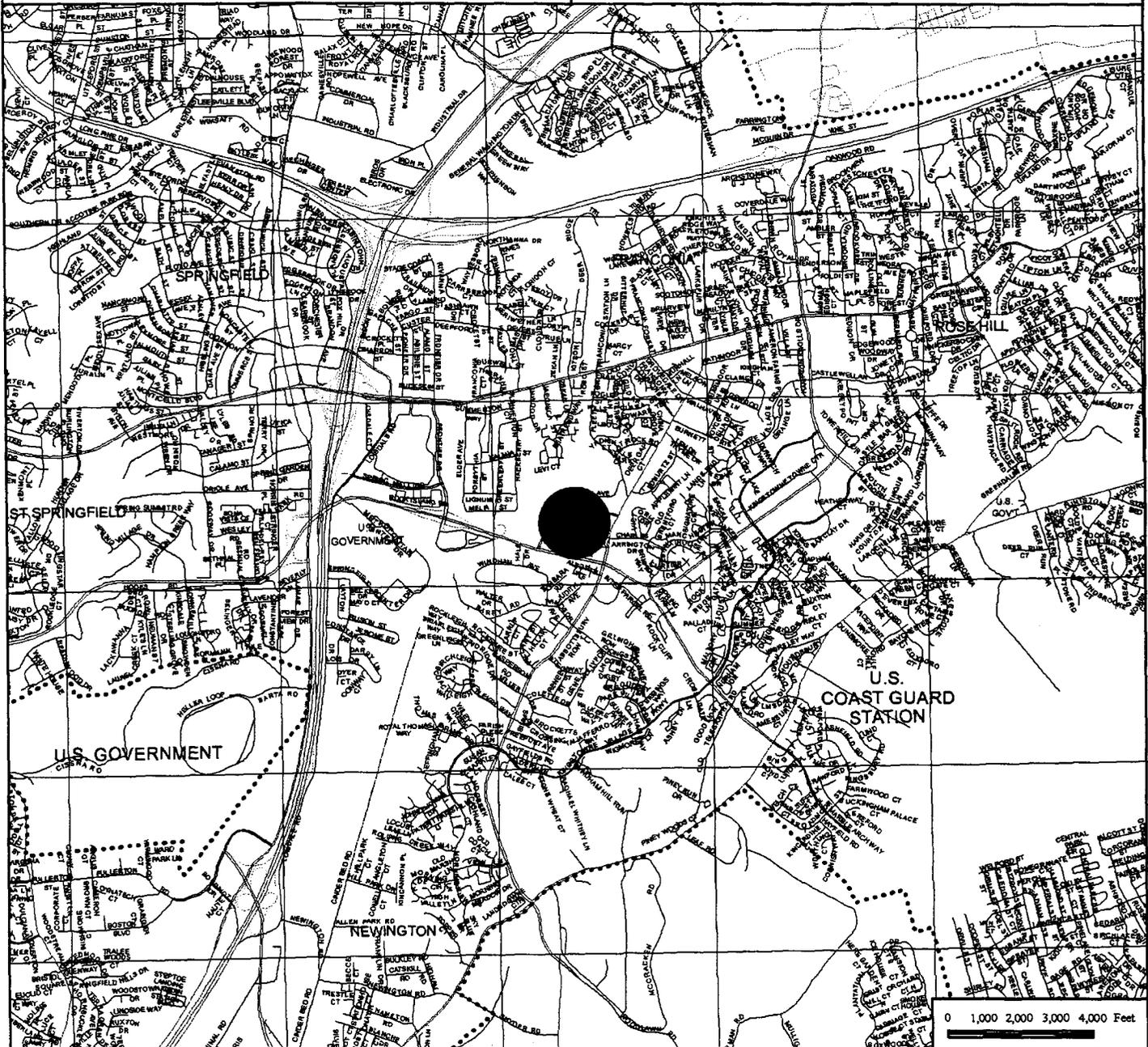
**FDPA 1998-LE-048-01-03**

Applicant: CSHV METRO PARK LLC  
 Accepted: 10/27/2009  
 Proposed: AMEND RZ 1998-LE-048 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT INCREASE PROFFERED BUILDING HEIGHT  
 Area: 29.09 AC OF LAND; DISTRICT - LEE  
 Located: SOUTHEAST AND SOUTHWEST QUADRANT OF WALKER LANE AND WEST SIDE OF WALKER LANE  
 Zoning: PDC  
 Map Ref Num: 091-1- /01/ /0011B2 /01/ /0023E /28/ /0001 /28/ /0002A /31/ /0001 /31/ /0001A /31/ /0002 /31/ /0002A /31/ /0002B /31/ /0003 /31/ /0003A /31/ /0003B /31/ /0004A /31/ /0004B /31/ /0004C

**Proffered Condition Amendment**

**PCA 1998-LE-048-03**

Applicant: CSHV METRO PARK LLC  
 Accepted: 10/27/2009  
 Proposed: AMEND RZ 1998-LE-048 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT INCREASE PROFFERED BUILDING HEIGHT  
 Area: 29.09 AC OF LAND; DISTRICT - LEE  
 Located: SOUTHEAST AND SOUTHWEST QUADRANT OF INTERSECTION OF WALKER LANE AND METRO DRIVE AND WEST SIDE OF WALKER LANE  
 Zoning: PDC  
 Map Ref Num: 091-1- /01/ /0011B2 /01/ /0023E /28/ /0001 /28/ /0002A /31/ /0001 /31/ /0001A /31/ /0002 /31/ /0002A /31/ /0002B /31/ /0003 /31/ /0003A /31/ /0003B /31/ /0004A /31/ /0004B /31/ /0004C



# Final Development Plan Amendment

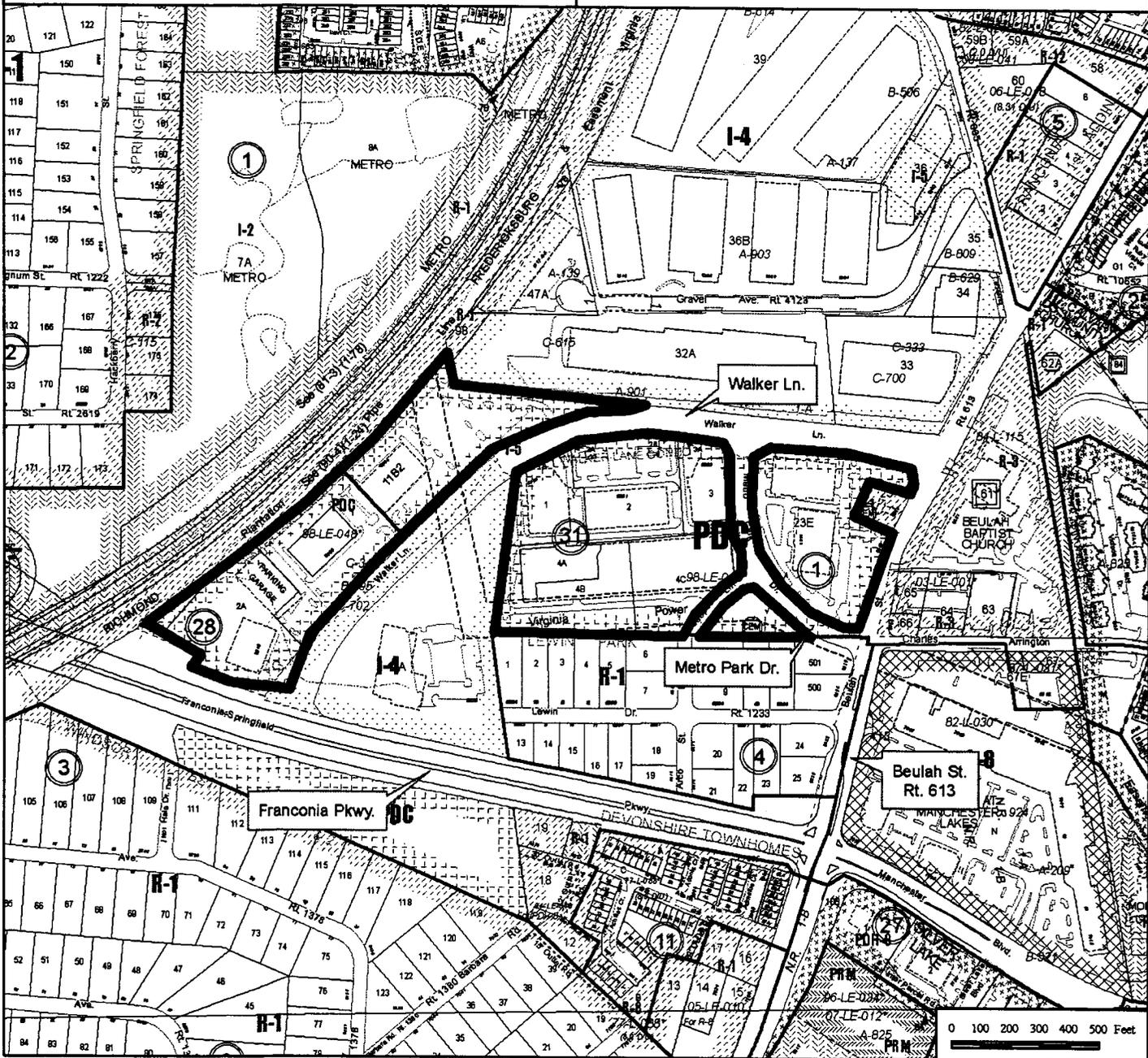
**FDPA 1998-LE-048-01-03**

Applicant: CSHV METRO PARK LLC  
 Accepted: 10/27/2009  
 Proposed: AMEND RZ 1998-LE-048 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT INCREASE PROFFERED BUILDING HEIGHT  
 Area: 29.09 AC OF LAND; DISTRICT - LEE  
 Located: SOUTHEAST AND SOUTHWEST QUADRANT OF WALKER LANE AND WEST SIDE OF WALKER LANE  
 Zoning: PDC  
 Map Ref Num: 091-1- /01/ /0011B2 /01/ /0023E /28/ /0001 /28/ /0002A /31/ /0001 /31/ /0001A /31/ /0002 /31/ /0002A /31/ /0002B /31/ /0003 /31/ /0003A /31/ /0003B /31/ /0004A /31/ /0004B /31/ /0004C

# Proffered Condition Amendment

**PCA 1998-LE-048-03**

Applicant: CSHV METRO PARK LLC  
 Accepted: 10/27/2009  
 Proposed: AMEND RZ 1998-LE-048 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT INCREASE PROFFERED BUILDING HEIGHT  
 Area: 29.09 AC OF LAND; DISTRICT - LEE  
 Located: SOUTHEAST AND SOUTH WEST QUADRANT OF INTERSECTION OF WALKER LANE AND METRO DRIVE AND WEST SIDE OF WALKER LANE  
 Zoning: PDC  
 Map Ref Num: 091-1- /01/ /0011B2 /01/ /0023E /28/ /0001 /28/ /0002A /31/ /0001 /31/ /0001A /31/ /0002 /31/ /0002A /31/ /0002B /31/ /0003 /31/ /0003A /31/ /0003B /31/ /0004A /31/ /0004B /31/ /0004C



# METRO PARK

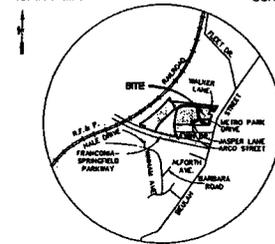
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

## CONCEPTUAL DEVELOPMENT PLAN AMENDMENT FINAL DEVELOPMENT PLAN AMENDMENT PROFFERED CONDITION AMENDMENT

FDPA 1998-LE-048-1-3 / PCA 1998-LE-048-3

DECEMBER 11, 2009

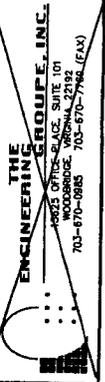
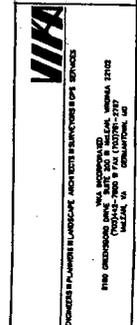
VICINITY MAP SCALE 1" = 2000'



APPLICANT:  
CSHV METRO PARK LLC  
c/o CLARION PARTNERS LLC  
601 13<sup>th</sup> STREET, NW  
SUITE 700 N  
WASHINGTON, DC 20005

### SHEET INDEX:

1. COVER SHEET
2. NOTES AND TABULATIONS
- 3A. PROFFERED CONDITION AMENDMENT CDPA/FDPA
- 3B. PORTION OF CONCEPTUAL DEVELOPMENT PLAN AMENDMENT/FINAL DEVELOPMENT PLAN AMENDMENT AFFECTED BY THIS APPLICATION
4. BUFFER AREA DETAILS
5. EXISTING VEGETATION MAP
6. CROSS SECTIONS
7. PEDESTRIAN CIRCULATION PLAN
8. REGIONAL PEDESTRIAN TRAIL



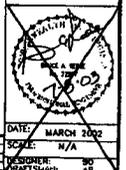
COUNTY	FAIRFAX
DISTRICT	LEE
DATE	

COVER SHEET  
METRO PARK  
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA



SHEET 1 OF 8

ENGINEERING GROUP	PROJECT STATUS	DATE	MARCH 2002
CLARION PARTNERS LLC		SCALE	N/A
EDWARD J. EMACO		DRAWN BY	SC
		CHECKED BY	SC







SUBJECT OF CONCEPTUAL/  
FINAL DEVELOPMENT PLAN  
AMENDMENT

EXISTING WAREHOUSES

SUBJECT OF CONCEPTUAL/  
FINAL DEVELOPMENT PLAN  
AMENDMENT



THE  
ENGINEERING  
CORPORATE, INC.  
101  
WILSON ROAD  
WILSON, VIRGINIA 22199  
703-670-0985 703-670-7768 (FAX)

METRO  
STATION

EXISTING RAILROAD TRACKS

FIGURE INTERPANEL ACCESS TO  
INDUSTRIAL PROPERTY (BY OTHERS)

EXISTING WAREHOUSE  
PG. 001

EXISTING SMALL  
BAPTIST CHURCH

CHURCH  
USE

NOT INCLUDED IN APPLICATION

EXISTING SINGLE FAMILY DETACHED RESIDENTIAL

SHOPPING CENTER  
EXISTING WALDMAN'S  
LAWN STORE

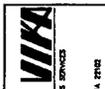
**LEGEND:**

- EXISTING SANITARY SEWER
- PROPOSED SANITARY SEWER
- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- PROPOSED SHADE/STREET TREES
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE
- PROPOSED SIDEWALKS
- PROPOSED LIMITS OF CLEARING AND GRADING
- POSSIBLE TREE SAVE

EXISTING SINGLE FAMILY  
DETACHED RESIDENTIAL

EXISTING TOWNHOUSE  
RESIDENTIAL

**NOTE:**  
1. THE STREETScape ALONG WALKER LANE WILL BE  
CONSISTENT WITH PROFFER #11.



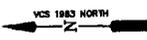
WFA ENGINEERING GROUP, INC.  
101 WILSON ROAD  
WILSON, VIRGINIA 22199  
703-670-0985 703-670-7768 (FAX)

PROFFER CONDITION AMENDMENT CDPA/FDPA  
METRO PARK

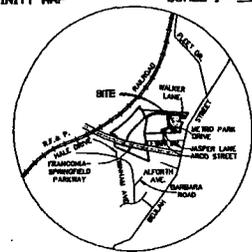
LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA



**SHEET 3A OF 8**  
ENGINEERING GROUP PROJECT STATUS DATE: JULY 2009  
PROFFER #11 CDPA/FDPA PROJECT NO. SCALE: 1" = 100'  
PROJECT NO. 09-001-001-001 SHEET NO. 3A



VICINITY MAP SCALE 1" = 2,000'



**VIVA**  
 ENGINEERS & PLANNERS & LANDSCAPE ARCHITECTS & SURVEYORS & GPS SERVICES  
 VIVA INCORPORATED  
 8140 GREENBUSH DRIVE SUITE 200 W BUCKLE, VIRGINIA 22102  
 (703)442-7800 IN FAX (703)781-2187  
 WILHELM, VA GERMANTOWN, MD

**PLANT KEY**

LARGE DECIDUOUS TREES	
EVERGREEN TREES	

**NOTES**  
 1. TREES ARE TO BE PLANTED A MINIMUM OF 5' FROM UTILITY EASEMENTS.  
 2. THE STREETSCAPE ALONG WALKER LANE SHALL BE CONSISTENT WITH PROFFER #11.

**INTERIOR PARKING LOT LANDSCAPING**

AREA OF PARKING LOT	114,500 S.F.
LANDSCAPE REQUIRED: (840)	8,750 S.F.
LANDSCAPE PROVIDED:	8,000 S.F.

**PERIPHERAL PARKING LOT LANDSCAPING**  
 ADJUSTING FRONT-OF-WAY (200' LINEAR FT.)

LANDSCAPE REQUIRED: (1 TREE PER EACH 40 FT.)	30 TREES
LANDSCAPE PROVIDED:	33 TREES

**TREE COVER CALCULATIONS**

GROSS SITE AREA:	218,107 S.F.
BUILDING AREA:	28,800 S.F.
ADJUSTED SITE AREA:	189,307 S.F.
TREE COVER REQUIRED (10%):	18,931 S.F.
TREE COVER PROVIDED:	20,000 S.F.

**SITE TABULATION**

EXISTING ZONE:	POC
GROSS SITE AREA:	803 AC.
USE:	OFFICE, CHILD CARE, MUSEUM
MAXIMUM BUILDING HEIGHT PROPOSED:	72 FT
OPEN SPACE REQUIRED (100)	32,868 SF
OPEN SPACE PROVIDED (140)	32,868 SF

**PARKING TABULATION AS OFFICE AND DAY CARE**

PARKING REQUIRED:	246 SPACES
OFFICE 2.5 SPACES PER 1000 OF A (MAX. OF 110,000 GFA)	246 SPACES
CHILD CARE (500 CHILDREN) 0.54 SPACES (MAX. OF 10,000 GFA)	2 SPACES
EXISTING MUSEUM (SCHOOLHOUSE)	2 SPACES
TOTAL PARKING REQUIRED:	250 SPACES
TOTAL PARKING PROVIDED:	246 SPACES
LOADING REQUIRED:	8 SPACES
OFFICE:	1 SPACE
1 SPACE PER MAJOR FRACTION OF 20,000 GFA THEREAFTER	1 SPACE
LOADING PROVIDED: (20-11-200-10)	8 SPACES

**PARKING TABULATION AS ALL OFFICE**

PARKING REQUIRED:	242 SPACES
OFFICE 2.5 SPACES PER 1000 OF A (MAX. OF 110,000 GFA)	242 SPACES
EXISTING MUSEUM (SCHOOLHOUSE)	2 SPACES
TOTAL PARKING REQUIRED:	244 SPACES
TOTAL PARKING PROVIDED:	246 SPACES
LOADING REQUIRED:	8 SPACES
OFFICE:	1 SPACE
1 SPACE PER MAJOR FRACTION OF 20,000 GFA THEREAFTER	1 SPACE
LOADING PROVIDED: (20-11-200-10)	8 SPACES

**SECURITY CAPITOL INDUSTRIAL TRUST**  
 ZONED: I-4  
 USE: WAREHOUSE

**SECURITY CAPITOL INDUSTRIAL TRUST**  
 ZONED: I-4  
 USE: WAREHOUSE

**BEULAH BAPTIST CHURCH**  
 ZONE: R-3  
 USE: CHURCH  
 LOT 61

**CALVARY BAPTIST CHURCH**  
 ZONE: R-3  
 USE: CHURCH  
 LOT 56

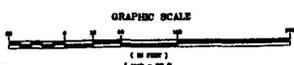
**LAUREL GROVE BAPTIST CHURCH**  
 ZONE: R-3  
 USE: CHURCH  
 LOT 55

**LEWIN PARK**  
 ZONED: R-1  
 USE: RESIDENTIAL  
 12 ACRE

PHASE 5  
 SIX STORY OFFICE BUILDING W/CELLAR  
 100'S WALKER LANE

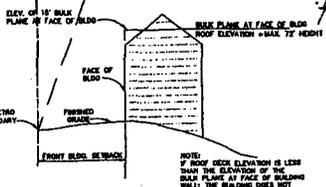
**LINE BEARING DISTANCE**

L1	N 81°27'00"	6	37.54'
L2	S 23°52'00"	W	26.58'
L3	S 76°52'00"	E	5.00'
L4	S 08°17'00"	W	77.25'
L5	N 75°10'00"	W	1.82'



**CHORD TABLE**

CHORD	BEARING	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
01	789°28'	171.50'	170.84'	S 78°24'10" E	130°02'
02	144°41'	140.72'	139.11'	S 10°47'16" W	03°04'49"



**PRIVACY FENCE SECTION**  
 NOT TO SCALE

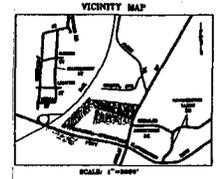
**ENGINEERING GROUP'S PROJECT STATUS**

PRELIMINARY DESIGN	CONCEPTUAL DESIGN	FINAL DESIGN	CONSTRUCTION

**THE ENGINEERING GROUP, INC.**  
 10000 WOODBRIDGE, VIRGINIA 22152  
 703-670-0885 703-670-7768 (FAX)

PORTION OF CONCEPTUAL DEVELOPMENT PLAN AMENDMENT/  
 FINAL DEVELOPMENT PLAN AFFECTED BY THIS APPLICATION  
 CONCEPTUAL DEVELOPMENT PLAN AMENDMENT/ FINAL DEVELOPMENT PLAN AMENDMENT  
**METRO PARK**  
 122 DISTRICT  
 FAIRFAX COUNTY, VIRGINIA

DATE: MARCH 2002  
 SCALE: 1" = 50'  
 DRAWN BY: SCS  
 CHECKED BY: SCS

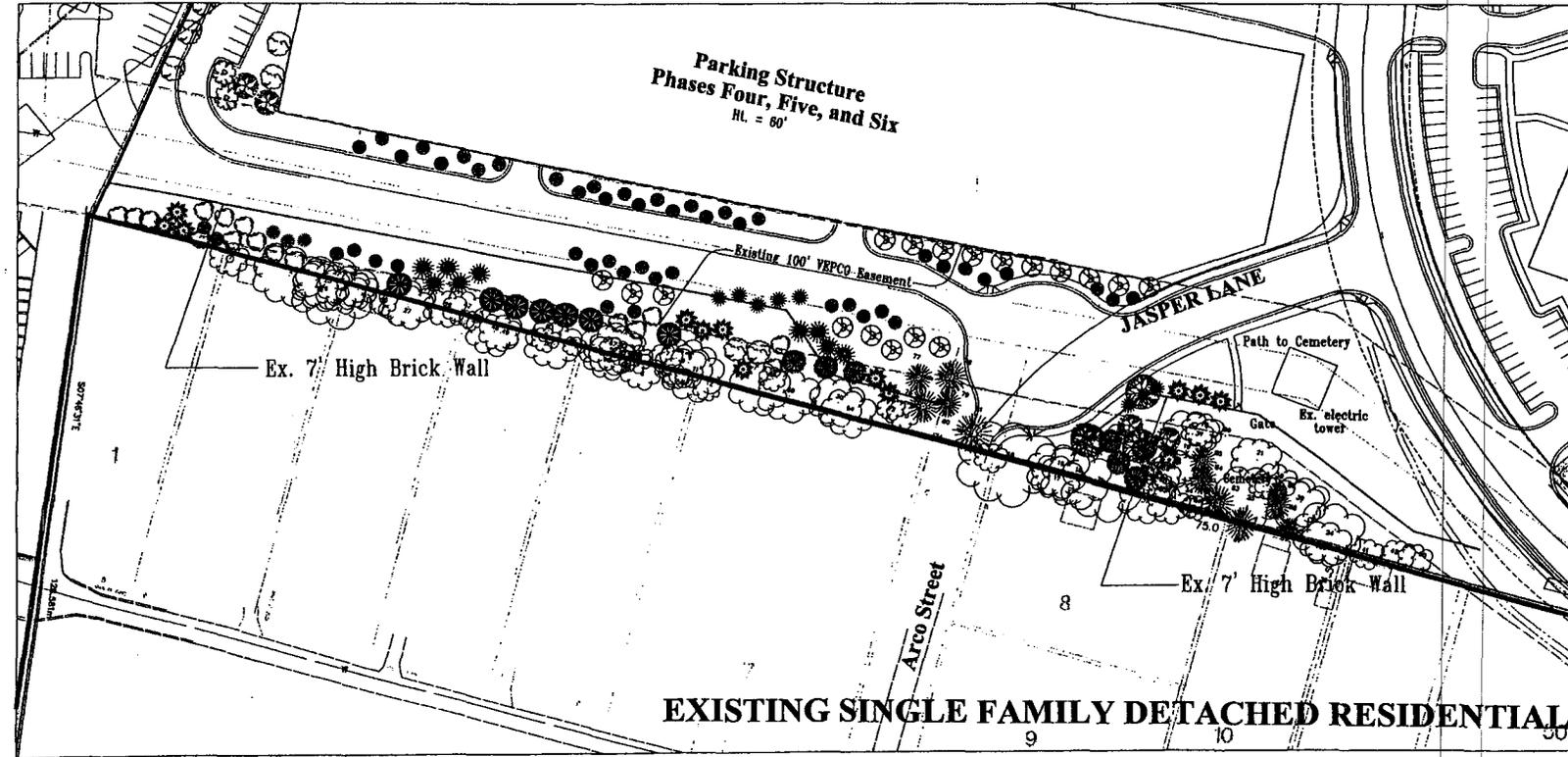


**THE ENGINEERING GROUP, INC.**  
 1825 OFFICE BLVD, SUITE 101  
 WOODBRIDGE, VIRGINIA 22192  
 703-670-0885 703-670-7966 (fax)

**VISA**  
 ENGINEERING GROUP, INC. PROJECTS & SERVICES  
 1825 OFFICE BLVD, SUITE 101  
 WOODBRIDGE, VIRGINIA 22192  
 703-670-0885 703-670-7966 (fax)

DATE	
COUNTY RECORDS	

BUFFER AREA DETAILS  
**METRO PARK**  
 LEEK DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



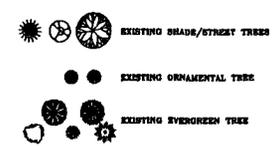
**EXISTING SINGLE FAMILY DETACHED RESIDENTIAL**

**TREE TABLE**

1 8" OAK	17 15" OAK	33 10" CHERRY	49 18" MAPLE	65 6" LOCUST	81 8" PINE
2 30" OAK	18 24" OAK	34 10" CHERRY	50 15" MAPLE	66 10" LOCUST	82 15" CEDAR
3 30" OAK	19 8" OAK	35 8" CHERRY	51 15" MAPLE	67 18" ELM	83 15" CEDAR
4 12" OAK	20 6" OAK	36 10" CHERRY	52 6" MAPLE	68 12" ELM	84 12" CEDAR
5 15" OAK	21 18" OAK	37 6" CHERRY	53 6" MAPLE	69 15" POPLAR	85 12" CEDAR
6 10" OAK	22 8" OAK	38 12" CHERRY	54 18" MAPLE	70 6" POPLAR	86 8" CEDAR
7 8" OAK	23 15" OAK	39 24" CHERRY	55 8" HOLLY	71 24" POPLAR	87 15" CEDAR
8 12" OAK	24 30" OAK	40 24" CHERRY	56 6" HOLLY	72 6" GUM	88 15" CEDAR
9 15" OAK	25 24" CHERRY	41 10" CHERRY	57 6" HOLLY	73 6" GUM	89 15" CEDAR
10 8" OAK	26 20" CHERRY	42 10" CHERRY	58 6" HOLLY	74 8" GUM	90 8" ASH
11 18" OAK	27 27" CHERRY	43 12" APPLE	59 8" HOLLY	75 10" GUM	
12 8" OAK	28 15" CHERRY	44 8" MAPLE	60 6" HOLLY	76 8" PINE	
13 18" OAK	29 6" CHERRY	45 8" MAPLE	61 15" HOLLY	77 6" PINE	
14 6" OAK	30 18" CHERRY	46 18" MAPLE	62 8" HOLLY	78 8" PINE	
15 48" OAK	31 20" CHERRY	47 18" MAPLE	63 6" LOCUST	79 6" PINE	
16 20" OAK	32 12" CHERRY	48 15" MAPLE	64 8" LOCUST	80 6" PINE	

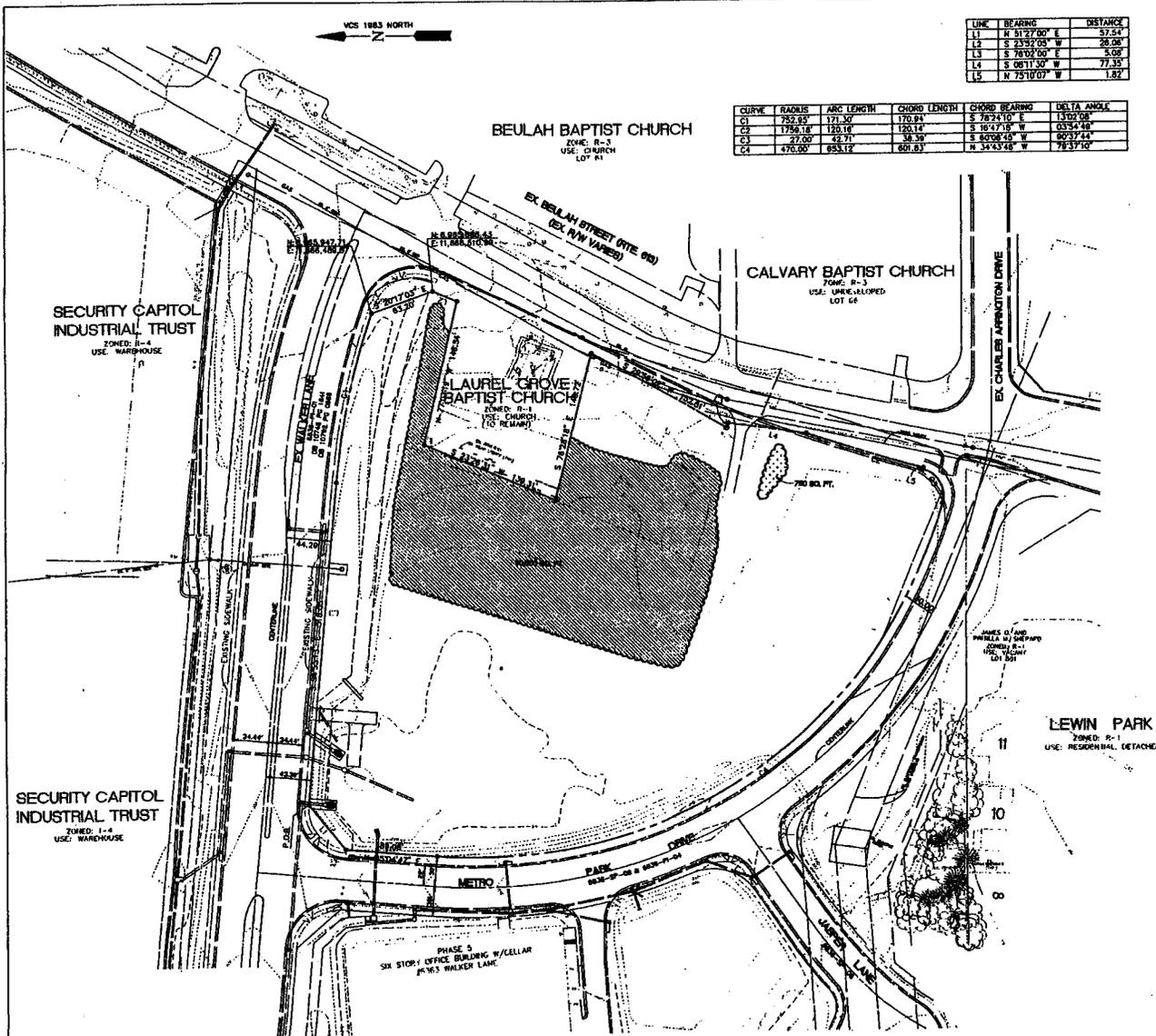
Note: All trees with the exception of #78, #79, & #81 will be saved

**LEGEND:**



**SHEET 4 OF 8**

DATE: JULY 2002	SCALE: 1" = 50'
PROJECT: METRO PARK	DRAWN BY: SM
DESIGNED BY: SM	CHECKED BY: SM
PROJECT NO. P-048	SHEET 4 OF 8



LINE	BEARING	DISTANCE
L1	N 51°27'00" E	57.54'
L2	S 23°52'00" W	28.58'
L3	S 78°02'00" E	5.00'
L4	S 08°11'50" W	77.35'
L5	N 75°10'07" W	1.82'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	782.85'	171.30'	170.94'	S 78°24'10" E	15.02°00'
C2	1756.18'	123.14'	123.14'	S 89°47'15" W	03°54'48"
C3	27.00'	42.71'	38.39'	S 82°08'45" W	80°37'44"
C4	470.00'	853.12'	601.83'	N 34°43'48" W	78°37'50"

**VIVA**  
 CONSULTING ENGINEERS & ARCHITECTS  
 6116 BRIDGEWOOD DRIVE, SUITE 200, WOODBRIDGE, VIRGINIA 22192  
 (703) 470-0985

**THE ENGINEERING GROUP, INC.**  
 4805 OFFICE BLVD, SUITE 101  
 WOODBRIDGE, VIRGINIA 22192  
 703-470-0985

**LEGEND**

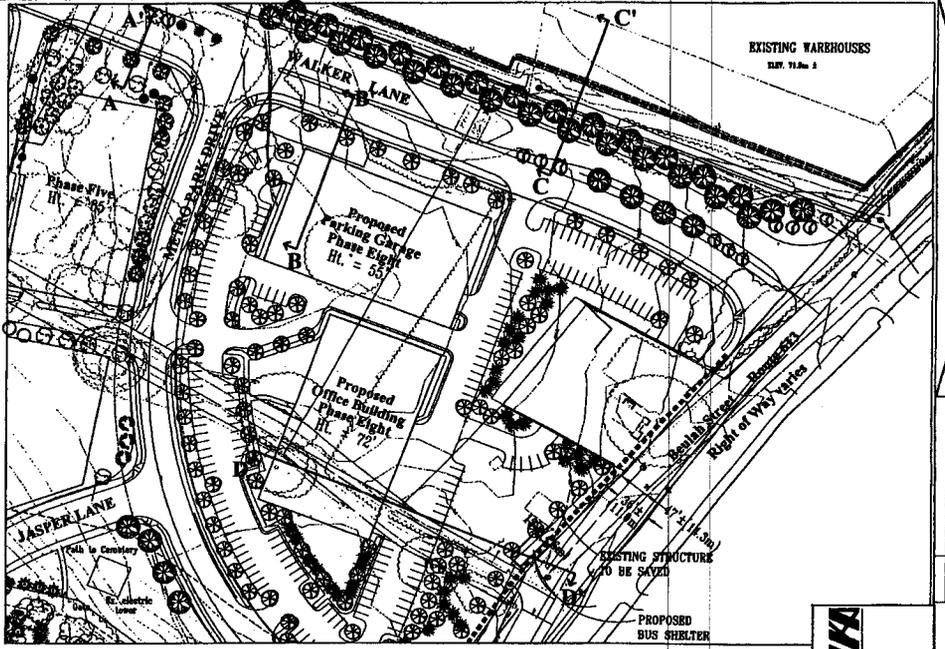
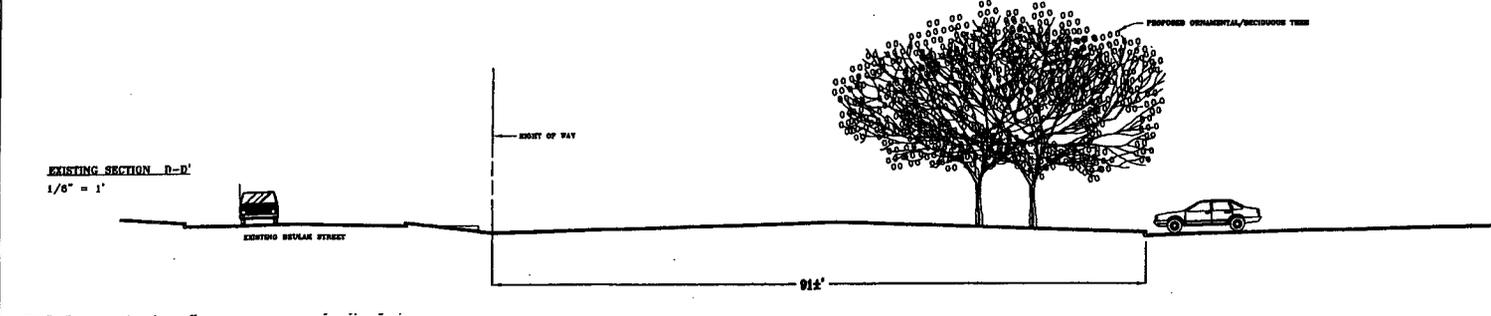
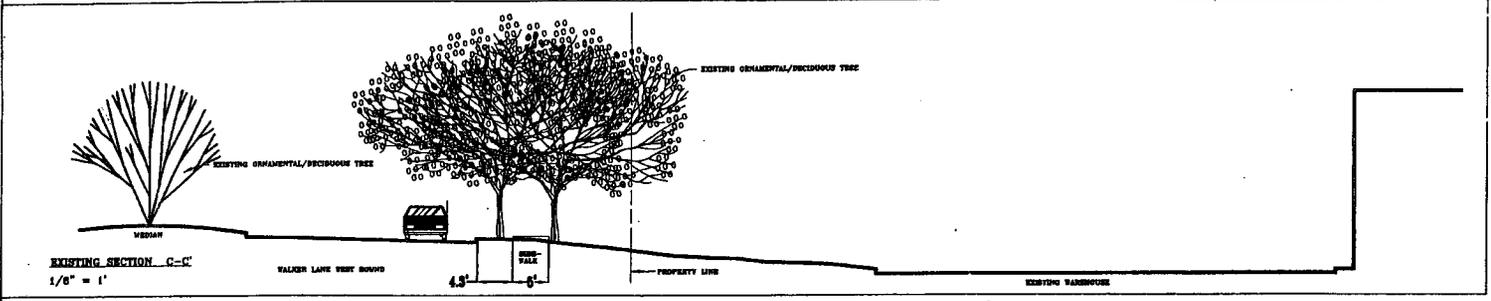
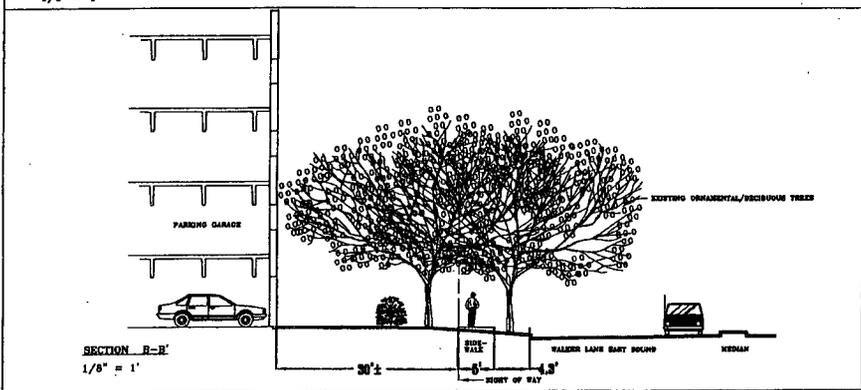
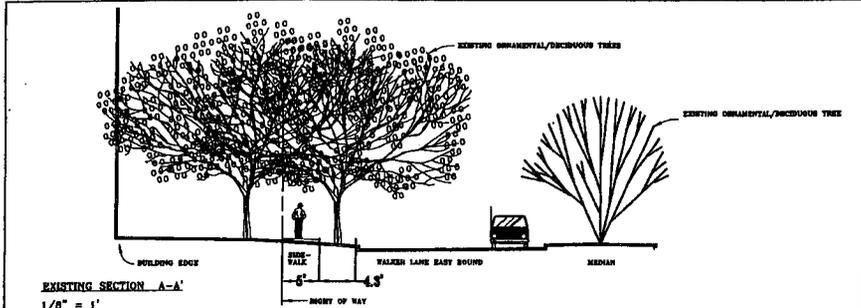
- OPEN FIELD
- UPLAND FOREST (PRIMARILY OAKS, GOOD CONDITION)
- OLD FIELD (LOCUST, GOOD CONDITION)

EXISTING VEGETATION MAP  
**METRO PARK**  
 LEE DISTRICT  
 FAIRFAX COUNTY, VIRGINIA



**SHEET 5 OF 8**

ENGINEERING GROUP	PROJECT STATUS	DATE
LEE DISTRICT <td>EXISTING VEGETATION MAP</td> <td>JULY 2002</td>	EXISTING VEGETATION MAP	JULY 2002
SCALE	1" = 50'	
DESIGNER	SC	
CHECKER	SC	



**THE ENGINEERING GROUPE, INC.**  
1003 COTTS PLACE, SUITE 101  
WOODBRIDGE, VIRGINIA 22192  
703-670-0885 703-670-7769 (FAX)

COUNTY	REVISIONS
DATE	

**VIVA**  
DESIGNED BY BLANCKE BLANCKE ARCHITECTS & ASSOCIATES, INC. FOR E&E SERVICES

NOT RECORDED  
RECORD NUMBERING DATE: JULY 2002 BY: J. M. HALL, NCEM, NCEM 2002  
(FALLS CHURCH, VA)

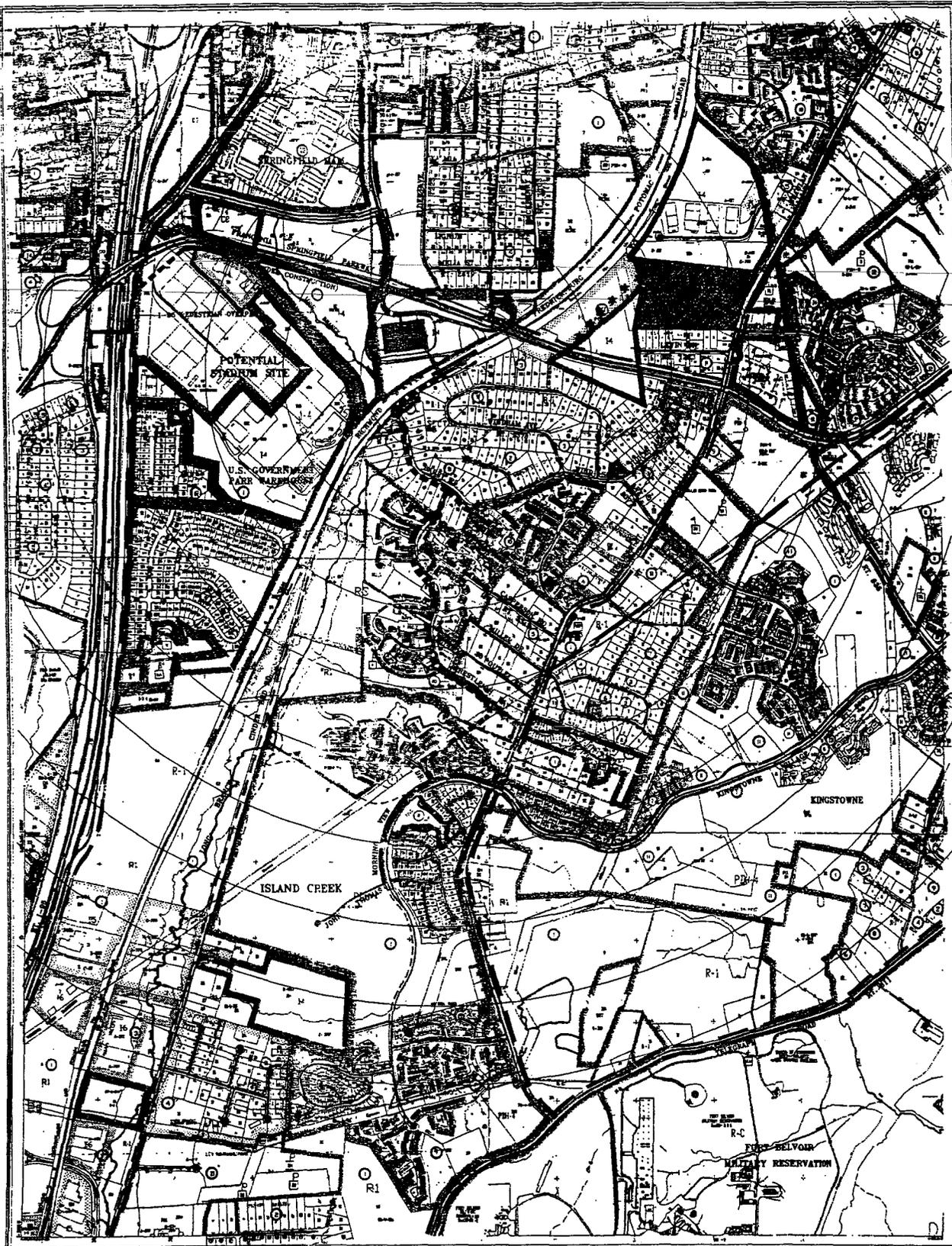
**CROSS SECTIONS**  
**METRO PARK**  
12E DISTRICT  
FAREFAX COUNTY, VIRGINIA



**SHEET 6 OF 8**

ENGINEERING GROUPE PROJECT STATUS	DATE: JULY 2002
DESIGNED BY: ADDRESS COUNTY COMMENTS	SCALE: AS SHOWN
DRAWN BY: ADDRESS COUNTY COMMENTS	DESIGNED BY: ADDRESS COUNTY COMMENTS
CHECKED BY: ADDRESS COUNTY COMMENTS	DATE/TIME: 5/14/02
IN CHARGE BY: ADDRESS COUNTY COMMENTS	FILE NO. P-048
REVISIONS BY: ADDRESS COUNTY COMMENTS	SHEET NO. 6 OF 8





**THE ENGINEERING GROUPE, INC.**  
 143626 OFFICE PLACE, SUITE 101  
 WOODBRIDGE, VIRGINIA 22192  
 703-670-0985 (FAX) 703-670-7769

**FOR INFORMATION ONLY**  
**REGIONAL PEDESTRIAN TRAIL ACCESS**  
 TO  
**FRANCONIA-SPRINGFIELD TRANSPORTATION CENTER**  
 AND  
**SURROUNDING COMMUNITIES**

NOTE: BASE DATA COMPILED FROM FAIRFAX COUNTY TAX & ZONING MAPS, DATED 1994.  
**VIA**  
 ENGINEERS & PLANNERS & LANDSCAPE ARCHITECTS & SURVEYORS & GPS SERVICES

**LEGEND**

- FRANCONIA-SPRINGFIELD TRANSPORTATION CENTER (METRO, VEE, BUS)
- EXISTING VEHICULAR ROUTE
- EXISTING MASS TRANSIT ROUTE (RAIL)
- PLANNED BICYCLE/TYPE 1 (ASPHALT TRAIL) AS DEPICTED ON THE FAIRFAX COUNTY TRAILS PLAN DATED 1983-1994.
- CONSTRUCTED BICYCLE/TYPE 1 (ASPHALT TRAIL) PER THE FAIRFAX COUNTY TRAILS PLAN DATED 1983-1994.
- BICYCLE/TYPE 1 (ASPHALT TRAIL) UNDER CONSTRUCTION (2001)
- PLANNED PEDESTRIAN TRAIL AS DEPICTED ON THE FAIRFAX COUNTY TRAILS PLAN DATED 1983-1994.
- EXISTING CEMENT / CONCRETE SIDEWALK (GOOD CONDITION)
- PROPOSED CEMENT / CONCRETE SIDEWALK
- PROPOSED PEDESTRIAN TRAIL ALIGNMENT LINKING THE ISLAND CREEK COMMUNITY AND OTHER NEIGHBORHOODS WITH THE FRANCONIA-SPRINGFIELD TRANSPORTATION CENTER (APPROX. 1.25 MILES)
- PROPOSED MAJOR TRAIL IMPROVEMENTS TO BE CONSTRUCTED AT ISLAND CREEK.
- PROPOSED MAJOR TRAIL IMPROVEMENTS COMPLETED AT THE ISLAND CREEK COMMUNITY
- ADDITIONAL PLANNED PEDESTRIAN TRAILS

SHEET 3 OF 8

REDUCTION COPIES NOT TO SCALE

DATE: SEPTEMBER 27, 1995

**D** **Surveyors & Engineers**

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

**DESCRIPTION OF THE APPLICATION**

The application property is a 29.09 acre portion of the 37.17 acres of land located within the northwest quadrant of the intersection of the Franconia-Springfield Parkway and Beulah Street (exclusive of the Inova property and the Lewin subdivision) originally rezoned to the PDC District pursuant to RZ 1998-LE-048. The current application property includes the areas that have not been dedicated as parkland (located on the south side of the Franconia-Springfield Parkway) and as rights-of-way (Walker Lane, Metro Park Drive and Jasper Lane and areas along Beulah Street).

The applicant, CSHV Metro Park LLC, is requesting approval of a proffered condition amendment (PCA) and final development plan amendment (FDPA) to permit an increase in the proffered building height of Building 6 (located in the center of the office park) from 145 feet to 165 feet. In accordance with Proffer # 12, which was accepted by the Board of Supervisors pursuant to the approval of PCA 1998-LE-048-2, Building 6 may not exceed the height shown on the combined CDP/FDP, which is 145 feet. In an attempt to obtain LEED Platinum certification, the applicant desires to install a photovoltaic (PV) array (solar panels) upon a metal support grid that extends above the main structure by 20 feet thereby necessitating an increase to the building height up to 165 feet. No other changes are proposed within the remainder of Metro Park.

A reduced copy of the proposed combined Conceptual/Final Development Plan Amendment (CDPA/FDPA) is included in the front of this report. The applicant's draft proffers are included as Appendix 1. The applicant's affidavit is Appendix 2, and the applicant's statement of justification is included as Appendix 3.

All applications that propose to establish or amend an established P-District are subject to the general and district standards found in Part 1 of Article 16, Development Plans among other provisions of the Zoning Ordinance. The relevant standards are contained in the Excerpts from the Zoning Ordinance found in Appendix 14.

**LOCATION AND CHARACTER**

**Site Description:**

The 29.09-acre application property is zoned PDC and located within the northwestern quadrant of the intersections of the Franconia-Springfield Parkway and Beulah Street (exclusive of the Inova property and the Lewin subdivision) in the Lee District. It is east of the CSX railroad tracks and Metrorail tracks that cross the Parkway from north to south. The eastern boundary is formed by Beulah Street.

The site is developed with five (5) office buildings (Buildings 2, 3, 4, 5 and 8) which are currently occupied. Buildings 6 and 7 are yet to be constructed. Access to the development is provided via three access points, including two from Beulah Street and one from the Franconia-Springfield Parkway. One of the access points from Beulah Street is provided via Walker Lane. Walker Lane intersects Beulah Street, opposite the Beulah Road Baptist Church and continues through Metro Park and turns south to intersect the Franconia-Springfield Parkway. The second access point from Beulah Street is provided via Metro Park Drive, which turns north to intersect with Walker Lane.

There is parking available throughout the site, consisting of three (3) parking structures, surface parking and ground level parking (Buildings 2 and 3). Two parking structures have been built, one in the easternmost portion of the site for Building 8 and the other in the central portion of the site for Buildings 4, 5 and 6. A third parking structure will be built in the western portion of the site for Building 7.

The parking garage for Buildings 4, 5 and 6 is located at the rear of Building 6. Surface parking is also provided at the front of the building. Some minor modifications were previously approved which include a revised footprint for Building 6, the removal of 63 surface parking spaces and the replacement of those spaces with landscaped open space and pedestrian trails. These modifications are now reflected on the CDPA/FDPA.

The surrounding uses are as follows:

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Wholesale and Warehousing (VF III-Fleet)	I-4	Industrial
South	Single-family Detached (Lewin Park, Windsor Estates <sup>1</sup> )	R-1	Residential, 1-2 du/ac
	Medical Care Facility [Inova Healthcare Services (South of Parcel 91-1 ((1)) 11B2)]	I-4	Alternative Uses
	Parkland dedicated pursuant to the Metro Park Proffers <sup>1</sup>	PDC	Alternative Uses
East	Laurel Grove Baptist Church	R-1	Alternative Uses
	Beulah Baptist Church & Vacant Land <sup>2</sup>	R-3	Public Facilities
	Medical Care Facility [Inova Healthcare Services (East of Parcels 91-1 ((28)) 2A, 11B2)]	I-4	Alternative Uses

SURROUNDING AREA DESCRIPTION			
West	Medical Care Facility [Inova Healthcare Services (West of Parcels 91-1 ((31)) 1 – 4C)]	I-4	Alternative Uses
	RFP Railroad and Metro	R-1	Railroad Tracks and Public Facilities

\*1. Located across the Franconia-Springfield Parkway

\*2. Located across Beulah Street

## BACKGROUND

On August 2, 1999, RZ 1998-LE-048 and the associated Conceptual Development Plan (CDP) was approved by the Board of Supervisors (BOS), to rezone 37.17 acres of land to the Planned Development Commercial (PDC), subject to proffers to permit a mixed-use development with office, retail, hotel/retail and a freestanding child care center. The intensity of Metro Park was approved at a FAR of 0.62 as calculated on 40.88 acres, which included the portions of Walker Lane that had been previously dedicated to the County subject to the reservation of density credit. The Planning Commission also approved the associated Final Development Plan, FDP 1998-LE-048.

Subsequently, on February 1, 2001, PCA 1998-LE-048/FDPA 1998-LE-048 was approved on 1.66 acres of land, located in the western end portion of Metro Park (and immediately north of the Franconia-Springfield Parkway). This approval increased the height of the office building then identified as "North Office Building A" from fifty (50) feet to fifty-five (55) feet. The height increase did not change the gross floor area (GFA) which remained 78,000 square feet. This building is now identified as Phase Seven.

On September 15, 2003, PCA 1998-LE-048-2 was approved by the Board of Supervisors, subject to proffers, on 29.23 acres of land to consolidate the previously approved hotel/retail building and freestanding child care center, located in the easternmost portion of the site, into the Phase Eight building. This new building will contain both office use and a child care center.

The property was also subject to FDPA 1998-LE-048-1-2, which was approved by the Planning Commission on July 24, 2003, subject to the Board of Supervisors approval of PCA 1998-LE-048-2.

On October 16, 2009, a proffer interpretation letter was issued by the Director of the Zoning Evaluation Division that determined a revised footprint for Building 6, the removal of 63 surface parking spaces in front of Building 6 and the replacement of those spaces with landscaped open space and pedestrian trails would be in

substantial conformance with the proffers and CDPA accepted by the Board of Supervisors, in conjunction with the approval of RZ 1998-LE-048, PCA 1998-LE-048-2 and FDPA 1998-LE-048-1-2.

On November 18, 2009, Comprehensive Sign Plan CSP 1998-LE-048 was approved by the Planning Commission to permit signage for the office development to comply with a proffer commitment under RZ/FDP 1998-LE-048.

**COMPREHENSIVE PLAN PROVISIONS:**

- Plan Area:** Area IV
- Planning District:** Springfield
- Planning Sector:** S-9 Beulah Community Planning Sector
- Plan Map:** Residential; 1-2 du/ac

Fairfax County Comprehensive Plan, 2007 Edition Area IV, Springfield Planning District, Amended through 1-26-2009, S-9 Beulah Community Planning Sector, Pages 94 – 99 state:

- 1. The area of approximately 64 acres generally located in the northwest quadrant of Franconia-Springfield Parkway and Beulah Street consists of an older residential neighborhood and land zoned for industrial use (I-4 and I-5). Access to the industrial area is available only through the residential neighborhood due to a limited access easement along the Franconia-Springfield Parkway. This area is located in close proximity to the Joe Alexander Transportation Center. Given the unique characteristics of the site, additional planning objectives for this area are to resolve the issue of land use compatibility and promote transit oriented development at this location. The area is divided into Land Units A, B, and C as depicted on Figure 47.*

**LAND UNIT B**

*The area north of Lewin Park, west of Beulah Street, and south of the industrial uses along Gravel Avenue is planned for residential use at 3-4 dwelling units per acre at the baseline. If consolidation of all parcels occurs, office or hotel use up to .25 FAR may be appropriate if a buffer, at least 25 feet in width, and a 7-foot brick wall are provided to assist in creating a transition to the residential community to the south. The buffer should contain evergreen trees to provide year round screening.*

**OPTION FOR LAND UNITS A & B**

*As an option, office with support retail uses up to .55 FAR and up to 110,000 gross square feet total for office with an option for a child care center may be appropriate, if at least 15 acres of Land Unit A and all of Land Unit B are consolidated to create a mix of uses on the site and provide a transition to development along Beulah Street. To assist in creating the transition, the office and child care uses are envisioned to be located in the eastern portion of Land Unit B near Beulah Street. In addition, the following conditions should be met:*

**Land Use/Design**

- The development features a coordinated plan under a single application or concurrent applications which provides for high quality and coordinated architecture, streetscape treatment, and signage; efficient, internal vehicular circulation; efficient vehicular access; and usable open space such as urban parks and/or plazas;*
- The development demonstrates transit orientation by locating buildings close to the Joe Alexander Transportation Center, by minimizing front yard setbacks along the internal roadway system, and by providing a pedestrian circulation system that interconnects buildings, parking lots and bus shelters, and provides a pedestrian link to the Franconia-Springfield Parkway trail;*
- Building height is a maximum of 12 stories, tapering down to a maximum of approximately 60 feet for structures set back 150 feet from Beulah Street and a maximum of 40 feet for structures closer than 150 feet to Beulah Street;*
- Retail uses are limited to support uses, such as dry cleaners and restaurants, that are functionally integrated within other buildings;*
- The portion of Land Unit A located south of the Franconia-Springfield Parkway is dedicated to the County for open space. The development potential may be transferred to the area north of the Parkway;*
- Until such time as Land Unit C redevelops with non-residential uses, a minimum 25-foot vegetated buffer and a 7-foot brick wall are provided to assist in creating a transition to the existing residential community. The buffer should contain evergreen trees to provide year round screening. See additional text under "Transportation/Access" for guidance pertaining to the possible conversion of the buffer to a road under certain conditions;*
- Parking structures are well landscaped with trees and shrubs in order to provide a buffer to the surrounding office and hotel uses and Lewin Park;*
- The existing family cemetery should be preserved and access provided;*

- *Site lighting is located, directed, and designed to reduce glare and minimize impact onto the adjacent residential property;*
- *Access from the Parkway for emergency vehicles associated with an urgent care facility and a shuttle bus linking the Metro Station, and a right-in/right-out vehicular connection from Land Unit A to the Parkway may be appropriate provided that such are approved by the Commonwealth Transportation Board and reviewed by the Fairfax County Department of Transportation;*
- *Shuttle bus service and pedestrian access are provided to the Joe Alexander Transportation Center with the initial phase of development;*
- *Provision should be made to accommodate a future connection for pedestrian and shuttle bus access to the Joe Alexander Transportation Center from a point within Land Unit A via a bridge over the CSX and Metrorail tracks;*
- *To encourage transit use, the amount of parking should be minimized to the extent feasible;*
- *Access is provided from Land Unit C through Land Unit B to Beulah Street;*
- *If Land Unit C has redeveloped for non-residential use, a road to serve the redeveloped area should be provided in lieu of the 25-foot buffer, which is planned to be located north of Land Unit C. However, in the event that 760,000 gross square feet of the approved development in Land Units A (excluding Parcel 11A) and B occur prior to the redevelopment of Land Unit C, this road should be constructed along the northern edge of the 25-foot buffer and the buffer area preserved; and*
- *A Transportation Demand Management Program (TDM) is put in place which encourages the use of the Joe Alexander Transportation Center as an alternative to single occupant vehicle commuting.*

## **ANALYSIS**

**Combined Conceptual/Final Development Plan Amendment** (Copy at front of staff report)

**Title of CDPA/FDPA:** MetroPark

**Prepared By:** Vika Incorporated

**Original and Revision Dates:** November 30, 2009 as revised through December 11, 2009

<b>Conceptual/Final Development Plan Amendment (Metro Park)</b>	
<b>Sheet #</b>	<b>Description of Sheet</b>
1 of 8	Cover Sheet with Vicinity Map
2 of 8	Notes and Tabulations
3A of 8	Proffered Condition Amendment
3B of 8	Portion of CDPA/FDPA Affected by this Application
4 of 8	Buffer Area Details
5 of 8	Existing Vegetation Map
6 of 8	Cross Sections
7 of 8	Pedestrian Circulation Plan within Metro Park
8 of 8	Regional Pedestrian Trail Access

There are no changes to the site layout on the revised CDPA/FDPA. However, this CDPA/FDPA now reflects minor modifications which were previously approved, including a revised footprint for Building 6, the removal of 63 surface parking spaces in front of Building 6 and the replacement of those spaces with landscaped open space and pedestrian trails. Finally, the proposed building height of 165 feet (from 145 feet) for Building 6 is depicted on the site tabulations (Sheet 2).

**Land Use Analysis**

Building Height

The primary purpose of the PCA and FDPA applications is to amend the proffers and the proffered combined Conceptual Development Plan/Final Development Plan (CDP/FDP) to permit an increase in the proffered building height of Building 6 from 145 feet to 165 feet. Specifically, in an attempt to obtain LEED Platinum certification, the applicant proposes to install a photovoltaic (PV) array (solar panels) upon a metal support grid that extends above the main structure by 20 feet.

It was determined by Zoning Administration Division, that the addition of the PV array on the roof of Building 6, would not qualify for structures excluded from the Zoning Ordinance maximum height regulations (Sect. 2-506), as the solar panels would occupy an area greater than twenty-five (25) percent of the total roof area. Section 2-506 of the Zoning Ordinance states:

1. *The height limitations of this Ordinance shall not apply to accessory structures or uses such as barns, silos, chimneys, spires, cupolas, gables, penthouses, scenery lofts, domes, flagpoles, purple martin birdhouses, flues, monuments, television antennas, water towers, water tanks, smoke-stacks, or other similar roof structures and mechanical appurtenances; provided, however:*
  - A. *No such structure when located on a building roof shall occupy an area greater than twenty-five (25) percent of the total roof area.*

As a result, the applicant has filed the PCA and FDPA applications to permit an increase in the proffered height of Building 6. The height increase would be just to allow the installation of the solar panels and staff finds that this increase will not adversely impact the surrounding developments. The Phase 6 Building is centrally located on site and is surrounded by three buildings (Buildings 4, 5 and a parking structure). The Phase 4 building is to the west, the Phase 5 building is to the east and the parking structure is to the south. As a result, the building does not have a direct impact on the building setbacks requirements. It is partially hidden by the surrounding buildings and parking structure on site. The proposed height increase is also in harmony with the Comprehensive Plan, because it would enable LEED Platinum Certification, which is in keeping with Objective 13 under the Environment Resources section of the Policy Plan (Appendix 16).

### **Environmental Analysis**

There are no environmental issues with this application. As noted, the approval of this application will enable the applicant to qualify for LEED Platinum Certification.

### **Transportation Analysis (Appendix 10)**

There are no transportation issues associated with this application.

### **Public Facilities Analysis**

The proposed increase in building height does not have any impact on public facilities.

**ZONING ORDINANCE PROVISIONS (See Appendix 15)**

<b>Bulk Standards (PDC Zoning)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Minimum District Size	Development > 100,000 SF Gross Floor Area (GFA)	1,075,270 SF (Gross Floor Area) GFA
Lot Width	No Requirement	N/A
Building Height	See Note <sup>1</sup>	145 to 165 feet (Building 6)
Front Yard	See Note <sup>2</sup>	N/A
Side Yard	See Note <sup>2</sup>	N/A
Rear Yard	See Note <sup>2</sup>	N/A
Floor Area Ratio (FAR)	0.62	0.60
Open Space	15%	35%
Parking Spaces	2,878 spaces (office), 2,880 spaces (office and child care)	3,478 spaces

1. Per Par. 1 of Sect. 6 - 208, building height is controlled by the provisions of Part 1 of Article 16, which provide General and Design Standards for the review of P -Districts.
2. Per Par. 2 of Sect. 6 - 208, yards are controlled by the provisions of Part 1 of Article 16, which provide General and Design Standards for the review of P-Districts.
3. This Floor Area Ratio is based on the 40.88 acres used to determine density at the time of the original rezoning, which included the 37.17 application property and 3.71 acres of density credit for land previously dedicated as the right-of-way for Walker Lane.

**Transitional Screening and Barriers**

Metro Park abuts Lewin Park, a single-family detached residential neighborhood in the R-3 District located to the south of the subject site. However, it should be noted that the area to be changed by this application does not abut Lewin Park. The transitional screening and barriers proffered at the time of the original approval are not proposed to be changed with this application. The buffering to the south includes a seven-foot tall brick wall supplemented by an evergreen buffer that is twenty-five feet in depth. The applicant is requesting that the previously approved modifications to the screening and barrier requirements along the southern boundary be reaffirmed. Staff concurs with this request. In addition, when a public street connection is provided to Arco Drive, the areas of Metro Park fronting on that roadway will become front yards. As such, a variance pursuant to the provisions of Par. 8 of Sect. 16-401 is required to allow the seven-foot tall wall to be located in a front yard. [A seven-foot tall wall is allowed in a rear or a side yard (Par. 3C of Sect. 10-104).] Staff has concluded that approval of this variance continues to be appropriate.

Along the eastern property line, where the site abuts the Laurel Grove Baptist Church, Barrier H, consisting of six-foot tall trees, fifty feet on center, is required. The landscaping shown on the CDPA/FDPA in this portion of the site exceeds this requirement. Transitional screening is not required where an office use abuts a church.

A twenty-five foot wide transitional screening yard (Yard 1) and a barrier are required between a child care center and an office building. As noted above, the child care center is to be located in the office building. Par. 1 of Sect. 13-304 allows a waiver of the transitional screening yard and barrier requirements when the uses are shown on a common development plan in the PDC District. Therefore, staff has concluded that these waivers are appropriate in this instance.

### **Other Zoning Ordinance Requirements:**

#### 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. The standards are contained in Appendix 15. Par. 1 of the Sect. 16-102 states that the proposed yards along the periphery of the P-District should generally conform with the most similar conventional zoning district, which in this instance is the C-3 District. As discussed earlier in the report, the Phase 6 Building is located in the center of the site and is surrounded on three sides. The Phase 4 building is to the west, the Phase 5 building is to the east and a parking garage is to the south of the Phase 6 Building. As a result, the building does not have a direct impact on the building setbacks requirements. It is partially hidden by the surrounding buildings and parking garage on site. Other standards which are related to open space, parking, and floor area ratio will not be impacted by this application and continue to be satisfied.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

This application proposes to amend the proffers and the proffered combined Conceptual Development Plan/Final Development Plan (CDP/FDP) to permit an increase in the proffered building height of the Phase 6 Building from 145 feet to 165 feet for the purposes of installing a photovoltaic (PV) array (solar panels) upon a metal support grid that extends above the main structure by 20 feet. Installation of these solar panels will assist the applicant in obtaining LEED Platinum certification. As such, staff finds that the proposal is in conformance with the Comprehensive Plan and the Zoning Ordinance.

Further, as noted in the discussion regarding the applicable Zoning Ordinance provisions, the application provides appropriate buffering to the adjacent uses and continues to meet the standards that are applicable to all P-Districts.

### **Staff Recommendations**

Staff recommends approval of PCA 1998-LE-048-3 subject to the execution of the draft proffers contained in Appendix 1 and approval of the Conceptual Development Plan Amendment.

Staff further recommends that the Final Development Plan Amendment be approved by the Planning Commission, subject to the Board of Supervisors' approval of PCA 1998-LE-048-3 and the Conceptual Development Plan Amendment.

Staff further recommends that the transitional screening and barrier requirements be modified along the southern and eastern boundaries and within Metro Park in favor of that shown on the Conceptual/Final Development Plan Amendment and referenced in the proffers.

Staff further recommends that the Board of Supervisors grant a variance pursuant to Sect. 16-401 of the Zoning Ordinance to allow a seven-foot tall wall in a front yard with regard to the proffered fence along the southern boundary.

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 Planning Commission.

### **APPENDICES**

1. Draft Proffer Statement
2. Affidavit
3. Statement of Justification
4. Clerk to the Board's letter regarding RZ 1998-LE-048 and the Accepted Proffers
5. Reduction of the Proffered Conceptual/Final Development Plan for RZ 1998-LE-048
6. Clerk to the Board's letter regarding PCA 1998-LE-048
7. Clerk to the Board's letter regarding PCA 1998-LE-048-2 and the Accepted Proffers
8. Reduction of the Proffered Conceptual/Final Development Plan Amendment for RZ 1998-LE-048-2
9. Interpretation Letter of October 16, 2009

**APPENDICES (Continued)**

10. Transportation Analysis
11. Office of Community Revitalization and Reinvestment Analysis
12. Park Authority Analysis
13. Fire and Rescue Analysis
14. Fairfax County Public Schools Analysis
15. Zoning Ordinance Standards
16. Comprehensive Plan Citations
17. Glossary of Terms

**Proffered Condition Amendment****Metro Park****PCA 1998-LE-048-3/FDPA 1998-LE-048-1-3****December 8, 2009**

Pursuant to Section 15.22303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in the Proffer Condition Amendment application hereby reaffirm that the development of the parcels under consideration are now shown in the Fairfax County Tax Maps as TM 91-1 ((1)) 11B2 and 23E; 91-1 ((28)) 1 and 2A; and 91-1 ((31)) 1 – 4C (collectively the "Property") and will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ/FDP 1998-LE-048 dated July 30, 1999, and the undated proffers accepted in PCA 1998-LE-048 and FDPA 1998-LE-048, and the proffers accepted by the Board of Supervisors in the approval of PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2 dated September 5, 2003 except as qualified below. In the event this application is denied, these proffers shall be null and void. The Owners and the Applicant (hereinafter the "Applicant"), for themselves, their successors and assigns, reaffirms all previous proffers except as specifically modified herein and 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 the applicable County and State statutory procedures. The Applicant hereby amends the approved CDPA/FDPA and makes the additions and/or revisions to the proffered conditions accepted in RZ 1998-LE-048 and PCA/FDPA 1998-LE-048 and PCA 1998-LE-048-2/ FDPA 1998-LE-048-1-2 and are listed below.

*The second paragraph of the September 5, 2003 proffers that were accepted pursuant to PCA1998-LE-048-2/FDPA 1998-LE-048-1-2 is deleted, and the following substituted:*

The Applicant agrees that the development will be in substantial conformance with the submitted CDPA/FDPA, which was prepared by VIKA and is dated November 30, 2009 (the "Plan"). Subject to the proffers and provisions of Sections 18-204 and 16-403 of the Zoning Ordinance, the Applicant reserves the right to make minor modifications to the approved development plan in order to address engineering and architectural issues at the time of final site plan approval.

Proffers 1 – 11 are hereby reaffirmed.

Proffer Number 12, previously revised pursuant to PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2, is hereby reaffirmed, and the following language shall be added to the end of this proffer:

The height of the building identified as Phase 6 shall be permitted to increase by 20 feet (for a total of 165 feet in height) for the installation of a photovoltaic ("PV") array (solar panels) upon a metal support grid. If the PV array and solar panels are constructed, then the physical roof of Phase 6 shall continue to be limited to 145 feet in height as measured from the average grade and only the PV array and solar panels may extend to 165 feet in height.

Proffers 13 – 39 are hereby reaffirmed.

[SIGNATURES BEGIN ON NEXT PAGE]

**Applicant/Title Owner of Tax Map 91-1 ((31)) 2, 4B**

**CSHV METRO PARK, LLC,**  
a Delaware limited liability company

By: INGCAL Tactical, LLC,  
a Delaware limited liability company,  
its Sole Member

By: ING Tactical Manager, LLC,  
a Delaware limited liability company,  
its Manager

By: ING Clarion Partners, LLC,  
a New York limited liability company,  
its Sole Member

By: \_\_\_\_\_  
Marc C. DeLuca  
Authorized Signatory

[SIGNATURES CONTINUE ON NEXT PAGE]

**Title Owner of Tax Map 91-1 ((1)) 11B2; 91-1 ((28)) 1;  
91-1 ((31)) 1, 1A, 2A, 2B, 3, 3A, 3B, 4A, 4C**

**METROPARK 2345 LLC**  
a Delaware limited liability company,

By: CSHV Metro Park, LLC,  
a Delaware limited liability company  
its Sole Member

By: INGCAL Tactical, LLC,  
a Delaware limited liability company,  
its Sole Member

By: ING Tactical Manager, LLC,  
a Delaware limited liability company,  
its Manager

By: ING Clarion Partners, LLC,  
a New York limited liability company,  
its Sole Member

By: \_\_\_\_\_  
Marc C. DeLuca  
Authorized Signatory

[SIGNATURES CONTINUE ON NEXT PAGE]

**Title Owner of Tax Map 91-1 ((28)) 2A**

**METROPARK 7 LLC,**  
a Delaware limited liability company,

By: CSHV Metro Park, LLC,  
a Delaware limited liability company,  
its Sole Member

By: INGCAL Tactical, LLC,  
a Delaware limited liability company,  
its Sole Member

By: ING Tactical Manager, LLC,  
a Delaware limited liability company,  
its Manager

By: ING Clarion Partners, LLC,  
a New York limited liability company,  
its Sole Member

By: \_\_\_\_\_  
Marc C. DeLuca  
Authorized Signatory

[SIGNATURES CONTINUE ON NEXT PAGE]

**Title Owner of Tax Map 91-1 ((1)) 23E**

**METROPARK 8 LLC,**  
a Delaware limited liability company

By: CSHV Metro Park, LLC,  
a Delaware limited liability company,  
its Sole Member

By: INGCAL Tactical, LLC,  
a Delaware limited liability company,  
its Sole Member

By: ING Tactical Manager, LLC,  
a Delaware limited liability company,  
its Manager

By: ING Clarion Partners, LLC,  
a New York limited liability company,  
its Sole Member

By: \_\_\_\_\_  
Marc C. DeLuca  
Authorized Signatory

[SIGNATURES END]

**REZONING AFFIDAVIT**

DATE: December 21, 2009  
 (enter date affidavit is notarized)

I, Inda E. Stagg, agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below      106517

in Application No.(s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
 (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 <b>BOLD</b> above)
CSHV Metro Park, LLC  Agents: Marc C. Deluca Fraser A. Kadera	601 13th Street, NW, Suite 700N Washington, DC 20005	Applicant/Title Owner of Tax Map 91-1 ((31)) 2; 91-1 ((31)) 4B Former Title Owner of Tax Map 91-1 ((28)) 2A
MetroPark 8 LLC  Agents: Marc C. Deluca Fraser A. Kadera	601 13th Street, NW, Suite 700N Washington, DC 20005	Title Owner of Tax Map 91-1 ((1)) 23E

(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: December 21, 2009  
 (enter date affidavit is notarized)

106517-6

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
 (enter County-assigned application number (s))

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
MetroPark 2345 LLC  Agents: Marc C. Deluca Fraser A. Kadera	601 13th Street, NW, Suite 700N Washington, DC 20005	Title Owner of Tax Map 91-1 ((1)) 11B2; 91-1 ((28)) 1; 91-1 ((31)) 1, 1A, 2A, 2B, 3, 3A, 3B, 4A, 4C
MetroPark 7 LLC  Agents: Marc C. Deluca Fraser A. Kadera	601 13th Street, NW, Suite 700N Washington, DC 20005	Title Owner of Tax Map 91-1 ((28)) 2A
The Evans Property Group LLC  Agent: James A. Evans	2200 Clarendon Boulevard Suite 1300 Arlington, VA 22201	Development Manager/Agent for Applicant and Title Owners
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard Suite 1300 Arlington, VA 22201	Attorneys/Planners/Agent for Applicant and Title Owners

(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: December 21, 2009
(enter date affidavit is notarized)

1065176

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03
(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)
CSHV Metro Park, LLC
601 13th Street, NW, Suite 700N
Washington, DC 20005

DESCRIPTION OF CORPORATION: (check one statement)

- [X] 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)

California State Teachers' Retirement System (a pension fund with thousands of members, none of whom own 10% or more), Sole Member
-INGCal Tactical, LLC, Operator Entity for California State Teachers' Retirement System

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

(check if applicable) [X] 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: December 21, 2009  
(enter date affidavit is notarized)

1065172

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(enter County-assigned application number (s))

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

MetroPark 8 LLC  
601 13th Street, NW, Suite 700N  
Washington, DC 20005

**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)

CSHV Metro Park, LLC, Sole Member

=====

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

=====

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

MetroPark 2345 LLC  
601 13th Street, NW, Suite 700N  
Washington, DC 20005

**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)

CSHV Metro Park, LLC, Sole Member

=====

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

DATE: December 21, 2009  
(enter date affidavit is notarized)

1065176

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(enter County-assigned application number (s))

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

The Evans Property Group LLC  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

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

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

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

James A. Evans, Member & Manager  
Stephen D. Evans, Member

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

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

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

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

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

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

David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

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

DATE: December 21, 2009  
(enter date affidavit is notarized)

1065176

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(enter County-assigned application number (s))

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

MetroPark 7 LLC  
601 13th Street, NW, Suite 700N  
Washington, DC 20005

**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)

CSHV Metro Park, LLC, Sole Member

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

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

INGCal Tactical, LLC  
230 Park Avenue, 12th Floor  
New York, NY 10169

**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)

California State Teachers' Retirement System (a pension fund with thousands of members, none of whom own 10% or more), Investor  
ING Tactical Manager, LLC, Manager

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

DATE: December 21, 2009  
(enter date affidavit is notarized)

106517w

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(enter County-assigned application number (s))

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

ING Tactical Manager, LLC  
230 Park Avenue, 12th Floor  
New York, NY 10169

**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)

ING Clarion Partners, LLC, Sole Member

=====

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

=====

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

ING Clarion Partners, LLC f/k/a Clarion Partners, LLC  
230 Park Avenue, 12th Floor  
New York, NY 10169

**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)

ING RE Clarion Partners Holdings, Inc., Manager and Member  
Clarion Holdings, LLC, Member

=====

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

Supervisory Board: Jan D. Doets, Jaap C. Gillis, Tom Balachowski, Herman van den Berg. Executive Board: Stephen J. Furnary, John A. Weisz (former), Charles Grossman, Jarret B. Kling, T. Ritson Ferguson, C. Stephen Cordes, Jeffrey A. Barclay. Officers: Stephen J. Furnary, Chairman & Secretary; C. Stephen Cordes, Treasurer & Secretary; Charles Grossman, President & Asst Secretary; Frank L. Sullivan, Jr., VP; Jeffrey A. Barclay, Asst Treasurer & Asst Secretary; Stuart Brauhn, Asst Secretary. Marc C. Deluca, Authorized Signatory

(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: December 21, 2009  
(enter date affidavit is notarized)

1065178

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
ING RE Clarion Partners Holdings, Inc.  
230 Park Avenue, 12th Floor  
New York, NY 10169

**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)  
ING Group NV ADS

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

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Clarion Holdings, LLC  
230 Park Avenue, 12th Floor  
New York, NY 10169

**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)  
ING Group NV ADS, Sole Member

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

DATE: December 21, 2009  
(enter date affidavit is notarized)

1065176

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(enter County-assigned application number (s))

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

ING Group NV ADS  
Amstelveenseweg 500  
1081 KL Amsterdam  
NETHERLANDS

**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)

Publicly traded on the NYSE

=====

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

=====

**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: December 21, 2009  
(enter date affidavit is notarized)

1065176

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(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)  
None

(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)

(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 AFFIDAVIT

DATE: December 21, 2009  
(enter date affidavit is notarized)

106517e

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(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: December 21, 2009  
(enter date affidavit is notarized)

1065176

for Application No. (s): PCA 1998 LE-048-03/FDPA 1998-LE-048-01-03  
(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.)

None

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

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

*Inda E. Stagg*

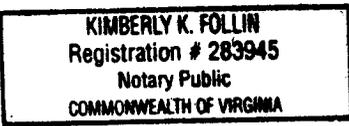
(check one) [ ] Applicant [x] Applicant's Authorized Agent

Inda E. Stagg, agent  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21 day of December 2009, in the State/Comm. of Virginia, County/City of Arlington.

*Kimberly K. Follin*  
Notary Public

My commission expires: 11/30/2011





Inda E. Stagg  
 Land Use Coordinator  
 (703) 528-4700 Ext. 5423  
 istagg@arl.thelandlawyers.com

WALSH COLUCCI  
 LUBELEY EMRICH  
 & WALSH PC

RECEIVED  
 Department of Planning & Zoning

October 23, 2009

OCT 23 2009

Via Hand Delivery

Zoning Evaluation Division

Regina C. Coyle, Director  
 Fairfax County DPZ/ZED  
 12055 Government Center Parkway, Suite 801  
 Fairfax, Virginia 22035

Re: Statement of Justification  
 Proffered Condition Amendment/Final Development Plan Amendment  
 Metro Park - Increase in Building 6 Height for Solar Grid  
 TM 91-1 ((1)) 11B2 and 23E; 91-1 ((28)) 1 and 2A; and 91-1 ((31)) 1 – 4C  
 (the "Application Property")

Dear Regina:

Please accept this statement as justification for an increase in the proffered building height of Metro Park Building 6, which was approved pursuant to RZ 1998-LE-048, FDP 1998-LE-048-1-2 and PCA 1998-LE-048-2.

CSHV Metro Park LLC (the "Applicant") is the developer of the Application Property. They are in the process of designing the centerpiece of Metro Park – Building 6. In accordance to Proffer 12<sup>1</sup>, which was accepted by the Board of Supervisors pursuant to the approval of PCA 1998-LE-048-2, Building 6 shall not exceed the height shown on the FDP<sup>2</sup>, which is 145 feet in height. The architects have maintained the main structure of the building at 145 feet in height as defined by the Ordinance; however, in an attempt to obtain a LEED Platinum Certification, the Applicant desires to install a photovoltaic ("PV") array (solar panels) upon a metal support grid that extends above the main structure by 20 feet.

According to the definition of "height" in the Ordinance, the PV array's support grid must be included in the building height calculation; thus making the building 165 feet in height, which is 20 feet higher than what is proffered. The Applicant is seeking approval of a Proffered Condition Amendment to permit an option to increase the height of Building 6 from 145 feet to 165 feet for the installation of this PV array and support grid. If the PV array and support grid is not installed, for whatever reason, the maximum height of Building 6 would not increase, and would remain at 145 feet.

The PV Array and support grid will shade the building's roof and shield it from solar gain. This reduction in heat load on the building will help to reduce energy consumption,

PHONE 703 528 4700 | FAX 703 525 3197 | WWW.THELANDLAWYERS.COM  
 COURTHOUSE PLAZA | 2200 CLARENDON BLVD., THIRTEENTH FLOOR | ARLINGTON, VA 22201-3359

LOUDOUN OFFICE 703 737 3633 | PRINCE WILLIAM OFFICE 703 680 4664

especially during peak hours. It is estimated that the PV array will generate roughly 98,000 kilowatt hours of electricity annually, which is enough to power approximately 45 homes per year. According to the U.S. Department of Energy, this same amount of electricity, if generated by conventional coal power, would release over 93 metric tons of carbon into the atmosphere every year.

As always, I appreciate your attention to these matters. Please do not hesitate to contact me should you have any questions.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



Inda E. Stagg  
Land Use Coordinator

Enclosures

cc: Jeffrey C. McKay; Supervisor, Lee District  
Rodney Lusk; Planning Commissioner, Lee District  
James Evans; The Evans Property Group LLC  
Marc C. DeLuca; ING Clarion  
Fraser Kadera; ING Clarion  
Martin D. Walsh

---

<sup>1</sup> Proffer 12 states, "Buildings shall not exceed the height shown on the Plan except that the building identified as Phase 7 shall not exceed 55 feet as shown on the Plan. (Provided, however, the calculation of building height shall exclude parapet walls and all other structures specified in Section 2-506 of the Zoning Ordinance). The height of the parking structure shall not exceed 60 feet."

<sup>2</sup> The height of "Phase 6" is indicated at 145 feet on Sheets 2, 3A and 7 of the FDPA.



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 5  
Fairfax, Virginia 22035-0005

V I R G I N I A

Telephone: 703-324-3500

FAX: 703-324-3500

TTY: 703-324-3500

August 18, 1999

Barbara June Fried, Esquire  
Fried Companies, Incorporated  
6551 Loisdale Court - Suite 900  
Springfield, Virginia 22150

RE: Rezoning Application Number  
RZ 1998-LE-048

Dear Ms. Fried:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on August 2, 1999, granting Rezoning Application Number RZ 1998-LE-048 in the name of Metro Park, LLC, to rezone certain property in the Lee District from the R-1, I-4 and I-5 Districts to the PDC District, subject to the proffers dated July 30, 1999, on subject parcels 91-1 ((1)) 11B and 11C (formerly tax map 91-1 ((1)) 11), 23, 23A, 24, 26, 27, 28, 29, 30, 31A, 31B (includes area formerly Walker Lane easement), consisting of approximately 37.17 acres.

The Conceptual Development Plan was approved; the Planning Commission having previously approved Final Development Plan FDP 1998-LE-048 on July 29, 1999, subject to the Board's approval of RZ 1998-LE-048.

**The Board also:**

- **Modified the transitional screening and barrier requirements along the southern boundary and adjacent to Laurel Grove Church.**
- **Waived the following requirements with regard to the proffered trail to the Joe Alexander Transportation Center:**
  - **Tree cover.**

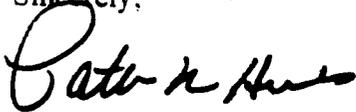
RZ 1998-LE-048  
August 18, 1999

RECEIVED  
- 2 -  
DEPARTMENT OF PLANNING AND ZONING  
AUG 26 1999

ZONING EVALUATION DIVISION

- Best management practices.
- Stormwater management.
- Soils report.
- Cross section requirements in Section 8-0202.5 of the Public Facilities Manual (PFM).
- Turning radius in Section 8-0202.6 of the PFM.
- Clearing zone requirement in Section 8-0202-3 of the PFM with regards to the proffered fence.

Sincerely,



Patti M. Hicks  
Deputy Clerk to the Board of Supervisors

PMH/ns

cc: Chairman Katherine K. Hanley  
Supervisor-Lee District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Fred R. Beales, Supervisor Base Property, Mapping/Overlay  
Robert Moore, Transportation Planning Div., Dept. of Transportation  
Ellen Gallagher, Project Planning Section, Dept. of Transportation  
Michelle Brickner, Deputy Director, DPW&ES  
DPW&ES - Bonds & Agreements  
Frank Edwards, Department of Highways - VDOT  
Land Acq. & Planning Div., Park Authority  
District Planning Commissioner  
Thomas Dorman, Director, Facilities Mgmt. Div., DPW&ES  
Barbara J. Lippa, Executive Director, Planning Commission

PROFFERS FOR METRO PARK

RZ/FDP 1998-LE-048

July 30, 1999

Pursuant to Section 15.2-2303 A of the Code of Virginia, 1950, as amended and recodified, and Section 18-203 of the Zoning Ordinance of Fairfax County (1978 amended), the property owners and Applicant in this zoning application proffer that the development of the parcel under consideration and shown on the Fairfax County Tax Maps as Tax Map Reference 90-1 ((1)) – 23, 23A, 24, 26, 27, 28, 29, 31A and 31B (hereinafter referred to as the "Walker Property") and Parcels 11B, 11C (Walker and Parcels 11B and 11C hereinafter referred to collectively as the "Property") will be in accordance with following conditions if, and only if, said Rezoning request for the PDC District at the FAR requested is granted. In the event said application is denied, these proffers shall be null and void. The Applicant, for itself, its successors and assigns, agrees 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 these, if accepted, proffers supersede all previous proffers or development conditions on the Property. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. The proffered conditions are:

The Applicant agrees that the development will be in substantial conformance with the submitted CDP/FDP (including either Alternative "A" and "B") dated November, 1998 and revised through June 28, 1999. Subject to the proffers and the provisions of Sections 18-204 and 16-403 of the Zoning Ordinance, the Applicant reserves the right to make minor modifications to the approved development plan in order to address engineering and architectural issues at the time of final site plan approval.

1. Pursuant to Section 2-308 of the Zoning Ordinance, subject to the approval of full density credit, the Applicant shall dedicate Parcel 11C to the County of Fairfax for use solely as undisturbed open space and buffer upon submission of the site plan for the second building on the Property and maintain it as undisturbed open space until dedication.
2. The Property will be developed at a floor area ratio (FAR) not to exceed .55 for office uses. The combined FAR for all uses as shown on the CDP/FDP and as defined below shall not exceed .62. Office uses shall not exceed 960,400 gross floor area (GFA), specialty retail uses as defined below shall not exceed 18,800 GFA, hotel suites, which the Applicant may construct above the specialty retail as shown on the CDP/FDP, shall not exceed 102,200 GFA, and a child care center

shall not exceed 7,200 GFA. The maximum daily enrollment of the child care center shall not exceed 99. The total FAR of .62 includes density credit for dedication of right of way and Parcel 11C as set forth in proffer 1 above.

3. *Accessory uses shall be permitted within the office buildings as said term is defined in Section 20-300 of the Zoning Ordinance. In addition to the uses shown for each of the buildings, Applicant may establish all, any, or any other combination of the uses set forth in Note 10 on the CDP/FDP. Any secondary retail uses located within office uses shall not reduce the 18,800 gross floor area of permitted specialty retail uses.*
4. *Specialty retail is defined as retail uses, business service and supply establishments, personal service establishments, including but not limited to by way of example: dry cleaner, shoe repair, stationer, mailing and copying facilities, financial services, florist, delicatessen, fast food restaurant, coffee shop, etc., and eating establishments designed primarily for tenants and their employees.*
5. *In conjunction with the Laurel Grove Baptist Church, the Applicant shall, at Applicant's expense, restore the existing residence on Parcel 24 to its original use as a School House building, circa 1880. The restoration shall commence with construction on the Walker Property and be completed pursuant to specifications agreed upon between the Church and the Applicant. The Applicant will enter into an agreement with the Laurel Grove Baptist church, so that the building will be maintained, and the Church may use the building for its own activities and as a museum and teaching tool in the community. The Applicant shall establish a non-profit Laurel Grove Association, which will include members of the Church and the community, to provide additional support for the use of the restored Schoolhouse.*
6. *The Applicant shall provide a non-exclusive, private access easement to Walker Lane through its parking lot to the Laurel Grove Baptist Church parking lot (Parcel 25) upon construction of the parking lot.*
7. *During construction of the new Walker Lane, the Applicant, as a safety measure, shall provide fencing along the northern property line of the Laurel Grove Baptist Church and will provide access across its property to the Church. Pursuant to an agreement with the Church, the Applicant shall provide a temporary stone driveway to be maintained by the Applicant, to the Church parking lot.*

8. *The Applicant shall grant an easement to the Laurel Grove Baptist Church for the location and preservation of the headstones of the graves that protrude outside of the Church property (Parcel 25) upon construction of the building adjacent to the cemetery. The Applicant shall work with the Church and shall provide attractive protection for the gravesites.*
9. *There shall be a minimum twenty-five foot (25') wide vegetative buffer together with a seven-foot (7') high brick wall located along the southern boundary of the site adjacent to Lewin Park as shown on the CDP/FDP. The Applicant shall construct the wall on the northern side of the buffer and around the existing 48" caliper willow oak (tree # 15) and other identified significant, mature trees to be preserved as shown on the Buffer Area Detail sheet of the CDP/FDP. Supplemental planting for the buffer shall be provided as shown on the Buffer Area Detail. After the addition of the supplemental planting, Applicant will maintain the buffer on the southern side of the wall in its natural state. Construction of the brick wall will begin with construction of the first office building on the Walker property and will be completed on or before issuance of the non-rup for the first office building. The existing cemetery, including the existing fence and gate, located in the buffer on the southern side of the wall as shown on the CDP/FP will be preserved. A walkway access as shown on the CDP/FDP will be maintained. Applicant will flatten the slopes on the north and east to prevent further erosion.*
10. *A site lighting plan shall be submitted with each building permit application. Such lighting plan shall be designed generally in accord with the recommendations of the International Dark-Sky Association of Tucson, Arizona, including such features as full cut-off shielding, no upward pointing lights, and minimization of glare. Site lighting will be uniform and coordinated throughout. Lighting required by the County and VDOT along public streets may be excluded from Dark Sky recommendations. Site lighting, if any, along the travel lane adjacent to Lewin Park shall be shielded away from Lewin Park. Maximum pole height for site lighting standards shall be 40 feet plus foundation, provided that lighting height along the upper level parking deck facing Lewin Park shall not exceed 20 feet. Applicant shall provide the County with a copy of the recommendations of the International Dark Sky Association upon request.*
11. *Walker Lane and Metro Park Drive, subject to approval of all reviewing agencies, shall be landscaped as shown on the CDP/FDP and accompanying landscape cross-sections attached to the Proffers as Exhibit A. The Applicant shall landscape along Walker Lane to create a "boulevard effect". Both sides of Walker Lane shall be planted with double rows of shade trees. One row shall be planted between the curb and sidewalk. One row shall be planted behind the*

sidewalk. Each row will be planted 40 foot on center along Walker Lane to the extent shown on the CDP/FDP. Both sides of Metro Park Drive will be planted with a single row of shade trees. Each row will be planted 40 foot on center between the curb and sidewalk along Metro Park Drive to the extent shown on the CDP/FDP. Shade trees shall be chosen from VDOT's listing of major trees attached to the Proffers as Exhibit B, (excerpted from VDOT's "Guidelines for Planting along Virginia's Highways") and will be a minimum of two and one-half inch (2 1/2") caliper at planting. Parking lot screening, with intermittent hedging, of car bumpers shall be provided where surface parking abuts Walker Lane or Metro Park Drive. Landscaping for parking garages shall be as shown on the CDP/FDP. The Applicant reserves the right to cluster landscaping so as to provide views into the development. The Applicant, subject to vehicle and pedestrian safety considerations and VDOT approval, will landscape the median of Walker Lane as shown on the CDP/FDP. The Applicant will institute a program of seasonal flower rotation. The aforesaid landscaping shall be implemented as each building adjacent to a roadway section is constructed. Prior to installing any streetscape plantings along the public streets which does not conform with the CDP/FDP, the Applicant shall provide the Director, DPWES with correspondence from the applicable authorities that such plantings are not permitted. Such correspondence shall include all efforts by the Applicant to obtain a variance or exception from the standard preventing the installation of such plantings.

12. Buildings shall not exceed the height shown on the CDP/FDP. (Provided, however, the calculation of building height shall exclude parapet walls and all other structures specified in Section 2-506 of the Zoning Ordinance.) The height of the parking structures shall not exceed 50 feet, and the hotel suites shall not exceed 61 feet. The Child Care facility shall not exceed 40 feet in height.
13. The architectural styling of all buildings, parking structures, and signage shall be compatible and of high quality typified by unified themes. The exterior of all buildings will be constructed of materials such as precast concrete and/or masonry, or brick with complementary architectural details such as architectural metal, stone, glass, or E.I.F.S. The ultimate development will be consistently designed and well coordinated. The first office building shall conform to the elevation and sketch attached as Exhibit C to these proffers. Building elevation design for all buildings (except the first) shall be returned to the Planning Commission for administrative review for conformance with the standards specified in this Proffer 13.
14. All office buildings shall have parapets and penthouses to reasonably shield roof mounted mechanical equipment from view. The exterior walls of elevator and

*mechanical equipment penthouses shall be of materials compatible with the building to present a harmonious appearance.*

15. *Facade, directional, and monument signage shall be coordinated throughout the project. All permanent freestanding signs shall be monument type; pole signs shall not be permitted. Buildings mounted corporate logos shall be permitted. A comprehensive sign plan shall be submitted with the site plan for the second building to be constructed on the Property in accordance with the provision of Article 12, Signs, subject to this Proffer 15.*
16. *Pedestrian benches with trash receptacles of a coordinated design shall be provided in appropriate numbers for the office areas, but not less than one for every 30,000 square feet of building area beginning with the construction of the second building on the Property or earlier at Applicant's option. Such pedestrian benches and trash receptacles will be placed at appropriate locations related to open space and bus shelters.*
17. *As shown on the CDP/FDP, the development of the subject Property will include pedestrian linkages between the parking areas, the buildings, and the open space areas as each building is developed. In addition, there shall be a sidewalk at the southwestern corner of the site connecting to the existing eight-foot (8') trail along the Franconia/Springfield Parkway, subject to permission from VDOT. The Applicant will actively seek permission from VDOT when the site plan for the second building is processed and construct as part of the second building's site improvements or earlier at Applicant's option. If permission is denied, it will demonstrate its efforts to DPWES.*
18. *An acoustically solid fence shall be provided around all sides of the outside play area for the child care center.*

*Noise attenuation shall be provided in the office buildings adjacent to the railroad tracks as follows:*

- A. *Exterior wall shall have a laboratory sound transmission class (STC) rating of at least 39.*
- B. *Doors and windows shall have a laboratory sound transmission class (STC) rating of at least 28.*
- C. *Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.*

19. *If right in/right out access is granted on the Franconia/Springfield Parkway allowing access to Walker Lane, then, subject to VDOT and County approval, the Applicant shall design and construct an additional right-turn lane on westbound Route 7900 (to serve the Metro station loop separately from the Frontier Drive right-turn lane). The existing shoulder along westbound Route 7900 will be converted to a lane using curb and gutter tying in at the existing jersey barrier at the CSX railroad bridge and extending to the right in/right out entrance; the pavement structure shall meet VDOT standards. Re-striping of westbound Route 7900 (including the CSX railroad bridge) shall be done by Applicant to allow this additional right-turn lane to be carried over the bridge. Applicant shall also construct a deceleration lane into the right in/right out using the existing shoulder and adding curb and gutter. The sketch attached illustrates the proposed improvements.*
20. *Subject to VDOT and County approval, when the gross floor area on the Property exceeds 391,940 GFA of office, or earlier at Applicant's option, then upon issuance of the next building permit, Applicant will construct an additional left turn lane on the eastbound Franconia/Springfield Parkway onto northbound Beulah Street, thereby creating dual left turn lanes within existing VDOT right of way. The Applicant will modify the existing traffic signal heads at that intersection to accommodate the improvements noted above. Applicant shall not be required to obtain additional right of way or easements. Subject to VDOT approval, Applicant's construction of the left turn lane will be generally consistent with the following standards:*
- A. A lane transition on eastbound Route 7900 west of its intersection with Beulah Street;*
  - B. The lane transition shall be made approximately 600 feet in length;*
  - C. The existing paved shoulder on eastbound Route 7900 shall be converted to a right turn lane by converting the existing ditch section to a curb and gutter section; pavement structure shall meet VDOT standards;*
  - D. The two existing through lanes on eastbound Route 7900 shall be transitioned south approximately 12 feet to allow an additional left turn lane to be constructed next to the existing left turn lane.*
21. *The Applicant has dedicated and is constructing Walker Lane as a public street.*

22. *The Applicant shall dedicate, at site plan processing after the second office building on the Property or prior on demand from VDOT and/or Fairfax County (whichever occurs first), the frontage on its site on the western edge of Beulah Street and provide all easements on its frontage in accordance with and in coordination with VDOT plans for the widening of Beulah Street. (VDOT Project #0613.029.309, C501 sheets 9 and 10, undated), as being adjusted to provide for a median break at Walker Lane. All frontage property required for dedication to permit said improvements shall be dedicated to the County Board of Supervisors in fee simple, at no cost to the County. The Applicant shall begin and diligently pursue construction to extend the northbound left-turn lane to the site from Beulah Street so as to provide approximately 300 feet of stacking space. Applicant will substantially complete such construction (defined as open to the motoring public, but not necessarily accepted by VDOT for maintenance) on or before issuance of the non-residential use permit (non-rup) for office GFA in excess of 425,000 GFA. When the gross floor area on the Property exceeds 560,000 GFA of office, then upon issuance of the next building permit on the Property, the Applicant shall contribute its fair share of frontage contribution for the VDOT Beulah Street Improvement Project as determined by Bonds & Agreements up to but not in excess of \$200,000 ("Contribution"). If, prior to the office GFA on the Property exceeding 560,000 GFA, the Applicant, pursuant to these proffers, has made other contributions or improvements (excluding the 300 feet of stacking set forth above) pursuant to the VDOT Beulah Street Improvement Project, this required road fund contribution shall be reduced proportionately based on the value of the contribution or construction of improvements related to the VDOT project. If, prior to the office GFA on the Property exceeding 560,000 GFA, VDOT completes or begins its Beulah Street Improvement Project, then upon completion by VDOT of the Project, Applicant will contribute its Contribution, as defined above, subject to any reduction pursuant to the preceding sentence. At the option of the Lee District Supervisor, said Contribution sum shall be allocated toward any improvements recommended by the Lee District Supervisor.*
23. *Applicant shall design, equip, and construct, at its sole cost and expense, appropriately designed signals at the Walker Lane/Beulah Street intersection and at the Metro Park Drive/Charles Arrington/Beulah Street intersection when warranted by VDOT. If, at the time the warrants are met, the Beulah Street improvements have not been completed the Applicant is entitled to install a temporary interim traffic signal in addition to the aforesaid signal. Subject to the satisfaction of VDOT warrants, the traffic signal planned for the intersection of Walker Lane/Beulah Street shall be installed prior to the gross floor area of the property exceeding 225,000 square feet. If warrants are not met at that time, the signal shall be installed when the warrants are met. The aforesaid signals are in*

addition to the interim improvements as shown on Approved Site Plan 6836-PI-1. If requested by VDOT, Applicant will conduct the warrant studies.

24. Subject to approval from CSX (or any other applicable governmental agency), at no cost to the Applicant for the right to use CSX property, the Applicant will design and construct a pedestrian walkway from the Property to the VRE platform on the following terms and conditions and consistent with the following standards:
- A. No later than October 1, 1999, the Applicant shall prepare a schematic design of an eight-foot wide asphalt walkway with a six-foot chain link fence between the CSX tracks and the trail and lights running from the Property and along the east side of the CSX tracks to the VRE platform (approximately 1800 feet). The trail shall be entirely on the property of CSX and the Applicant. The design shall indicate the distance of the trail from the existing track and the type and amount of gravel, paving, fencing, and lights.
  - B. VRE, working with the Applicant and the Lee District Supervisor secures permission from CSX to build the trail in accordance with the proposal. Applicant's proposed trail shall be strong enough to support CSX maintenance pick-up trucks of  $\frac{3}{4}$  ton.
  - C. Applicant will construct the trail, fence, and lights with the construction of the second office building on the Property (or earlier at Applicant's option) if and when the following conditions have been met:
    - i. Approval by Fairfax County shall be subject to waivers as may be granted by the Board of Supervisors;
    - ii. VRE and Applicant and CSX have entered into an agreement or agreements reasonably satisfactory to Applicant which provide, among other things that:
      - a. VRE allows Applicant to tap electric power from VRE at no cost to Applicant to light the trail;
      - b. VRE indemnifies Applicant and CSX against all loss, damage, or cost arising out of any cause affecting or arising from the walkway and related activities and improvements; and Applicant is not required to indemnify anybody or any entity;
      - c. Applicant will maintain the walkway, fence, and lights from normal wear and tear from pedestrians and  $\frac{3}{4}$  ton pick-up trucks, but not from heavier equipment; and
      - d. If the proposed third CSX track requires the destruction in whole or in part of Applicant's walkway,

*the Applicant will not be required to replace the walkway, fence, or light and shall be relieved of any further liability.*

25. *When North office (C) is constructed (or earlier at Applicant's option), the Applicant shall reserve as shown on the CDP/FDP an area for dedication to Fairfax County as right of way for the future construction by others of a new bridge connection to the Metro/VRE station. Applicant reserves the right to use such area for parking or open space until it is conveyed to the County. The Applicant shall convey said reserved area to the County in fee simple and at no cost, upon written request of the County. The bridge shall be designed and constructed by others to mitigate impact on parking areas of the adjacent office building.*
26. *The Applicant shall construct two bus shelters on site generally as shown on the CDP/FDP and one bus shelter at a point along the Property frontage on Beulah Street. One bus shelter will be constructed on site along with construction of North office (C); the second and third with construction of the first office building on the Walker Property. All three bus shelters shall be constructed substantially in conformance with the design shown on Exhibit D attached to these proffers. The two onsite shelters will be heated in winter and air conditioned in summer. A trash receptacle will be provided at each of the shelters. Applicant will maintain the shelters and trash receptacles. The Applicant will arrange for regular trash collection at intervals to provide that litter in the vicinity of the bus stop is removed, and the bus stop remains litter free.*
27. *The Applicant shall inform its contractors in writing that they and/or their employees are not to use or park on Lewin Drive or Arco Drive. The Applicant shall police the contractors. A "No Construction Traffic" sign will be installed as close to Beulah Street on Lewin Drive as is possible.*
28. *There shall be no pedestrian or vehicular access from the Property to and through the Lewin Park residential development so long as it remains planned and zoned for single family residential use, except as otherwise provided in Proffer 30.*
29. *Jasper Lane and Metro Park Drive, as shown on the CDP/FDP, shall be constructed as public streets and constructed to VDOT standards at such time as they are required to provide access for Lewin Park (as defined in the next proffer).*

30. Access to Lewin Park shall be required and shall be provided upon the happening of any of the following events:

A. Lewin Park is rezoned for non-residential uses; or

B. All access from Lewin Park to Beulah Street is eliminated by construction of the planned interchange; or

C. All, or 75% of the lot owners representing 75% of the land area of Lewin Park request access, but in no event prior to the construction of the first office building on the Walker Property.

31. Connection to Lewin Park will be allowed at two locations as shown on the CDP/FDP. Actual construction of the connection from Jasper Lane to Arco Street and any connection from Metro Park Drive, including destruction of the wall, shall be at the expense of the developer of Lewin Park.

32. If the gross floor area of the Property exceeds 560,000 GFA of office, then upon issuance of the next building permit on the Property, Applicant will begin and diligently pursue construction of Jasper Lane, a public street, and the onsite travel lane from Jasper Lane to the western property line. At that time, Applicant will also construct the Metro Park Drive to Beulah Street connection generally as shown on the CDP/FDP. Applicant will substantially complete construction of Jasper Lane and Metro Park Drive (defined as open to the motoring public but not necessarily accepted by VDOT for maintenance) on or before issuance of the non-rup for office GFA in excess of 560,000 GFA. Applicant will provide right-of-way dedication and construction of a southbound right-turn lane on Beulah Street in conjunction with construction of the above connection. Subject to VDOT and Department of Transportation approval, connection may be constructed to preclude through eastbound/westbound movements between Metro Park Drive and Charles Arrington Drive.

Notwithstanding the above, to mitigate the negative impact of the VDOT Beulah Street widening on Lewin Park and to permit adequate public access to the existing Lewin Park residential development, the Applicant shall:

A. Within thirty (30) days from approval of this rezoning application, deliver a written request to VDOT, and thereafter diligently pursue the inclusion of the Metro Park Drive approach as part of the Beulah Street improvement project (VDOT Project #0613.029.309, C501 sheets 9 and 10, undated).

B. Design the Metro Park Drive connection to Beulah Street to VDOT's standards and pay the cost of its construction to VDOT when the bid

is let for the Project. Applicant will also pay the cost of any necessary right of way acquired or condemned by VDOT.

33. ~~If access from Lewin Park is required prior to the applicability of the preceding proffer number 32, then the Metro Park Drive/Charles Arrington intersection at Beulah Street will be constructed only if the necessary right of way has been acquired or condemned by VDOT or Fairfax County.~~
- A. *If, when such access is required under this proffer #33, 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.*
- B. *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 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. In the event the County initiates, but subsequently abandons efforts to acquire the necessary right-of-way, the Applicant shall not be obligated to reimburse the County for costs expended.*
34. *The Applicant will provide, when the first office building is completed and occupied, a shuttle van to provide service to and from Metro for tenants and their*

employees at approximately 15-minute intervals during rush hour. When the occupancy rate of the shuttle vans reaches 90% during peak hour travel, then the Applicant will increase the service intervals to run at approximately 10-minute intervals. If the Transportation Association of Greater Springfield (TAGS) elects to provide such dedicated service, then in lieu of Applicant owning and operating the vans, it may make an annual contribution to TAGS instead to cover the cost of the service dedicated to this site.

35. The Applicant will work with the Fairfax County Department of Transportation and will implement the following Transportation Demand Management Program (the "TDM Program"). The objective of this TDM Program is the reduction, at time of project build-out, of single-occupant vehicles by fifteen (15) percent over the demand generated by the development of the property as proposed herein and as calculated based on standard Institute of Transportation Engineers (ITE) 6<sup>th</sup> edition rates/equations for those land uses listed as shown on Table 2 of the Traffic Impact Study prepared by Wells & Associates dated May 5, 1999.

Among the incentives to be implemented as a part of the TDM Program will be an encouragement of the use of public transportation, ridesharing opportunities, and staggered work hours. The program will have three general components which are:

- (1) An individual to serve as a designated transportation coordinator (the "TDM Coordinator") who will have the responsibility of implementing the incentives of the TDM Program will be in place when the first office building on the Property is completed and occupied. The functions of the TDM Coordinator may be performed as part of the other duties of designated individuals.
- (2) Participation through the office of the TDM Coordinator in the Transportation Association of Greater Springfield (TAGS).
- (3) Incentive traffic mitigation programs to be implemented by the TDM Coordinator may include the following:
  - (a) Parking Management Program:
    - Preferential parking for Ride Sharing
    - On-site shared parking;
  - (b) Participation in the Fairfax County Ride Share Program:

- Computerized matching service;
- Ridesharing information kits for new employees;
- Ridesharing display maps and forms in each office building;

(c) *Promotion of Transit Services:*

- Transit subsidies, such as MetroChek;
- Transit information center;
- Shuttle service;
- Guaranteed ride home;
- Promotion of VRE ridership;

(d) *Provision for Bus Stops and/or Shelters throughout the Metro Park development:*

(e) *Sidewalk system designed to facilitate pedestrian circulation;*

(f) *Promotion of staggered work hours program and flex-time;*

(g) *Amenities for bicycle storage.*

(4) *Prior to occupancy of 800,000 GFA of office uses on the Property, the TDM Coordinator will conduct a survey designed to determine the transportation characteristics of the building tenants and employees. This survey will be the basis for improving the effectiveness of the TDM Program.*

(5) *Upon achieving a total occupancy level on the Property of 960,400 GFA of development (as evidenced by the issuance of Non-RUPS), the Applicant or assigns shall cause a traffic study to be undertaken to assess the accuracy of the total peak hour vehicle trip generation projections for the property based upon the ITE Trip Rates used to generate the estimated volume counts contained on Table 2 of the Traffic Impact Study prepared by Wells & Associates dated May 5, 1999. The study shall be submitted to the Fairfax County Department of Transportation.*

36. *In the event any condition or proffer of the rezoning requires amendment or revision to the site plan submitted for North Office (B), then Applicant will immediately submit a revision to that site plan, or a new site plan in substitution thereof.*

## *LIST OF EXHIBITS*

---

- A. Landscape Cross Section*
- B. Major Trees Listing (excerpt from VDOT's "Guidelines for Planting along Virginia's Highways")*
- C. Elevation Sketch of Office Building*
  - C-1. Attachment to Proffer #19*
- D. Bus Shelter Design*

PROPERTY OWNERS:

PARCEL 23

Phyllis Walker Ford  
Phyllis Walker Ford

Geneva Walker Jones  
Geneva Walker Jones

By: Phyllis Walker Ford  
By: her attorney-in-fact  
Phyllis Walker/Ford,  
her attorney-in-fact

Van Dyke A. Walker, Jr.  
Van Dyke A. Walker, Jr.

By: Phyllis Walker Ford  
By: his attorney-in-fact  
Phyllis Walker Ford,  
his attorney-in-fact

PARCEL 23A

Phyllis Walker Ford, Trustee  
Phyllis Walker Ford, Trustee

Van Dyke A. Walker, Jr., Trustee  
Van Dyke A. Walker, Jr., Trustee

By: Phyllis Walker Ford  
By: his attorney-in-fact  
Phyllis Walker Ford  
his attorney-in-fact

PARCEL 24

Phyllis Walker Ford, Trustee  
Phyllis Walker Ford, Trustee

Van Dyke A. Walker Jr. Trustee  
Van Dyke A. Walker Jr., Trustee

By: Phyllis Walker Ford  
his attorney - in - fact  
Phyllis Walker Ford,  
his attorney-in-fact

PARCEL 26

Phyllis Walker Ford  
Phyllis Walker Ford

PARCEL 27

Phyllis Walker Ford  
Phyllis Walker Ford

PARCEL 28

Winnie Walker Spencer  
Winnie Walker Spencer  
By: Phyllis Walker Ford  
By: her attorney - in - fact  
Phyllis Walker Ford,  
her attorney-in-fact

PARCEL 29

Geneva Walker Jones  
Geneva Walker Jones

By: Phyllis Walker Ford  
By: her attorney-in-fact  
Phyllis Walker Ford  
her attorney-in-fact

PARCEL 30

Van Dyke A. Walker III  
Van Dyke A. Walker, III

By: Phyllis Walker Ford  
By: his attorney-in-fact  
Phyllis Walker Ford,  
his attorney-in-fact

PARCEL 31A

Alma L. Walker Bushrod  
Alma L. Walker Bushrod

By: Phyllis Walker Ford  
By: her attorney-in-fact  
Phyllis Walker Ford,  
her attorney-in-fact

PARCELS 31B, 11A, and 11C

METRO PARK LLC,

A Virginia limited liability company

By: B. Mark Fried  
B. Mark Fried, Member

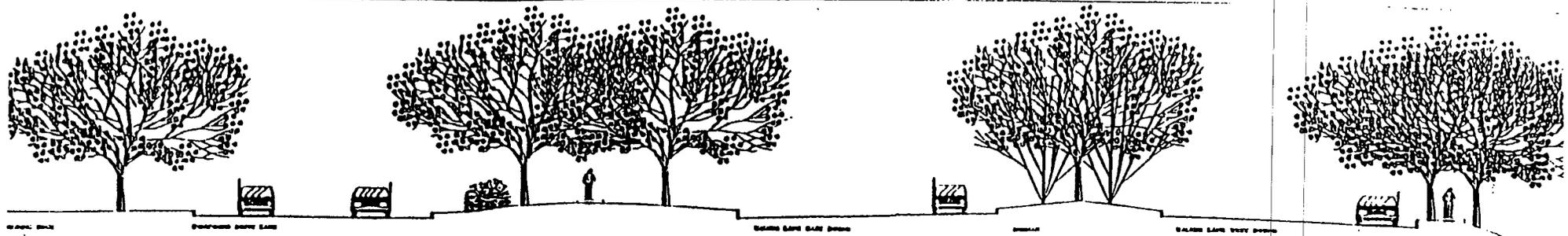
APPLICANT/CONTRACT PURCHASER:

of PARCELS 23, 23A, 24, 26, 27, 28, 29, 30,  
and 31A

METRO PARK LLC,

A Virginia limited liability company

By: B. Mark Fried  
B. Mark Fried, Member



SECTION ACROSS PROPOSED WAIVER LAKE SECTION 001

METRO PARK  
RZ/FDP 1998-LE-048

PROFFER EXHIBIT "A"

<u>Plant Name</u>	H = Height S = Spread	General Form
Prunus cerasifera 'Thundercloud'	H = 15' - 20'	Rounded
Thundercloud Purple Plum	S = 10' - 15'	

Prunus : right

'Kwar METRO PARK  
Kwanza RZ/FDP 1998-LE-048

PROFFER EXHIBIT "B"

Rhus tyf regular

Staghc

Taxus cu amidal

'capi

Uprigh

Thuja or umnar to

Orient amidal'

Viburnum prunifolium H = 12' - 15' Rounded

Blackhaw S = 8' - 12'

B. Major Trees

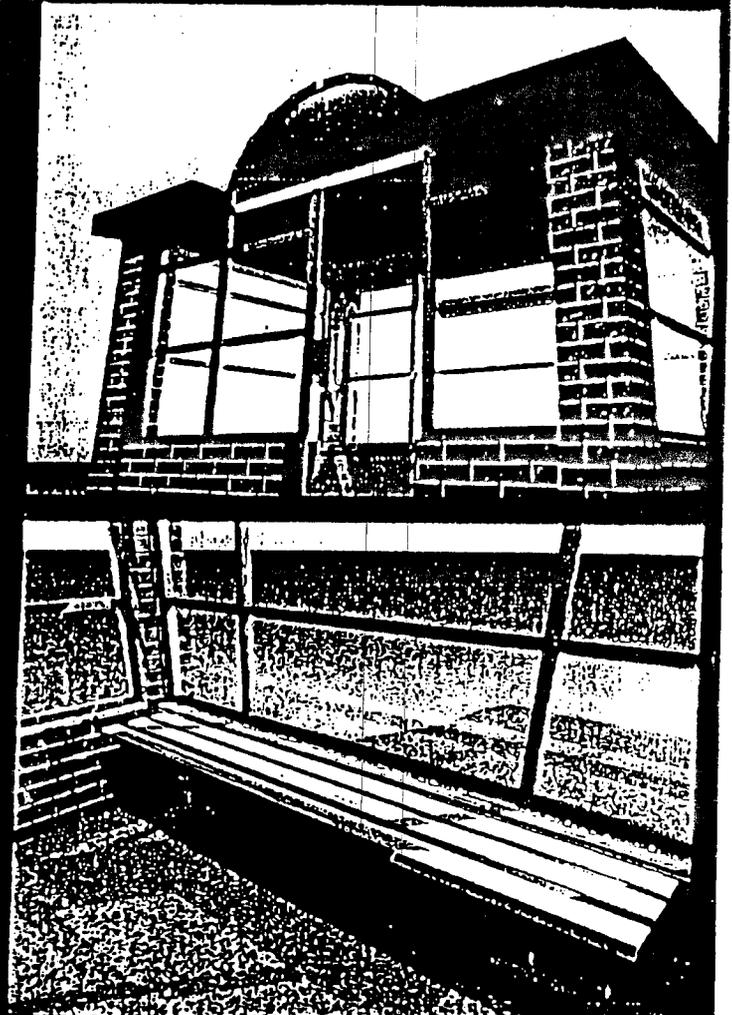
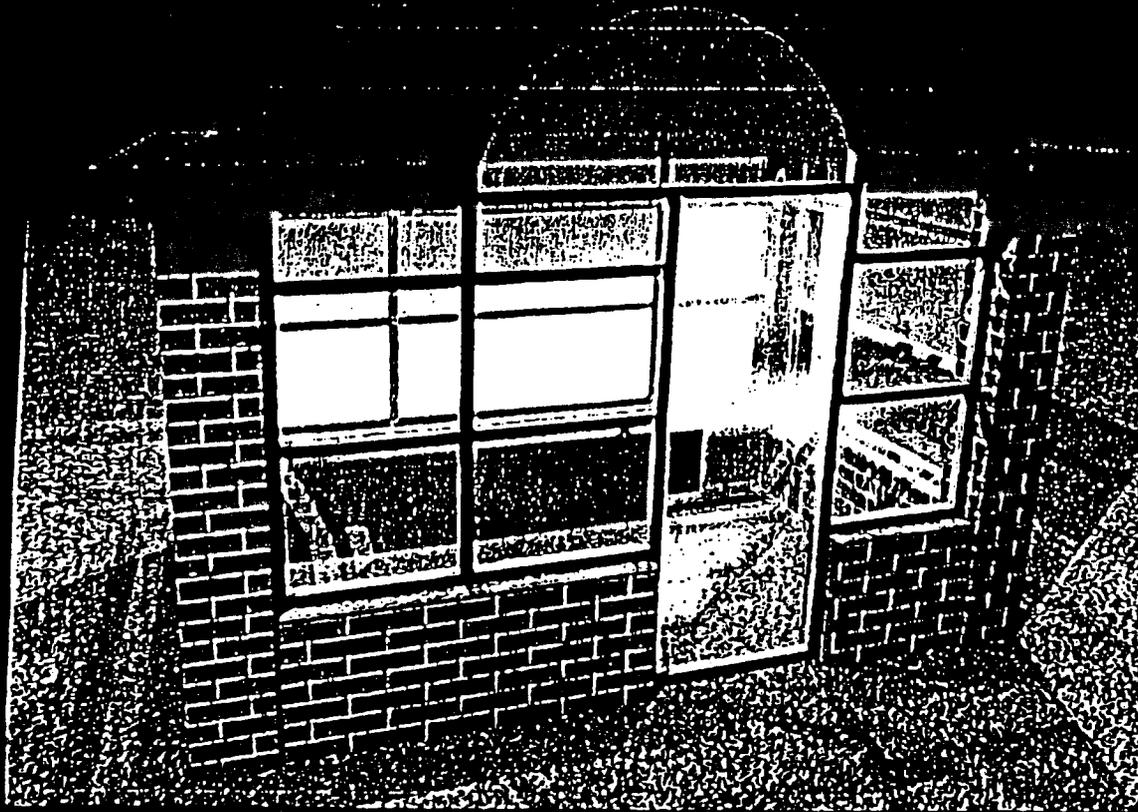
The major trees listed below represent the upright, columnar or pyramidal trees that could be adapted to street tree planting. Other species may be considered on a case-by-case basis.

<u>Plant Name</u>	H = Height S = Spread	General Form
Acer platanoides 'columnare'	H = 30' - 40'	Columnar
Columnar Norway Maple	S = 15' - 20'	

EXHIBIT to PROFFER #11

Plant Name	H = Height S = Spread	General Form
<i>Acer platanoides</i> 'Schwedler'	H = 40' - 60'	Upright
— Schwedler Norway Maple	S = 30'	
<i>Acer saccharum</i> Sugar Maple	H = 60' - 100' S = 50' - 80'	Upright
<i>Carpinus betulus</i> European Hornbeam	H = 40' - 60' S = 30' - 40'	Pyramidal
<i>Chamaecyparis</i> sp. Falsecypress	H = 50' - 70' S = 10' - 20'	Columnar
<i>Cryptomeria japonica</i> Japanese Cryptomeria	H = 50' - 60' S = 20' - 30'	Pyramidal
<i>Fraxinus pennsylvanica</i> Green Ash	H = 50' - 60' S = 25' - 30'	Upright
<i>Ginkgo biloba</i> Ginkgo	H = 50' - 70' S = 40'	Pyramidal
<i>Gleditsia triacanthos inermis</i> Locust Species	H = 50' - 70' S = 30'	Upright to Pyramidal
<i>Ilex opaca</i> American Holly	H = 18' - 40' S = 12' - 20'	Pyramidal
<i>Juniperus chinensis</i> Chinese Juniper	H = 60' - 75' S = 15' - 20'	Conical
<i>Juniperus scopulorum</i> Rocky Mountain Juniper	H = 30' - 40' S = 5' - 15'	Columnar

<u>Plant Name</u>	H = Height S = Spread	General Form
Juniperus virginiana Eastern Redcedar	H = 40' - 50' S = 8' - 20'	Upright
Larix decidua European Larch	H = 70' - 75' S = 25' - 30'	Pyramidal
Malus baccata Siberian Crabapple	H = 30' - 40' S = 15' - 20'	Broad
Nyssa sylvatica Black Tupelo	H = 30' - 50' S = 20' - 30'	Pyramidal
Picea glauca White Spruce	H = 40' - 60' S = 10' - 20'	Pyramidal
Pinus nigra Austrian Pine	H = 50' - 60' S = 20' - 40'	Pyramidal
Prunus sargentii Sargent Cherry	H = 40' - 50' S = 40'	Upright
Quercus palustris Pin Oak	H = 40' - 70' S = 25' - 40'	Pyramidal
Thuja occidentalis Eastern Arborvitae	H = 40' - 60' S = 10' - 15'	Pyramidal
Tilia cordata 'Greenspire' Greenspire Littleleaf Linden	H = 50' - 70' S = 20' - 25'	Narrow
Zelkova serrata Japanese Zelkova	H = 50' - 80' S = 40' - 60'	Vase



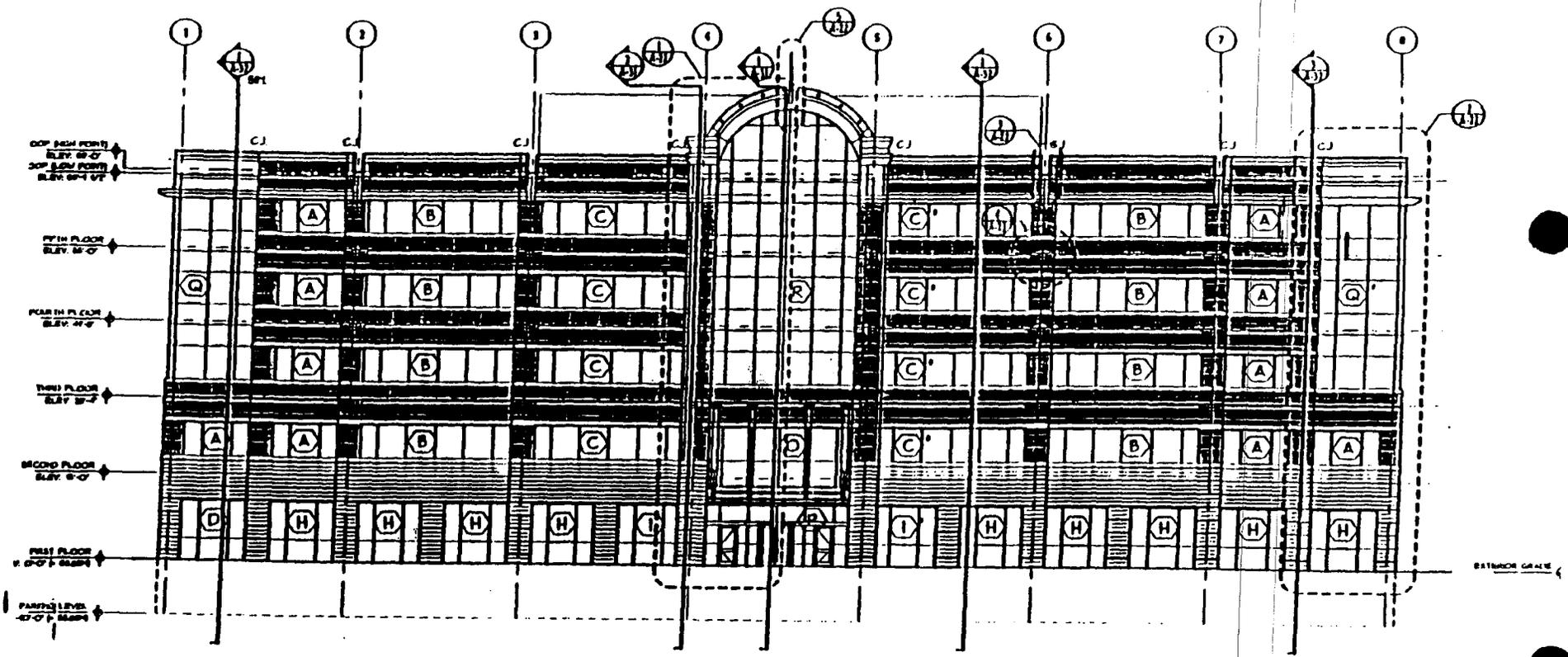
# METRO OFFICE PARK

— BUS SHELTER —

METRO PARK  
RZ/FDP 1998-LE-048

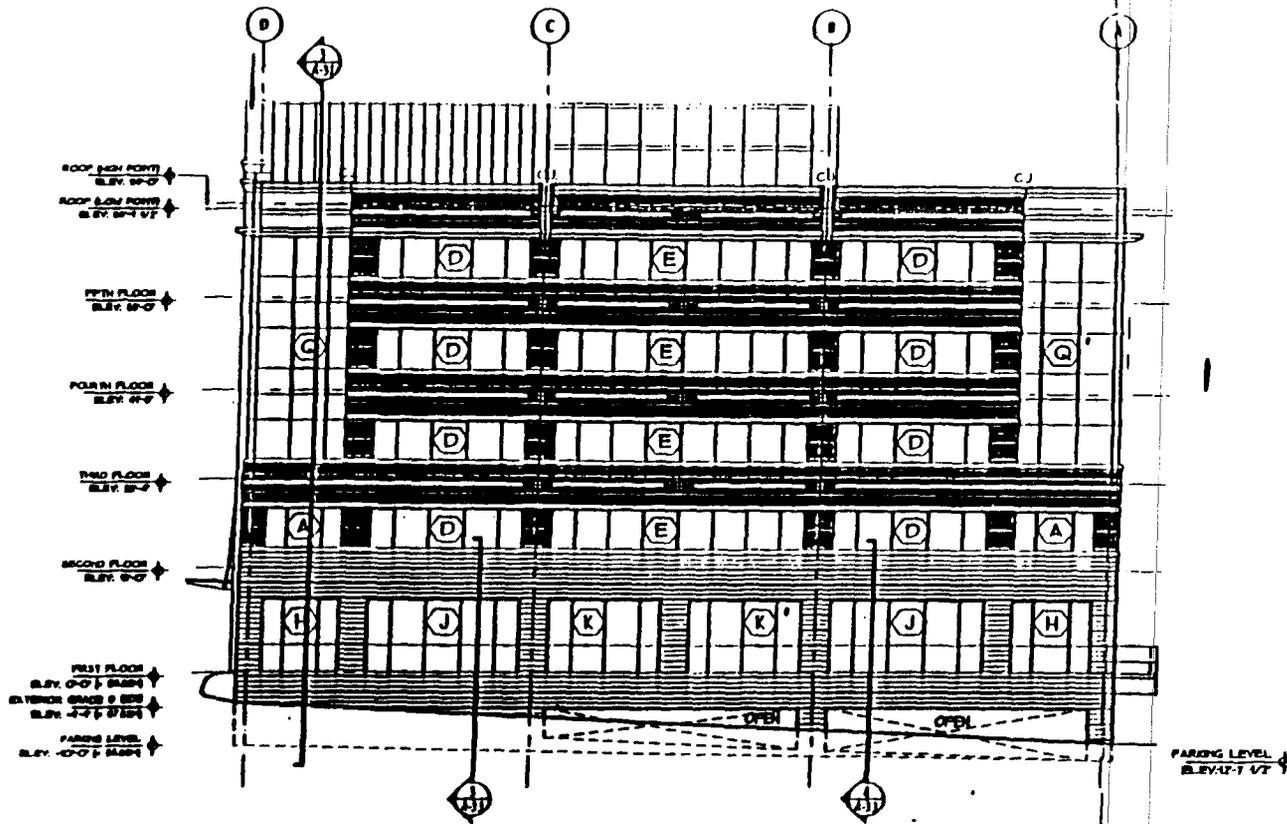
PROFFER EXHIBIT "D"





METRO PARK  
 2/FDP 1998-LE-048  
 ROFFER EXHIBIT "C"

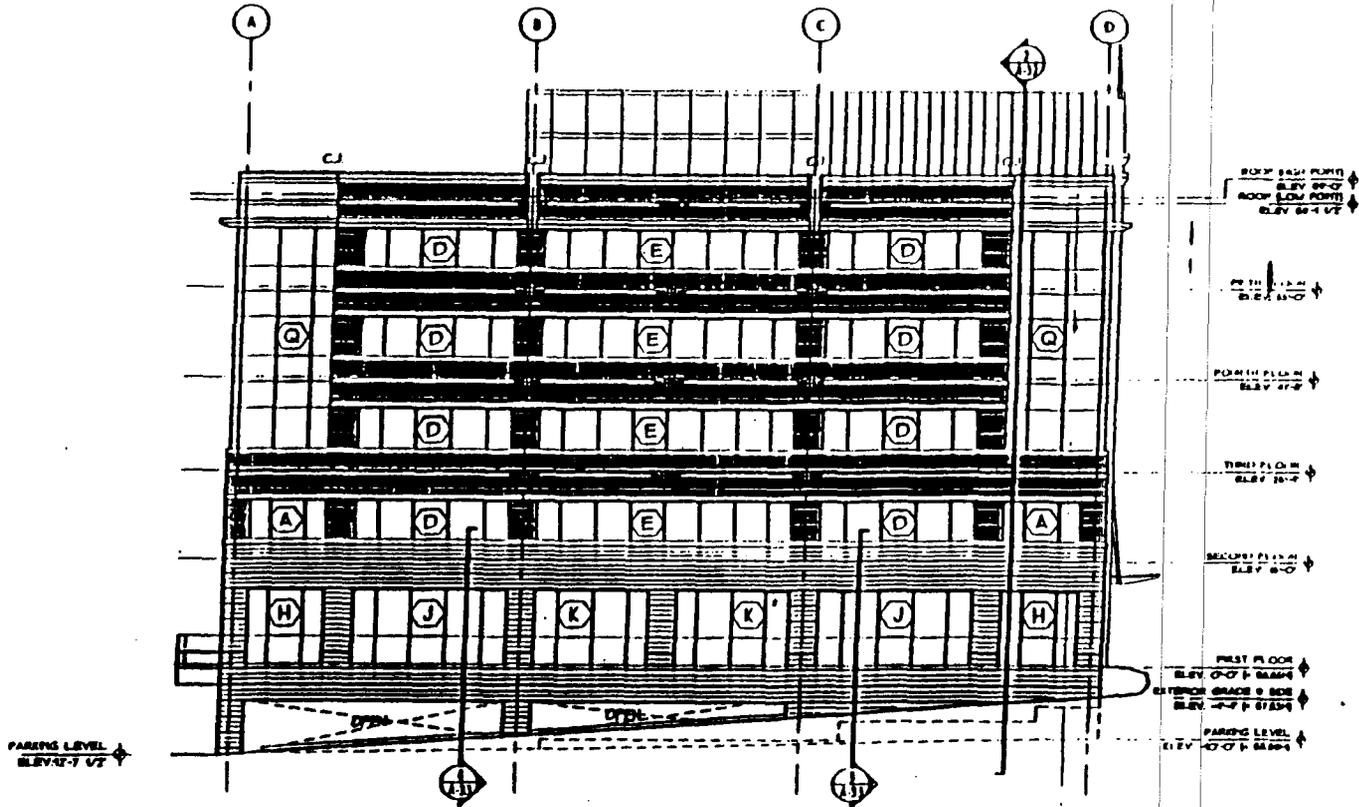
# EAST ELEVATION



# NORTH ELEVATION

IRO PARK  
FDP 1998-LE-048

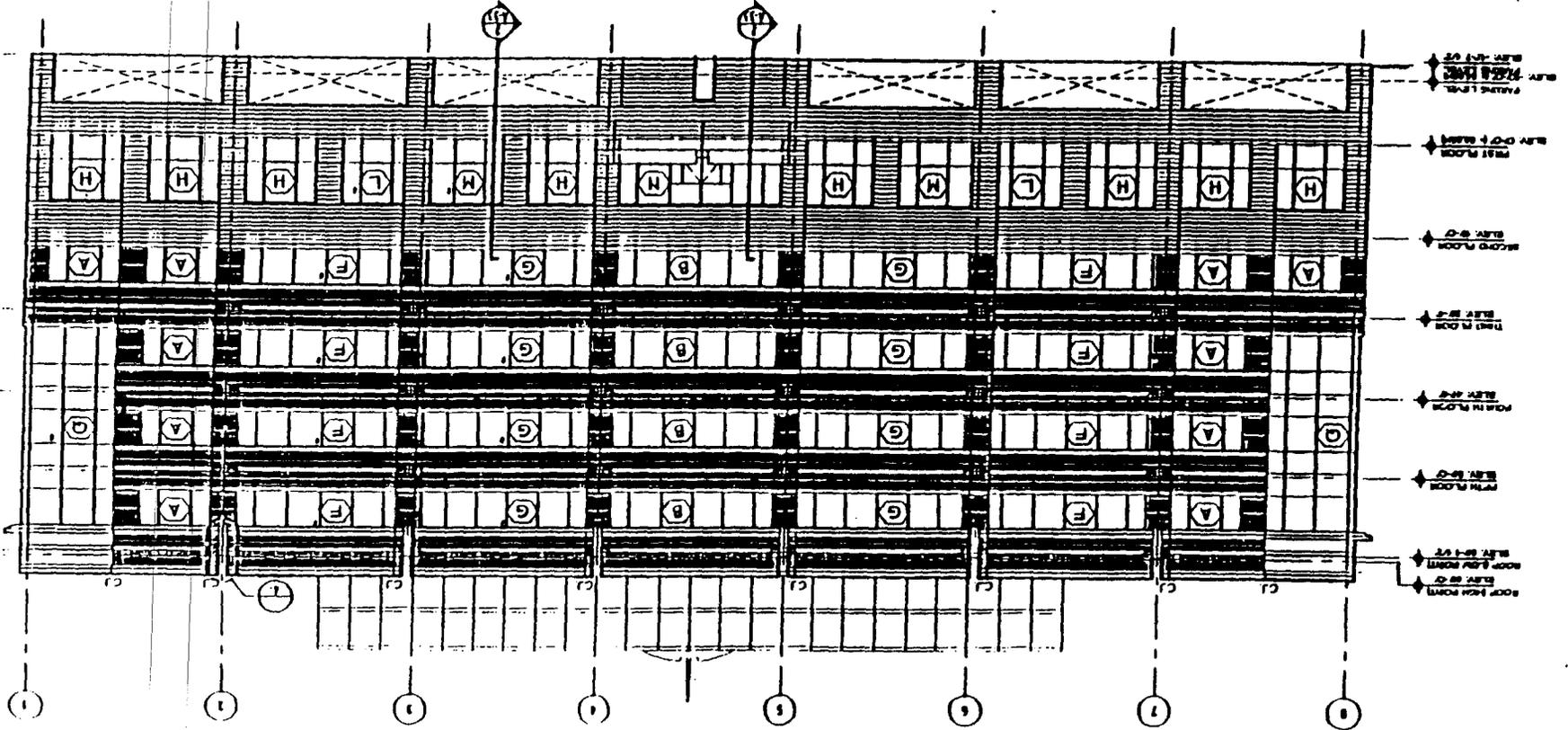
REFER EXHIBIT "C"



SOUTH ELEVATION

METRO PARK  
 R2/FDP 1998-LE-018  
 PROFFER EXHIBIT "C"

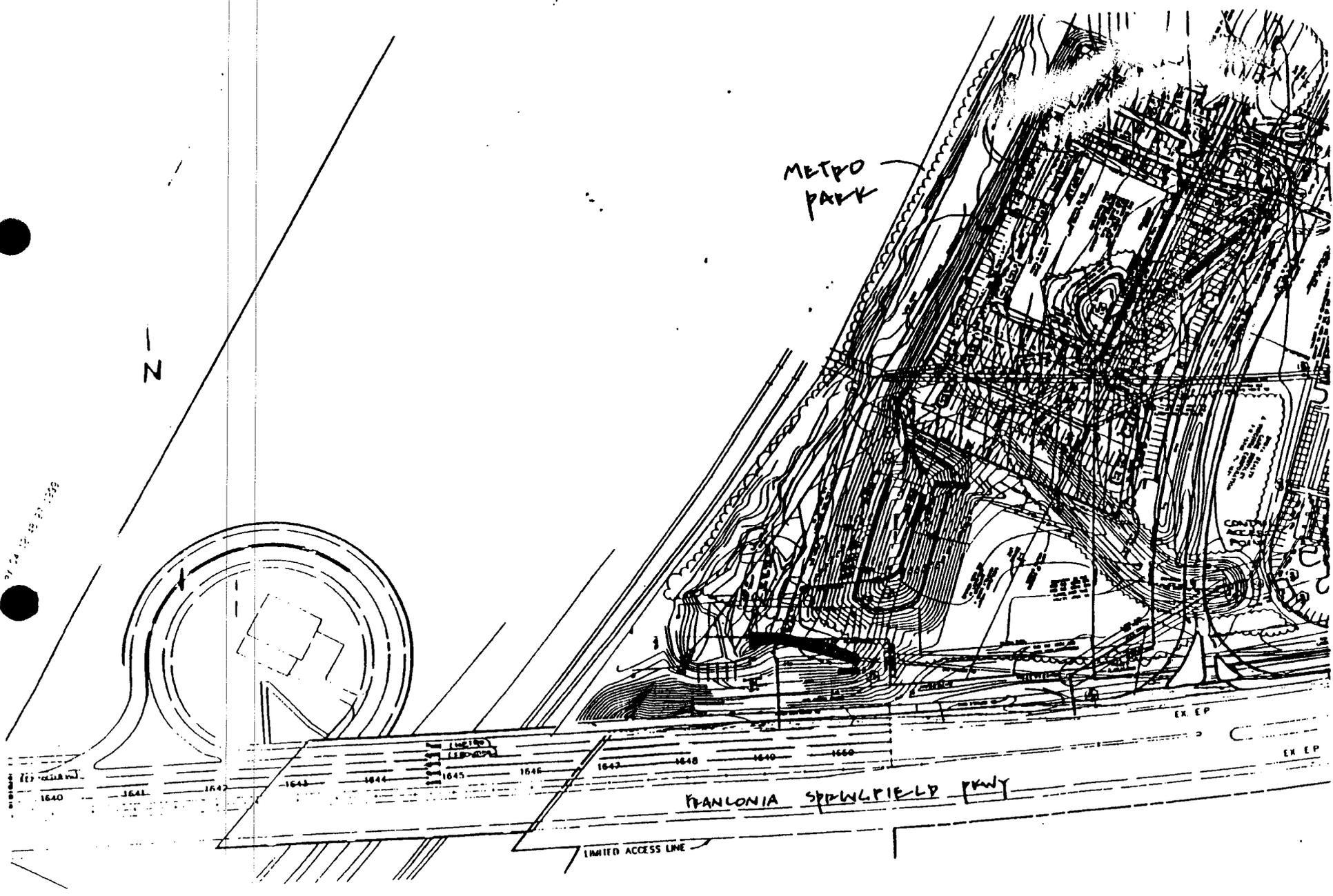
# WEST ELEVATION



2

METRO PARK

EXHIBIT C-1



# METRO PARK

LEE DISTRICT  
FAIRFAX COUNTY, VIRGINIA

## CONCEPTUAL DEVELOPMENT PLAN FINAL DEVELOPMENT PLAN ZONING PLAN



VICINITY MAP

APPLICANT:

**FRIED COMPANIES, INC.**  
6551 Loisdale Court Suite 900  
SPRINGFIELD, VIRGINIA 22150

OCTOBER 20, 1998

Revised February 25, 1999

Revised May 11, 1999

Revised June 4, 1999

Revised June 28, 1999



METRO PARK

CONCEPTUAL DEVELOPMENT PLAN  
FINAL DEVELOPMENT PLAN  
ZONING PLAN

**Dewberry & Davis**

10000 Old Lee Road, Suite 100  
Springfield, Virginia 22150  
703-546-8000

M-9941

### FFI INDEX:

- COVER SHEET
- NOTES AND TABULATIONS
- CONCEPTUAL DEVELOPMENT PLAN
- CONCEPTUAL DEVELOPMENT PLAN ALTERNATE LAYOUT
- GRID SECTION DETAILS
- BUFILE AREA DETAILS
- PEDESTRIAN CIRCULATION PLAN
- REGIONAL PEDESTRIAN TRAIL ACCESS
- ZONING PLAN



THE BOARD OF SUPERVISORS OF THE COUNTY OF FAIRFAX, VIRGINIA, HAS THIS DAY RECEIVED FROM THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY, A REPORT OF THE RESULTS OF THE INVESTIGATION CONDUCTED BY SAID COMMISSIONER INTO THE MATTER OF THE ALLEGED VIOLATION OF THE MOTOR VEHICLE LAWS BY THE DRIVER OF THE MOTOR VEHICLE REGISTERED IN THE NAME OF THE COUNTY OF FAIRFAX, VIRGINIA, AND OPERATED BY SAID DRIVER ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS THE HONORABLE JAMES EARL RAY, JR., WHO IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

THE SAID DRIVER IS CURRENTLY A FUGITIVE FROM THE JUSTICE OF THE UNITED STATES, AND WHO IS ALLEGED TO HAVE BEEN OPERATING SAID MOTOR VEHICLE ON THE DATE AND AT THE PLACE HEREINAFTER SET FORTH.

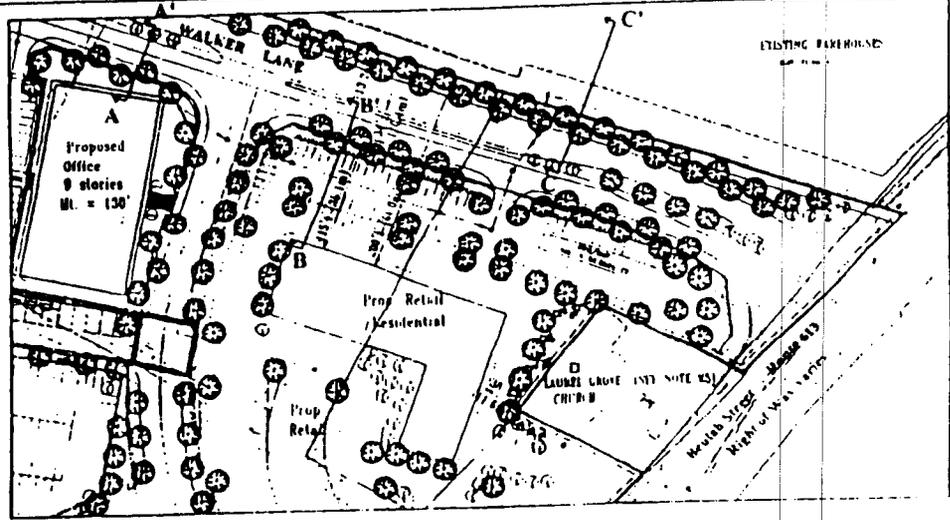
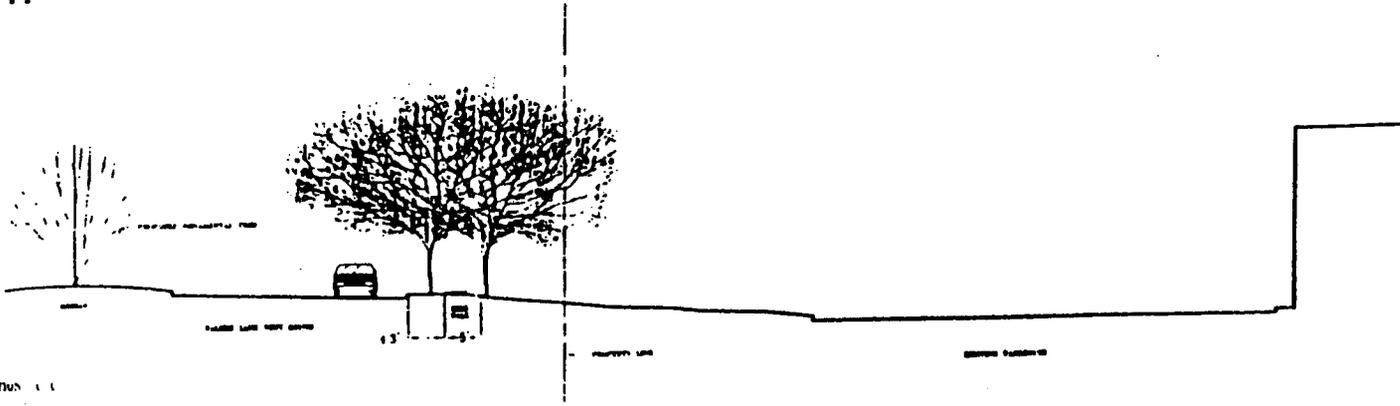
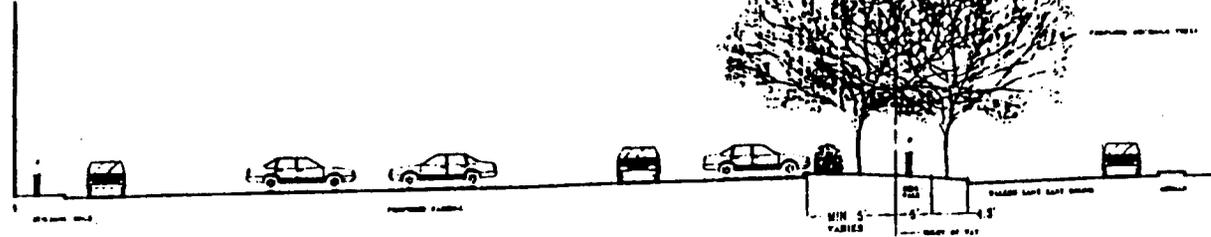
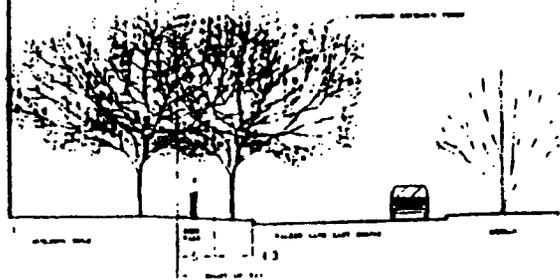
NOTES  
FRIED/METRO OFFICE PARK  
LEE DISTRICT

FAIRFAX COUNTY, VIRGINIA

**Dewberry & Davis**  
1401 ANNAPOLIS AVE. SUITE 200  
FALLS CHURCH, VA 22041  
TEL: 703-441-0100 FAX: 703-441-0111







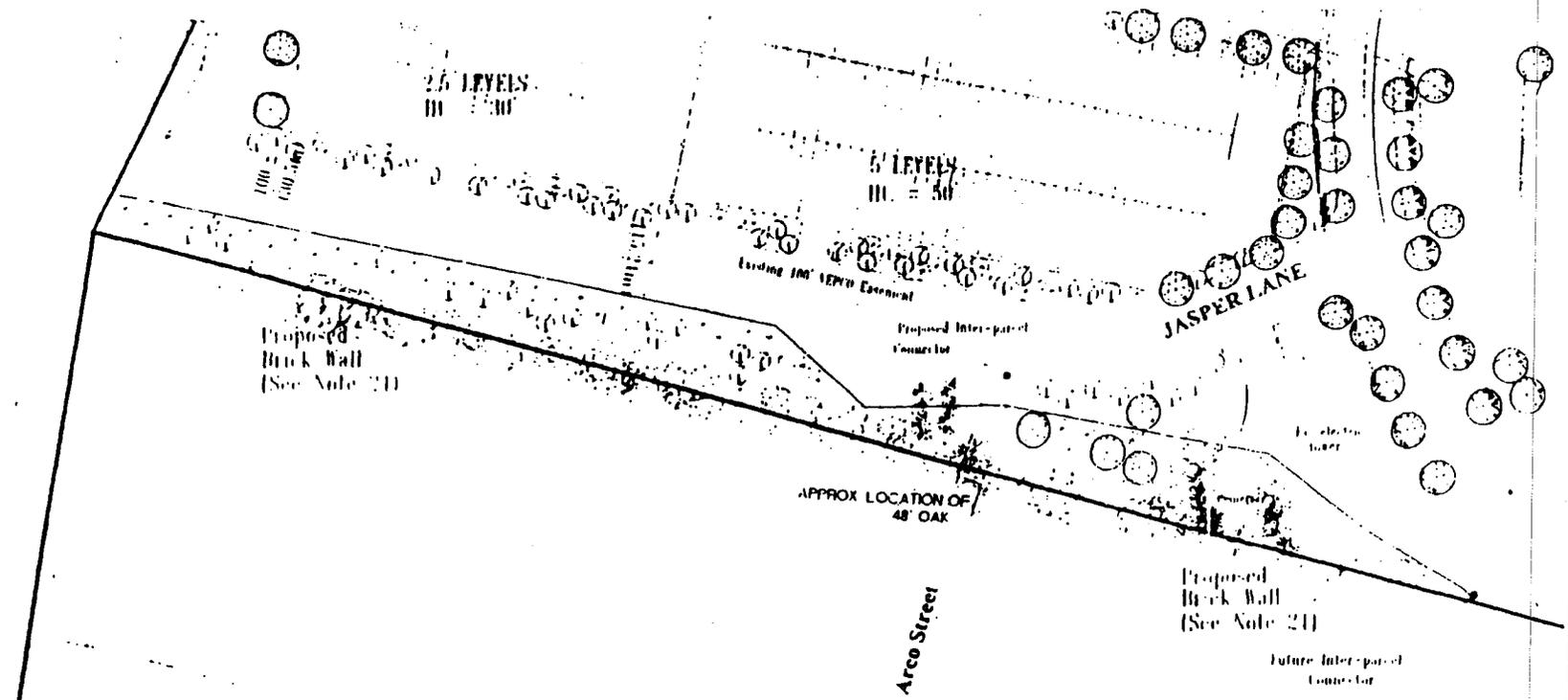
**Dewberry & Davis**  
 ARCHITECTS  
 1100 N. GLENN ST. SUITE 200  
 ARLINGTON, VA 22202  
 TEL: 703-839-8811

FAIRFAX COUNTY VIRGINIA

CROSS SECTION  
**FRIED/METRO OFFICE PARK**  
 LEE DISTRICT



SECTION 1



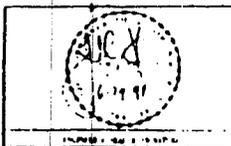
**EXISTING SINGLE FAMILY DETACHED RESIDENTIAL**

**TREE**

Tree ID	Species	DBH (in)	Height (ft)	Health	Notes
T-001	...	...	...	...	...
T-002	...	...	...	...	...
T-003	...	...	...	...	...
T-004	...	...	...	...	...
T-005	...	...	...	...	...
T-006	...	...	...	...	...
T-007	...	...	...	...	...
T-008	...	...	...	...	...
T-009	...	...	...	...	...
T-010	...	...	...	...	...
T-011	...	...	...	...	...
T-012	...	...	...	...	...
T-013	...	...	...	...	...
T-014	...	...	...	...	...
T-015	...	...	...	...	...
T-016	...	...	...	...	...
T-017	...	...	...	...	...
T-018	...	...	...	...	...
T-019	...	...	...	...	...
T-020	...	...	...	...	...
T-021	...	...	...	...	...
T-022	...	...	...	...	...
T-023	...	...	...	...	...
T-024	...	...	...	...	...
T-025	...	...	...	...	...
T-026	...	...	...	...	...
T-027	...	...	...	...	...
T-028	...	...	...	...	...
T-029	...	...	...	...	...
T-030	...	...	...	...	...
T-031	...	...	...	...	...
T-032	...	...	...	...	...
T-033	...	...	...	...	...
T-034	...	...	...	...	...
T-035	...	...	...	...	...
T-036	...	...	...	...	...
T-037	...	...	...	...	...
T-038	...	...	...	...	...
T-039	...	...	...	...	...
T-040	...	...	...	...	...
T-041	...	...	...	...	...
T-042	...	...	...	...	...
T-043	...	...	...	...	...
T-044	...	...	...	...	...
T-045	...	...	...	...	...
T-046	...	...	...	...	...
T-047	...	...	...	...	...
T-048	...	...	...	...	...
T-049	...	...	...	...	...
T-050	...	...	...	...	...

**LEGEND**

- - - - - EXISTING SANITARY SEWER
- - - - - PROPOSED SANITARY SEWER
- - - - - EXISTING WATER MAIN
- - - - - PROPOSED WATER MAIN
- EXISTING SHADE/TREE TREES
- PROPOSED SHADE/TREE TREES
- PROPOSED ORNAMENTAL TREE
- PROPOSED EVERGREEN TREE
- - - - - PROPOSED SIDEWALKS
- - - - - PROPOSED LIMITS OF CLEARING AND GRADING
- POSSIBLE TREE SAVE
- - - - - EXISTING PLANNED BICYCLE/TYPE 1 (ASPHALT TRAIL) AS DEPICTED ON THE FAIRFAX COUNTY TRAILS PLAN



**Dewberry & Davis**  
 Inc.  
 1000 Northpark Drive, Suite 100  
 Fairfax, Virginia 22031  
 (703) 261-1000

PROJECT: FRIED/METRO OFFICE PARK  
 SHEET: 01 OF 01

Note: All trees with the exception of #75 & #76 will be saved







# FAIRFAX COUNTY

APPENDIX 6  
OF  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151  
FAX: 703-324-3926  
TTY: 703-324-3903

February 16, 2001

Barbara June Fried, Esquire  
6551 Loisdale Court – Suite 900  
Springfield, Virginia 22150

RE: Proffered Condition Amendment  
Number PCA 1998-LE-048

Dear Ms. Fried:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on February 5, 2001, approving Proffered Condition Amendment PCA 1998-LE-048 in the name of MPE LLC to amend the proffers for RZ 1998-LE-048, approved for office development to permit an increase in building height with an overall Floor Area Ratio (FAR) of 0.62, on subject parcel 91-1 ((1)) Pt. 11B1 (formerly 91-1 ((1)) 11B), subject to the undated proffers found in Appendix 1 of the Staff Report, consisting of approximately 1.66 acres located in Lee District.

The Conceptual Development Plan was approved; the Planning Commission having previously approved FDPA 1998-LE-048 on February 1, 2001, subject to the Board's approval of PCA 1998-LE-048.

Sincerely,

Nancy Vehrs  
Clerk to the Board of Supervisors

NV/ns

PCA 1998-LE-048

February 16, 2001

- 2 -

cc: Chairman Katherine K. Hanley

Supervisor Lee District

Hunter Mill District Planning Commissioner

Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration

Michael R. Congleton, Deputy Zoning Administrator

Barbara A. Byron, Director, Zoning Evaluation Div., DPZ

Thomas Conry, Dept. Mgr. - GIS - Mapping/Overlay

Robert Moore, Trnsprt'n. Planning Div., Dept. of Transportation

Charles Strunk, Project Planning Section, Dept. of Transportation

Michelle Brickner, Deputy Director, DPW&ES

DPW&ES - Bonds & Agreements

Frank Edwards, Department of Highways - VDOT

Land Acqu. & Planning Div., Park Authority

James Patteson, Acting Director, Facilities Mgmt. Div., DPW&ES

Barbara J. Lipka, Executive Director, Planning Commission

**PARTIAL PROFFERED CONDITION AMENDMENT**  
**PCA 1998-LE-048**  
**FDPA 1998-LE-048**

*Pursuant to an Ordinance adopted August 2, 1999, by the Board of Supervisors, Rezoning Application RZ 1998-LE-048, including the Final Development Plan, FDP 1998-LE-048 and the modifications, waivers, and conditions therein contained was approved subject to the Proffers dated July 30, 1999. The Applicant wishes to amend the approved CDP/FDP and Proffer # 12 as they apply to one parcel, consisting of 72,544 square feet, and to reaffirm all of the other proffers, contingent on retaining the zoning with all attendant modifications, waivers, and conditions as approved.*

*Pursuant to the provisions of Section 15.2-2302, Code of Virginia, 1950 as amended the Applicant for itself, its successors and assigns, agrees 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 these, if accepted, proffers supersede all previous proffers or development conditions on the Property. The Applicant further agrees that these proffers shall remain fully binding on the Applicant and its successors or assigns and any and all future owners of the Property. The proffered conditions are:*

*The Applicant agrees that the development will be in substantial conformance with the submitted CDP/FDP (including either Alternative "A" and "B") dated November, 1998 and revised through June 28, 1999, and as amended by Conceptual/Final Development Plan dated September 25, 2000 (FDPA). Subject to the proffers and the provisions of Sections 18-204 and 16-403 of the Zoning Ordinance, the Applicant reserves the right to make minor modifications to the approved development plan in order to address engineering and architectural issues at the time of final site plan approval.*

- 1. All of the proffers numbered 1 through 11, both inclusive, and proffers numbered 13 through 36, both inclusive, are hereby reaffirmed.*
- 2. Proffer numbered 12 is hereby amended as follows:*

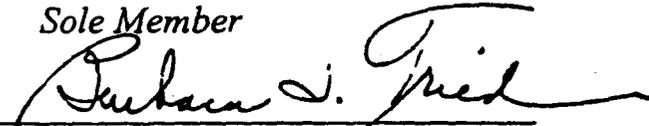
12A Buildings shall not exceed the height shown on the CDP/FDP except that the building identified as North Office (A) shall not exceed the height of 55 feet as shown on the FDPA. (Provided, however, the calculation of building height shall exclude parapet walls and all other structures specified in Section 2-506 of the Zoning Ordinance.) The height of the parking structures shall not exceed 50 feet, and the hotel suites shall not exceed 61 feet. The Child Care facility shall not exceed 40 feet in height.

APPLICANT/OWNER

MPE LLC

By METRO PARK ASSOCIATES LLC

Sole Member

By   
Barbara J. Fried, Manager

**PROFFER CONDITION AMENDMENT****METRO PARK****PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2****Date: September 5, 2003**

Pursuant to Section 15.2-2303(a) of the Code of Virginia, 1950, as amended, the property owners and Applicant in this Proffer Condition Amendment application hereby reaffirm that the development of the parcels under consideration are now shown on the Fairfax County Tax Maps as Tax Map Reference Nos. as 91-1-((1))-23C and 11-B2 and Tax Map Reference 91-1-((28))-1 and 2 (hereinafter referred to collectively as the "Property") and will be in accordance with the proffered conditions accepted by the Board of Supervisors in the approval of RZ/FDP 1998-LE-048 dated July 30, 1999, and the undated proffers accepted in PCA 1998-LE-048 and FDPA 1998-LE-048, except as qualified below. In the event this application is denied, these proffers shall be null and void. The Owners and the Applicant (hereinafter the "Applicant"), for themselves, their successors and assigns, reaffirms all previous proffers except as specifically modified herein and 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 Applicant hereby amends the approved CDPA/FDPA and makes the additions and/or revisions to the proffered conditions accepted in RZ 1998-LE-048 and PCA/FDPA 1998-LE-048 and are listed below.

The second paragraph of the July 30, 1999 proffers, which was amended by the third paragraph of the undated Partial Proffered Condition Amendment accepted pursuant to PCA 1998-LE-048 and FDPA 1998-LE-048, are both deleted, and the following substituted:

The Applicant agrees that the development will be in substantial conformance with the submitted CDPA/FDPA/PCA dated March 2002 and revised through July 8, 2003 (the "Plan"). Subject to the proffers and the provisions of Sections 18-204 and 16-403 of the Zoning Ordinance, the Applicant reserves the right to make minor modifications to the approved development plan in order to address engineering and architectural issues at the time of final site plan approval.

1. Proffer numbered 1, dated July 30, 1999, is hereby reaffirmed.

2. Proffer numbered 2, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 2] The Property will be developed at a floor ratio (FAR) not to exceed 0.60 for office uses. The combined FAR for all uses as shown on the Plan and as defined below shall not exceed 0.62. Office uses shall not exceed 1,075,270 gross floor area (GFA), and the child care use shall not exceed 10,000 GFA. The maximum daily enrollment of the child care center shall not exceed 150. The total FAR of .62 includes density credit for dedication of right of way and Parcel 11C as set forth in Proffer #1 dated July 30, 1999.

3. Proffer numbered 3, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 3] Accessory uses shall be permitted within the office buildings as said term is defined in Section 20-300 of the Zoning Ordinance. In addition to the uses shown for each of the buildings, Applicant may establish all, any, or any other combination of the uses set forth in Note 5 on the Plan.

4. Proffers numbered 4 through 11, both inclusive, and dated July 30, 1999, are hereby reaffirmed.

5. Proffer numbered 12, originally dated July 30, 1999, and amended in the Partial Proffered Condition Amendment accepted pursuant to PCA 1998-LE-048 and FDPA 1998-LE-048, is hereby deleted and the following substituted:

[Proffer 12] Buildings shall not exceed the height shown on the Plan except that the building identified as Phase 7 shall not exceed 55 feet as shown on the Plan. (Provided, however, the calculation of building height shall exclude parapet walls and all other structures specified in Section 2-506 of the Zoning Ordinance). The height of the parking structures shall not exceed 60 feet.

6. Proffers numbered 13 through 29, both inclusive, and dated July 30, 1999, are hereby reaffirmed.

7. Proffer numbered 30, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 30] To provide the residents of Lewin Park with access to Beulah Street, a road connection from Jasper Lane to Arco Street in

Lewin Park, as shown on the Plan, shall be required and its construction will occur concurrently with construction of the next office building, which will be any one of the buildings labeled on the Plan as Phases 5 through 8. This road connection shall connect to Metropark Drive. Compliance with this proffer shall be based upon the date of these proffers.

8. Proffer numbered 31, dated July 30, 1999, is hereby deleted and the following substituted:

[Proffer 31] A road connection to Lewin Park will be allowed at two locations. The Jasper Lane/Arco Street connection is described in Proffer 30 above, and the cost of its construction will be at the expense of the Applicant, its successors or assigns. A second connection from Metro Park Drive has not been determined, and the cost of its construction, including removal of any portion of the wall constructed pursuant to Proffer Number 9, shall be at the expense of the developer of Lewin Park.

9. Proffers numbered 32 through 34, both inclusive, and dated July 30, 1999, are hereby reaffirmed.

10. Proffer numbered 35, subsections (1) through (4), originally dated July 30, 1999, is hereby reaffirmed. Subsection (5) of proffer 35 is hereby deleted and the following substituted:

[Proffer 35(5)] Upon achieving a total occupancy level on the Property of 1,075,270 GFA of development (as evidenced by the issuance of Non-RUPS), the Applicant or assigns shall cause a traffic study to be undertaken to assess the accuracy of the total peak hour vehicle trip generation projections for the property based upon the ITE Trip Rates used to generate the estimated volume counts contained on Table 2 of the Traffic Impact Study prepared by Wells & Associates dated May 5, 1999. The study shall be submitted to the Fairfax County Department of Transportation.

11. Proffer numbered 36 is hereby reaffirmed.

With approval of PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2, the following new proffers are hereby added and numbered sequentially with the previously accepted proffers dated July 30, 1999:

PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

37. A six foot tall, board-on-board acoustically solid fence as shown on the CDPA/FDPA shall be provided around all sides of the outside play area for the child care center.

38. A minimum of ten parking spaces that are the closest to the entrance of the child care center shall be reserved for use by the child care center, so as to facilitate drop off and pick up of the children. Signs that state that the spaces are reserved shall be provided. The staff of the child care center shall be prohibited from parking in these spaces.

39. The number of children in the play area at any one time shall not exceed 50. This proffer does not limit the daily enrollment of the child care center. Proffer #2 addresses daily enrollment.

[SIGNATURE PAGES ATTACHED]

PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

OWNER OF FAIRFAX COUNTY TAX MAP: 91-1-((1))-  
23C

MPW LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By: B. Mark Fried  
B. Mark Fried, Manager

PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

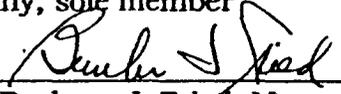
OWNER OF FAIRFAX COUNTY TAX MAP: 91-1-((1))-  
23C

---

MPW LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By:

  
Barbara J. Fried, Manager

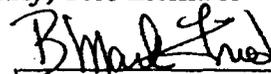
PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

OWNER OF FAIRFAX COUNTY TAX MAP:  
91-1-((28))-1, 2 and 91-1-((1))-11B2

MPE LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By:



B. Mark Fried, Manager

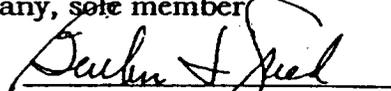
PCA 1998-LE-048-2/FDPA 1998-LE-048-1-2  
September 5, 2003

OWNER OF FAIRFAX COUNTY TAX MAP:  
91-1-((28))-1, 2 and 91-1-((1))-11B2

MPE LLC, a Virginia limited liability company

By: Metro Park Associates LLC,  
a Virginia limited liability  
company, sole member

By:

  
Barbara J. Fried, Manager

WREAI33585.6





# METRO PARK NOTE AND TABULATIONS

PLANNING OFFICE, PHOENIX

DATE	
PROJECT	
CLIENT	
NO.	
BY	
CHECKED	
DATE	

THE SMITH INC.  
ENGINEERING  
1800 WEST WALK AVE. #10  
PHOENIX, ARIZONA 85015  
TEL: 435-4200 FAX: 435-4201

NO.	
DATE	
BY	
CHECKED	
DATE	

NO.	DESCRIPTION	UNIT	QTY	UNIT PRICE	TOTAL PRICE
1	GENERAL CONTRACTOR	PERCENT	100	100.00	10000.00
2	MECHANICAL	PERCENT	100	100.00	10000.00
3	ELECTRICAL	PERCENT	100	100.00	10000.00
4	PLUMBING	PERCENT	100	100.00	10000.00
5	PAINTING	PERCENT	100	100.00	10000.00
6	LANDSCAPING	PERCENT	100	100.00	10000.00
7	CONCRETE	PERCENT	100	100.00	10000.00
8	STEEL	PERCENT	100	100.00	10000.00
9	GLASS	PERCENT	100	100.00	10000.00
10	INTERIORS	PERCENT	100	100.00	10000.00
11	EXTERIORS	PERCENT	100	100.00	10000.00
12	MECHANICAL	PERCENT	100	100.00	10000.00
13	ELECTRICAL	PERCENT	100	100.00	10000.00
14	PLUMBING	PERCENT	100	100.00	10000.00
15	PAINTING	PERCENT	100	100.00	10000.00
16	LANDSCAPING	PERCENT	100	100.00	10000.00
17	CONCRETE	PERCENT	100	100.00	10000.00
18	STEEL	PERCENT	100	100.00	10000.00
19	GLASS	PERCENT	100	100.00	10000.00
20	INTERIORS	PERCENT	100	100.00	10000.00
21	EXTERIORS	PERCENT	100	100.00	10000.00
22	MECHANICAL	PERCENT	100	100.00	10000.00
23	ELECTRICAL	PERCENT	100	100.00	10000.00
24	PLUMBING	PERCENT	100	100.00	10000.00
25	PAINTING	PERCENT	100	100.00	10000.00
26	LANDSCAPING	PERCENT	100	100.00	10000.00
27	CONCRETE	PERCENT	100	100.00	10000.00
28	STEEL	PERCENT	100	100.00	10000.00
29	GLASS	PERCENT	100	100.00	10000.00
30	INTERIORS	PERCENT	100	100.00	10000.00
31	EXTERIORS	PERCENT	100	100.00	10000.00
32	MECHANICAL	PERCENT	100	100.00	10000.00
33	ELECTRICAL	PERCENT	100	100.00	10000.00
34	PLUMBING	PERCENT	100	100.00	10000.00
35	PAINTING	PERCENT	100	100.00	10000.00
36	LANDSCAPING	PERCENT	100	100.00	10000.00
37	CONCRETE	PERCENT	100	100.00	10000.00
38	STEEL	PERCENT	100	100.00	10000.00
39	GLASS	PERCENT	100	100.00	10000.00
40	INTERIORS	PERCENT	100	100.00	10000.00
41	EXTERIORS	PERCENT	100	100.00	10000.00
42	MECHANICAL	PERCENT	100	100.00	10000.00
43	ELECTRICAL	PERCENT	100	100.00	10000.00
44	PLUMBING	PERCENT	100	100.00	10000.00
45	PAINTING	PERCENT	100	100.00	10000.00
46	LANDSCAPING	PERCENT	100	100.00	10000.00
47	CONCRETE	PERCENT	100	100.00	10000.00
48	STEEL	PERCENT	100	100.00	10000.00
49	GLASS	PERCENT	100	100.00	10000.00
50	INTERIORS	PERCENT	100	100.00	10000.00
51	EXTERIORS	PERCENT	100	100.00	10000.00
52	MECHANICAL	PERCENT	100	100.00	10000.00
53	ELECTRICAL	PERCENT	100	100.00	10000.00
54	PLUMBING	PERCENT	100	100.00	10000.00
55	PAINTING	PERCENT	100	100.00	10000.00
56	LANDSCAPING	PERCENT	100	100.00	10000.00
57	CONCRETE	PERCENT	100	100.00	10000.00
58	STEEL	PERCENT	100	100.00	10000.00
59	GLASS	PERCENT	100	100.00	10000.00
60	INTERIORS	PERCENT	100	100.00	10000.00
61	EXTERIORS	PERCENT	100	100.00	10000.00
62	MECHANICAL	PERCENT	100	100.00	10000.00
63	ELECTRICAL	PERCENT	100	100.00	10000.00
64	PLUMBING	PERCENT	100	100.00	10000.00
65	PAINTING	PERCENT	100	100.00	10000.00
66	LANDSCAPING	PERCENT	100	100.00	10000.00
67	CONCRETE	PERCENT	100	100.00	10000.00
68	STEEL	PERCENT	100	100.00	10000.00
69	GLASS	PERCENT	100	100.00	10000.00
70	INTERIORS	PERCENT	100	100.00	10000.00
71	EXTERIORS	PERCENT	100	100.00	10000.00
72	MECHANICAL	PERCENT	100	100.00	10000.00
73	ELECTRICAL	PERCENT	100	100.00	10000.00
74	PLUMBING	PERCENT	100	100.00	10000.00
75	PAINTING	PERCENT	100	100.00	10000.00
76	LANDSCAPING	PERCENT	100	100.00	10000.00
77	CONCRETE	PERCENT	100	100.00	10000.00
78	STEEL	PERCENT	100	100.00	10000.00
79	GLASS	PERCENT	100	100.00	10000.00
80	INTERIORS	PERCENT	100	100.00	10000.00
81	EXTERIORS	PERCENT	100	100.00	10000.00
82	MECHANICAL	PERCENT	100	100.00	10000.00
83	ELECTRICAL	PERCENT	100	100.00	10000.00
84	PLUMBING	PERCENT	100	100.00	10000.00
85	PAINTING	PERCENT	100	100.00	10000.00
86	LANDSCAPING	PERCENT	100	100.00	10000.00
87	CONCRETE	PERCENT	100	100.00	10000.00
88	STEEL	PERCENT	100	100.00	10000.00
89	GLASS	PERCENT	100	100.00	10000.00
90	INTERIORS	PERCENT	100	100.00	10000.00
91	EXTERIORS	PERCENT	100	100.00	10000.00
92	MECHANICAL	PERCENT	100	100.00	10000.00
93	ELECTRICAL	PERCENT	100	100.00	10000.00
94	PLUMBING	PERCENT	100	100.00	10000.00
95	PAINTING	PERCENT	100	100.00	10000.00
96	LANDSCAPING	PERCENT	100	100.00	10000.00
97	CONCRETE	PERCENT	100	100.00	10000.00
98	STEEL	PERCENT	100	100.00	10000.00
99	GLASS	PERCENT	100	100.00	10000.00
100	INTERIORS	PERCENT	100	100.00	10000.00

**Notes:**

1. All work shall be in accordance with the specifications and drawings.
2. The contractor shall be responsible for obtaining all necessary permits.
3. The contractor shall maintain access to all existing utilities.
4. The contractor shall protect all existing structures and landscaping.
5. The contractor shall provide adequate site access and parking.
6. The contractor shall maintain safety at all times.
7. The contractor shall provide a clean and safe work site.
8. The contractor shall provide a schedule of work and progress.
9. The contractor shall provide a list of subcontractors.
10. The contractor shall provide a list of suppliers.
11. The contractor shall provide a list of vendors.
12. The contractor shall provide a list of materials.
13. The contractor shall provide a list of equipment.
14. The contractor shall provide a list of labor.
15. The contractor shall provide a list of subcontractors.
16. The contractor shall provide a list of suppliers.
17. The contractor shall provide a list of vendors.
18. The contractor shall provide a list of materials.
19. The contractor shall provide a list of equipment.
20. The contractor shall provide a list of labor.



SUBJECT OF CONCEPTUAL/  
FINAL DEVELOPMENT PLAN  
AMENDMENT

EXISTING WAREHOUSES

SUBJECT OF CONCEPTUAL/  
FINAL DEVELOPMENT PLAN  
AMENDMENT



FUTURE INTERPARCEL ACCESS TO  
INDUSTRIAL PROPERTY (BY OTHERS)

METRO  
STATION

EXISTING RAILROAD TRACKS

NOT INCLUDED IN APPLICATION

CHURCH  
USE

EXISTING SINGLE FAMILY DETACHED RESIDENTIAL

SHOPPING CENTER

EXISTING TOWNHOUSE  
RESIDENTIAL

1. THE SIGNSCAPE ALONG WALKER LANE WILL BE  
CONSISTENT WITH PROPPER §11.

- LEGEND:**
- EXISTING SANITARY SEWER
  - PROPOSED SANITARY SEWER
  - EXISTING WATER MAIN
  - PROPOSED WATER MAIN
  - PROPOSED SIGN/STREET TREE
  - PROPOSED ORNAMENTAL TREE
  - PROPOSED EVERGREEN TREE
  - PROPOSED SIDEWALK
  - PROPOSED LIMITS OF CLEARING AND GRADING
  - POSSIBLE TREE SAVE
  - EXISTING PLANNED BICYCLE/TYPE 1 (ARMPHAL TRAIL) AS  
DEPICTED ON THE FAIRWAY COUNTY TRAILS PLAN.

THE  
ENGINEERING  
SOURCE, INC.  
LIMITED LIABILITY COMPANY  
1000 WEST 10TH AVENUE, SUITE 100  
DENVER, COLORADO 80202  
303-733-7800

PROPOSED CONCEPT AMENDMENT CDP/TPA  
**METRO PARK**



DATE	REV
01/11/01	1
02/15/01	2
03/20/01	3
04/10/01	4
05/01/01	5
06/01/01	6
07/01/01	7
08/01/01	8
09/01/01	9
10/01/01	10
11/01/01	11
12/01/01	12













# County of Fairfax, Virginia

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

October 16, 2009

(Revised)

Ms. Inda E. Stagg  
Walsh, Colucci, Lubeley, Emrich & Walsh P.C.  
2200 Clarendon Blvd., Thirteenth Floor  
Arlington, VA 22201-3359

Re: Interpretation for RZ 1998-LE-048, PCA 98-LE-048-2, FDPA 1998-LE-048-1-2, Metro  
Park: Building 6 footprint, removal of surface parking

Dear Ms. Stagg,

This letter supercedes my letter of August 27, 2009, and is revised to address the gross floor area of Building 6 and the distribution of accessible parking and loading spaces. This is in response to your letter of July 13, 2009, and supplemental memo dated July 30, 2009; and your letter dated September 21, 2009, (attached), requesting an interpretation of the proffers and the Conceptual Development Plan Amendment (CDPA) accepted by the Supervisors in conjunction with the approval of RZ 1998-LE-048 and PCA 98-LE-048-2, and the Final Development Plan Amendment (FDPA) approved by the Planning Commission pursuant to FDPA 1998-LE-048-1-2. As I understand it the questions are whether the proposed revised building footprint and removal of sixty-three (63) surface parking spaces would be in substantial conformance with the proffers. This determination is based on your correspondence and 5 sheets of attached exhibits. All sheets have been prepared by Kling Stubbins and are dated July 1, 2009. Sheet Z-7 is entitled "Building Perspective from South East," Sheets Z-1 and Z-2 are entitled "Interpretation Plan - Existing - for Open Space," and Interpretation Plan - Proposed - for Open Space," respectively. Sheets Z-5 and Z-6 are entitled "Interpretation Plan - Existing - Parking, Circulation and Loading," and "Interpretation Plan - Proposed - Parking, Circulation and Loading," respectively.

On August 2, 1999, the Board of Supervisors approved RZ 1998-LE-048 on 37.17 acres of land to the PDC (Planned Development Commercial), subject to proffers, to allow a mixed use development with office, retail, hotel/retail and freestanding child care center. Subsequently, PCA 1998-LE-048-2, was approved by the Board of Supervisors on September 15, 2003, subject to proffers, on 29.23 acres of land to alter the easternmost portion of the site where there had been a hotel/retail building and freestanding child care center which were consolidated into a building with both office use and a child care center. The property is also subject to Final Development Plan Amendment FDPA 1998-LE-048-1-2, as approved by the Planning Commission on July 24, 2003, subject to the Board of Supervisors approval of PCA 1998-LE-048-2.

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

Excellence \* Innovation \* Stewardship  
Integrity \* Teamwork \* Public Service

Ms. Inda E. Stagg

Page 2

As I understand it, the final design of Building 6 has resulted in a revised building footprint. The proposed building would also be setback an additional 6 feet from the northern property line (increase from 184 to 190 feet). Specifically, you propose to decrease the gross floor area (GFA) of the footprint from 35,222 square feet as approved to 29,664 square feet. This is a reduction of 5,558 square feet from the approved GFA footprint. No change in the overall GFA of the building is proposed.

In addition to the building footprint, the site layout is proposed to be revised to remove sixty-three surface parking spaces in front of the building and to maintain this area as open space. The approved CDPA/FDPA shows that 3,404 parking spaces were to be provided. In your memo, you state that, even with the removal of the 63 parking spaces, a total of 3,486 parking spaces will be provided.

You indicate in your letter that accessible spaces and certain loading spaces will remain in proximity to the building. You propose to place grasscrete in the area between the parking garage and the building. The overall effect of the reduction of building footprint and removal of parking is an increase in open space from 39,348 square feet or 28% to 60,152 square feet or 43%.

It is my determination that the proposed footprint for Building 6 and removal of surface parking would be in substantial conformance with the proffers, CDPA, and FDPA, subject to the approval of the proposed layout and parking, including the location of accessible and loading parking spaces, by the Department of Public Works and Environmental Services.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Lisa Feibelman at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director  
Zoning Evaluation Division, DPZ

*N:\Interpretations\Rezoning - RZ/PCA & FDP 1998-LE-048 - Metro park - restaurant.doc*

Attachments: A/S

cc: Jeffrey C. McKay, Supervisor, Lee District  
Rodney Lusk, Planning Commissioner, Lee District  
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch, DPZ  
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES  
Kenneth Williams, Plan Control, Land Development Services, DPWES  
Angela Rodeheaver, Chief, Site Analysis Section, DOT  
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ  
File: RZ 1998-LE-048, PCA 1998-LE-048-2, FDPA 1998-LE-048-1-2,  
PI 0907 086, Imaging, Reading File



# County of Fairfax, Virginia

## MEMORANDUM

DATE: December 18, 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 1998-LE-048)

**REFERENCE:** FDPA 1998-LE-048-01-03; PCA 1998-LE-048-03, CSHV Metro Park  
Traffic Zone: 1487  
Land Identification: 91-1 ((1)) 11B2 and 23E; 91-1 ((28)) 1 and 2A;  
91-1 ((31)) 1, 1A, 2, 2A, 2B, 3, 3A, 3B, 4A, 4B and 4C

The following comments reflect the position of the Department of Transportation, and are based on the applicant's statement of justification dated October 23, 2009, draft proffers dated December 8, 2009, and the amended final development plan revised to November 30, 2009. The applicant has submitted the referenced development plan and proffers to reflect the as-built roadways and structures constructed since the rezoning was originally approved, and to seek an increase in building height from 145 to 165 feet. The height increase is to permit the placement of photovoltaic array (solar panels) on the roof of the taller structures. There are no transportation impacts associated with the request.

AKR/CAA

Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services.



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 8, 2009

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

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

**SUBJECT:** Metro Park, Building 6 – PCA 1998-LE-048-3 / FDPA 1998-LE-048-1

The Office of Community Revitalization and Reinvestment (OCRR) has reviewed the above referenced Proffer Condition Amendment dated October 8, 2009.

OCRR supports the goals of green building and applicant's stated desire to obtain a LEED Platinum Certification. Modifying the proffers to allow the building height to be raised from 145 to 165 in order to allow for the installation of a photovoltaic array seems appropriate to meet the County's goals of sustainable building.

As long as the submitted proffer amendment language would only permit the increase in height for the installation of the photovoltaic array, and associated grid, and would not permit an increase in height for the main structure, OCRR fully supports this development application.



Office of Community Revitalization and Reinvestment  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22035  
703-324-9300, TTY 711  
[www.fcrevit.org](http://www.fcrevit.org)



## 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, Manager,  
Park Planning Branch, PDD *SS*

**DATE:** November 10, 2009

**SUBJECT:** PCA 1998-LE-048-3 conc w/ FDPA 1998-LE-048-1-3, CSHV Metro Park LLC  
Tax Map Numbers: 91-1 ((1)) 11B2 & 23E; 91-1 ((28)) 1 & 2A; 91-1 ((31)) 1-4C

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Andi Dorlester  
DPZ Coordinator: Kelli-Mae Goddard-Sobers

Copy: Cindy Walsh, Director, Resource Management Division  
Chron Binder  
File Copy



# County of Fairfax, Virginia

## MEMORANDUM

**DATE:** November 3, 2009

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

**FROM:** Eric Fisher, GIS Analyst III  
Information Technology Section  
Fire and Rescue Department

**SUBJECT:** Fire and Rescue Department Preliminary Analysis of Proffered Condition Amendment PCA 1998-LE-048-3 concurrent with Final Development Plan Amendment FDPA 1998-LE-048-1-3

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 #405, Franconia
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 \_\_\_\_\_ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

Proudly Protecting and  
Serving Our Community

Fire and Rescue Department  
4100 Chain Bridge Road  
Fairfax, VA 22030  
703-246-2126  
[www.fairfaxcounty.gov](http://www.fairfaxcounty.gov)





FAIRFAX COUNTY  
PUBLIC SCHOOLS

Department of Facilities and Transportation Services  
Office of Design and Construction Services  
City Square Building, Suite 400  
10640 Page Avenue  
Fairfax, Virginia 22030

November 16, 2009

Regina Coyle, Director  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Suite 800  
Fairfax, Virginia 22035

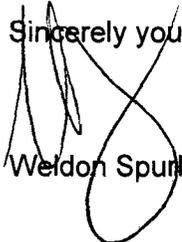
Ladies and Gentlemen:

Re: Below Listed Recently Filed Development Plan Analysis

PCA 1998-LE-048-3 concurrent with FDPA 1998-LE-048-1-3

This office has reviewed the subject development plan application, and has no comments with respect to school acquisition.

Sincerely yours,



Weldon Spurling, II, PE

WS/vm

cc: Facilities Planning Services, FCPS, (w/attach.)  
File

## SELECTED EXCERPTS FROM THE ZONING ORDINANCE

### PART 2 6-200 PDC PLANNED DEVELOPMENT COMMERCIAL DISTRICT

#### 6-201 Purpose and Intent

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

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

### 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 plats. 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 provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
2. Other than those regulations specifically set forth in Article 6 for a particular P district, the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.
3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

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

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.
- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

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

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

- Policy b. Ensure that zoning proposals for nonresidential development and zoning proposals for multifamily residential development of four or more stories within the Tysons Corner Urban Center, Suburban Centers, Community Business Centers and Transit Station Areas as identified on the Concept Map for Future Development incorporate green building practices sufficient to attain certification through the LEED program or its equivalent, where applicable, where these zoning proposals seek at least one of the following:
- Development in accordance with Comprehensive Plan Options;
  - Development involving a change in use from what would be allowed as a permitted use under existing zoning;
  - Development at the Overlay Level; or
  - Development at the high end of planned density/intensity ranges. For nonresidential development, consider the upper 40% of the range between by-right development potential and the maximum Plan intensity to constitute the high end of the range.
- Policy 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.
- Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.
- Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses.

## 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.

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

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

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

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

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

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

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

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

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

**COUNTY 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	PD	Planning Division
ADU	Affordable Dwelling Unit	PDC	Planned Development Commercial
ARB	Architectural Review Board	PDH	Planned Development Housing
BMP	Best Management Practices	PFM	Public Facilities Manual
BOS	Board of Supervisors	PRC	Planned Residential Community
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPWES	Department of Public Works and Environmental Services	TMA	Transportation Management Association
DPZ	Department of Planning and Zoning	TSA	Transit Station Area
DU/AC	Dwelling Units Per Acre	TSM	Transportation System Management
EQC	Environmental Quality Corridor	UP & DD	Utilities Planning and Design Division, DPWES
FAR	Floor Area Ratio	VC	Variance
FDP	Final Development Plan	VDOT	Virginia Dept. of Transportation
GDP	Generalized Development Plan	VPD	Vehicles Per Day
GFA	Gross Floor Area	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	ZAD	Zoning Administration Division, DPZ
Non-RUP	Non-Residential Use Permit	ZED	Zoning Evaluation Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZPRB	Zoning Permit Review Branch
PCA	Proffered Condition Amendment		