



FAIRFAX COUNTY

OFFICE OF COMPREHENSIVE PLANNING

Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

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V I R G I N I A

June 23, 1997

Benjamin F. Thompkins
Hazel & Thomas
3110 Fairview Park Drive, Suite 1400
Falls Church, VA 22042

Re: Interpretation for RZ 84-D-049/FDP 84-D-049 and PCA/FDPA 84-D-049, Tysons II,
Parking for Sector I and Sector II

Dear Mr. Thompkins:

This is in response to your letter of March 17, 1997, and your follow-up telephone conversations with staff, the most recent of which was on June 10, 1997, requesting an interpretation of the Conceptual Development Plan (CDP), the Final Development Plan (FDP) and Proffer Number 13 accepted by the Board of Supervisors in conjunction with the approval of RZ 84-D-049 and PCA 84-D-049. As I understand it, the question is whether some of the required off-street parking spaces for Sector I with the development of Office Building E can be provided in Sector II. A copy of the above-referenced letter is attached.

The delineation of the sectors is shown on the CDP. Sector I is planned for retail, hotel, and office uses, with four office buildings, including Office Building E, and is governed by the proffers approved with RZ 84-D-049 and FDP 84-D-049. Sector II is planned for office and hotel uses, and is governed by PCA/FDPA 84-D-049. You are planning the development of Office Building E in Sector I, and would like to know whether some of the required off-street parking spaces for Sector I can be provided in either Sector I or Sector II, as long as the total number of parking spaces provided within Sectors I and II at any stage of development is equal to or greater than the number of spaces required for such sectors based on the ratios listed in Proffer Number 13 that are applicable to such sectors.

According to Proffer Number 13, with the construction of the full retail use in Sector I in combination with the hotel and/or office uses, the number of off-street parking spaces provided for Sector I will be either based upon the parking ratios stated in Proffer Number 13 or 4504 spaces, whichever requirement is greater. The parking ratio for Sector I is now 2.89 per 1,000 GSF, based on the existing mix of uses. The parking ratio for Sector II will be either 2.24 per 1,000 GSF, or 1.60 per 1,000 GSF, depending on the mix of principal uses. Once two or more uses are established in Sector I or Sector II, easements will be recorded to run with the land underlying the respective Sector establishing the right to cross-access parking facilities within

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such sector to satisfy the parking requirements set forth herein. However, the total number of off-street parking spaces for each Sector at build-out shall be that number set forth on the respective Final Development Plan.

I understand from your telephone conversation with staff that the retail portion of the site is at build-out, and Office Building D and the hotel have been constructed. A site plan has been submitted for Office Building E for an office building with a parking garage. All of the parking spaces required for Office Building E alone can be provided in the parking garage. However, additional parking spaces are required to be provided (number not specified) to meet the proffered number of spaces overall for Sector I, and you propose to provide some of these parking spaces in Sector II, which is as yet unbuilt. A temporary gravel area is presently located in Sector II. You indicate that a parking reduction may be requested in the future. I would note that the submittal and approval of a PCA to revise Proffer Number 13 would be required as a condition of the parking reduction to reflect the revised parking requirements.

According to the Department of Environmental Management (DEM), the last site plan submittal for Office Building E, Site Plan #6028-SP-07-2, was returned to the engineer for corrections on July 9, 1992. The resubmission has not yet been received by DEM. A proffer interpretation dated February 5, 1990, permitted 384,993 square feet of GFA for Office Building E. The proposed site plan showed an 18-story building with a 5-level parking garage. Parking provided per the plan was 1,373 spaces plus 17 accessible spaces, for a total of 1,390 parking spaces.

It is my determination that some of the required off-street parking spaces for Sector I with the development of Office Building E may be provided on a temporary basis in Sector II in substantial conformance with the CDP/FDP and Proffer Number 13, subject to DEM approval, and provided easements are recorded to run with the land as required by Proffer 13. This determination has been made reviewed with DEM and 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 Elaine Jensen at (703) 324-1290.

Sincerely,



Barbara A. Byron, Director
Zoning Evaluation Division

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Attachments: A/S

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cc: Gerald E. Connolly, Supervisor, Providence District
Carl A. S. Coan, Jr., Planning Commissioner, Providence District
Jane W. Gwinn, Zoning Administrator
Edward J. Jankiewicz, Director, Design Review Division, DEM
Angela Rodeheaver, Section Chief for Site Analysis, OT
Bonds and Agreements Branch, DRD, DEM
File: RZ 84-D-049; PCA/FDPA 84-D-049; PI 9703 0030

HAZEL & THOMAS

A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELORS AT LAW

Direct Dial: 641-4268

March 17, 1997

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING

MAR 20 1997

VIA TELECOPY AND REGULAR MAIL

ZONING EVALUATION DIVISION

Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035-5505

Re: Tysons II; RZ84-D-049

Dear Barbara:

The 106.8352 acres that comprises the Tysons II project was rezoned to the Planned Development Commercial District on October 15, 1984 (RZ84-D-049) (the "Rezoning") to permit 4,653,741 square feet of commercial development (including office, hotel and retail), subject to certain proffers associated therewith (the "Proffers"). Simultaneously with the Rezoning, the Board of Supervisors approved the Conceptual Development Plan for Tysons II ("CDP") which CDP established four (4) development "Sectors." Sectors I and II are designated for a potential mix of office, retail and hotel and office and hotel, respectively. Sector I and II are contiguous to each other being only separated by the dedication of Tysons Parkway as part of the project's internal road network.

Pursuant to Section 11-102-4 of the Fairfax County Zoning Ordinance, Paragraph 13 of the Proffers provided for reduction in the otherwise applicable parking requirements due to the shared parking characteristics of the mixed uses proposed for the Tysons II project ("Proffer 13"). Specifically, Proffer 13 provided that once two or more uses are established within either Sector I or Sector II, parking shall be provided with reduction from ordinance requirements in accordance with the shared parking ratios set forth in Proffer 13. Pursuant to Proffer 13, once retail, office and hotel uses have been established in Sector I, the ratio of parking spaces per 1,000 gross square feet shall be 2.89.

Since the Rezoning, the following uses have been established within Sections I and II, all as shown on the Final Development Plan approved by the Planning Commission on October 4, 1994 as part of the initial Rezoning process, and as modified by subsequent interpretations (the "FDP"):

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1. The three (3) level retail center.
2. The hotel shown as Building B on the FDP.
3. The office building shown as Building D on the FDP.
4. Temporary parking in the general vicinity of Buildings F and L, as such buildings are shown on the FDP.

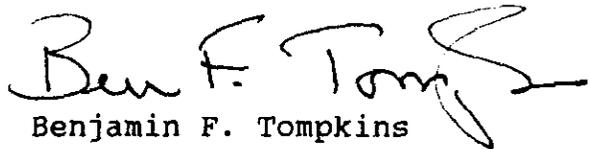
In order to provide guidance for the future development of Tysons II, and specifically in connection with the contemplated development of Building E, as such building is shown on the FDP, this is a request for an interpretation by you, in your capacity as the Zoning Administrator, that in order to satisfy the parking ratios set forth in Proffer 13 for Sectors I and II, the required off street parking may be provided in Sectors I and II, or either of such sectors, so long as the total number of parking spaces provided within Sectors I and II at any stage of development is equal to or greater than the number of spaces required for such Sectors based on the ratio then applicable to such Sectors.

Such an interpretation is consistent with the development of Tysons II as set forth on the FDP as a urban core/mixed use development with complex design issues associated with the mix, intensity and scale of uses planned for Tysons II.

Thank you for your consideration and assistance. Should you require any additional information, please let me know.

Very truly yours,

HAZEL & THOMAS, P.C.


Benjamin F. Tompkins

BFT/sc
cc: Robert K. Tanenbaum, Esq.
Peter M. Rosen
Bernard C. Voyten, Jr.

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