



APPLICATION FILED: November 29, 2005
PLANNING COMMISSION: March 29, 2006

County of Fairfax, Virginia

March 15, 2006

STAFF REPORT

APPLICATION FDPA 78-P-130-8

PROVIDENCE DISTRICT

APPLICANT: 3120 Fairview, LLC

PARCEL(S): 49-4 ((1) 72

ACREAGE: 6.26 Acres

ZONING: PDC

FAR: 0.71 (0.29 for the entire area of RZ 78-P-130)

OPEN SPACE: 35% (50% overall for the 110-acre site)

PLAN MAP: Mixed Use

PROPOSAL: To amend FDP 78-P-130, previously approved for temporary use as a marketing center/office building, to permit the continued use of the marketing center/office building during the ongoing buildout of Fairview Park.

STAFF RECOMMENDATIONS:

Staff recommends approval of FDPA 78-P-130-8 subject to the execution of development conditions consistent with those contained in Appendix 1.

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.

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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/

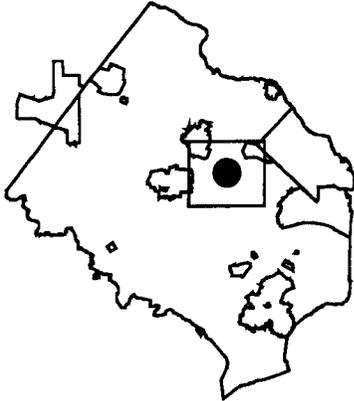
It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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.

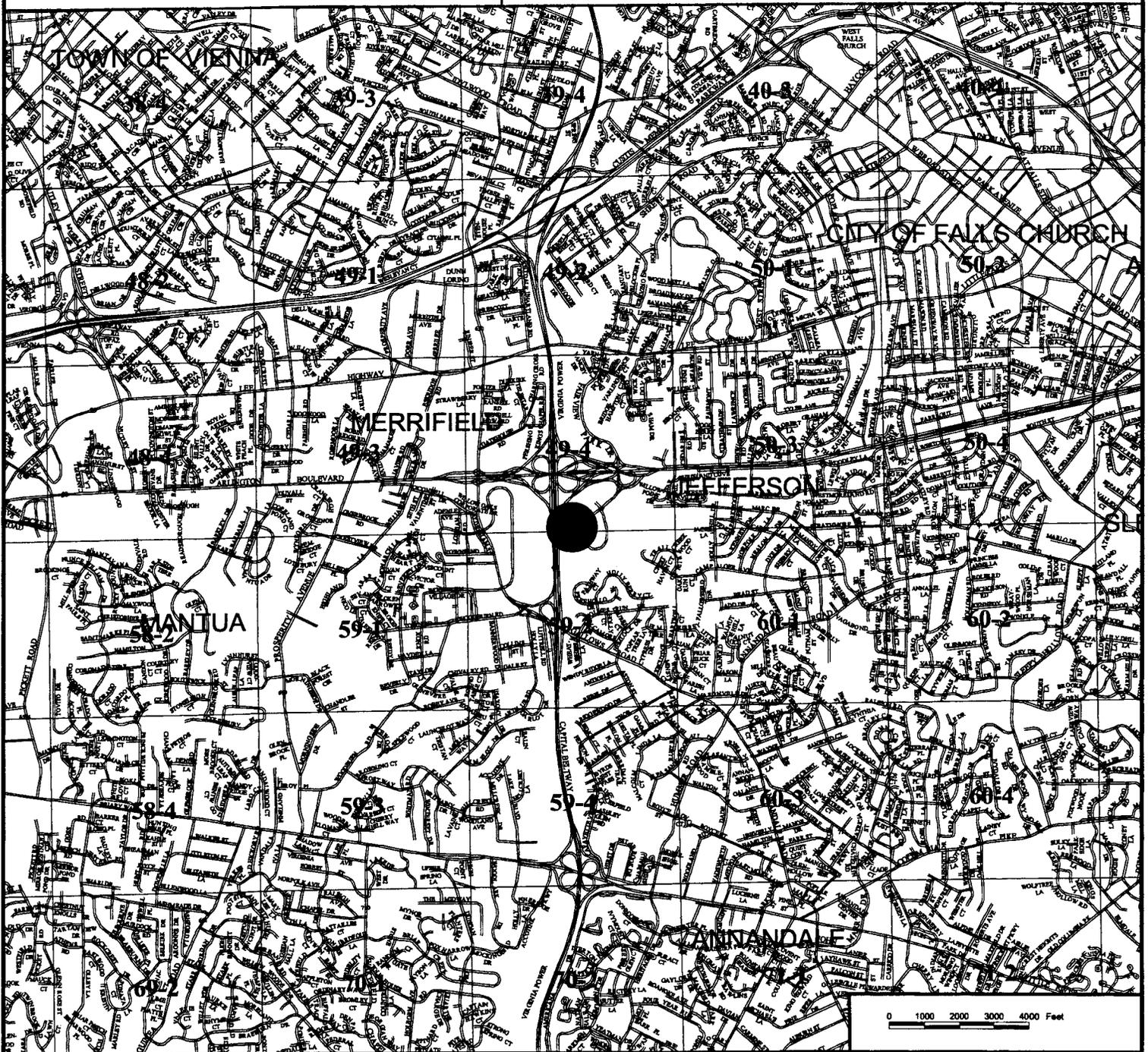


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

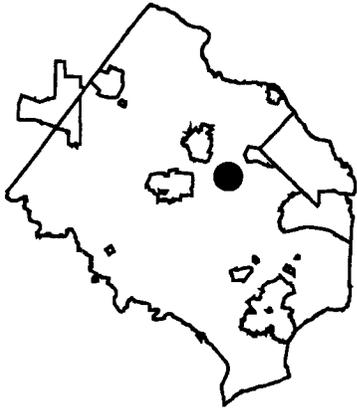
Final Development Plan Amendment
FDPA 78-P -130-08



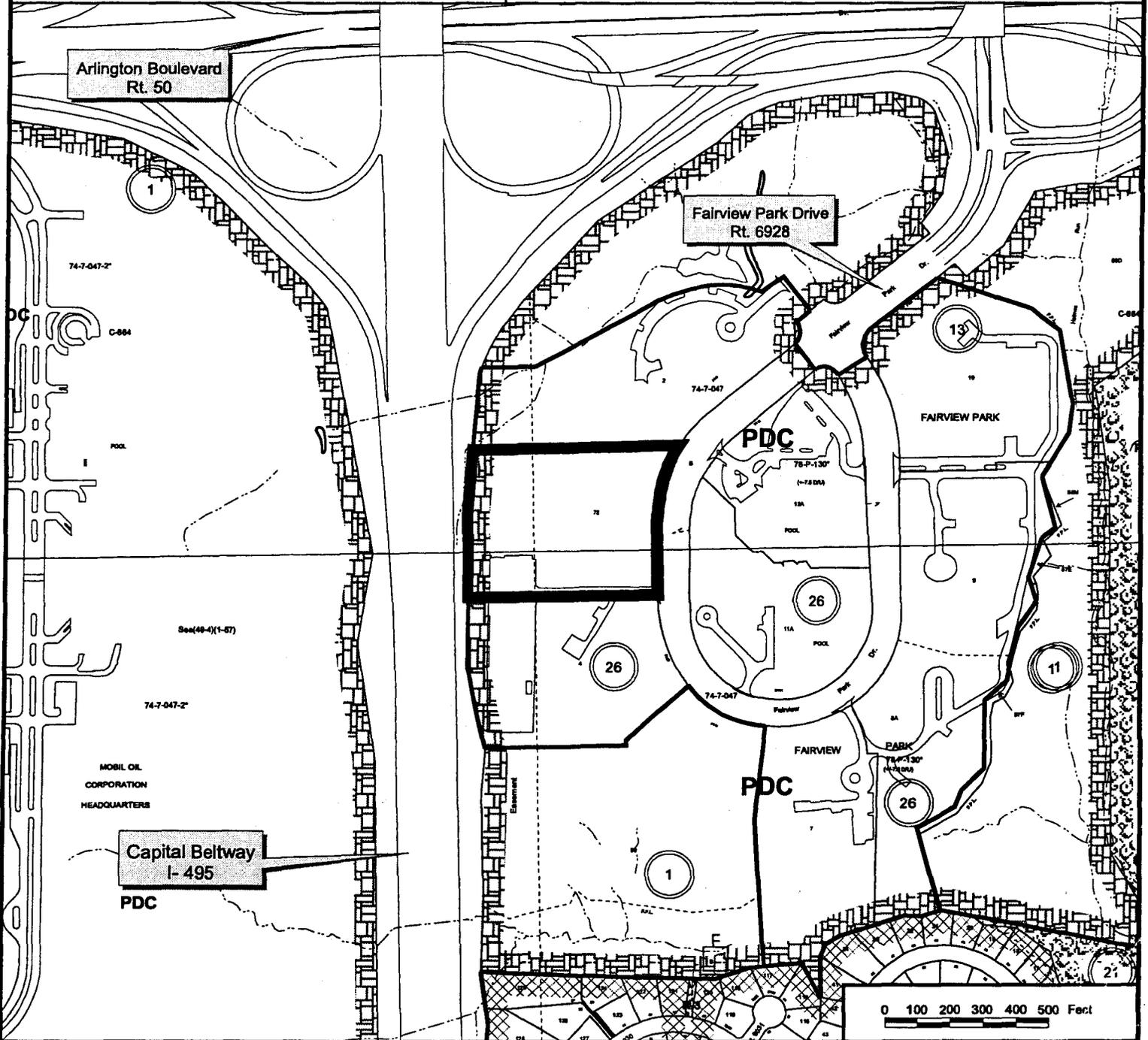
Applicant: 3120 FAIRVIEW LLC
Accepted: 11/29/2005
Proposed: TO AMEND FDP 78-P-130 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS
Area: 6.26 AC OF LAND; DISTRICT - PROVIDENCE
Located: WEST SIDE OF FAIRVIEW PARK DRIVE, 1800 FEET SOUTH OF ARLINGTON BOULEVARD AND EAST OF THE CAPITAL BELTWAY
Zoning: PDC
Overlay Dist:
Map Ref Num: 049-4- /01/ /0072



Final Development Plan Amendment FDPA 78-P-130-08



Applicant: 3120 FAIRVIEW LLC
Accepted: 11/29/2005
Proposed: TO AMEND FDP 78-P-130 PREVIOUSLY APPROVED FOR COMMERCIAL DEVELOPMENT TO PERMIT SITE MODIFICATIONS
Area: 6.26 AC OF LAND; DISTRICT - PROVIDENCE
Located: WEST SIDE OF FAIRVIEW PARK DRIVE, 1800 FEET SOUTH OF ARLINGTON BOULEVARD AND EAST OF THE CAPITAL BELTWAY
Zoning: PDC
Overlay Dist:
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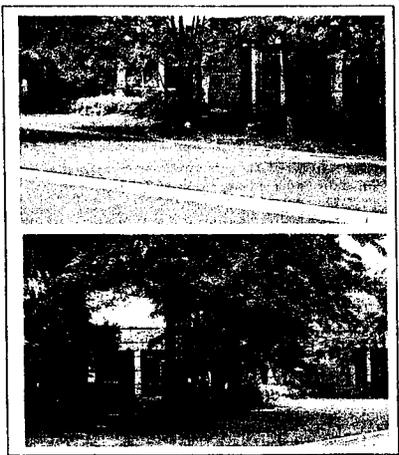
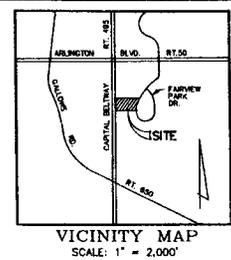


FAIRVIEW PARK

Providence District Fairfax County, Virginia

Final Development Plan Amendment

FDPA 78-P-130-8



NOTES

- 1) THE PROPERTY THAT IS THE SUBJECT OF THIS FINAL DEVELOPMENT PLAN AMENDMENT (FDPA) IS IDENTIFIED AS 404 (1) (1) T2. IT IS THE SITE OF THE EXISTING MARKETING CENTER OFFICE FOR FAIRVIEW PARK. A PROPOSED OFFICE BUILDING AND RELATED PARKING STRUCTURE WILL ALSO BE LOCATED ON PARCEL T2. IT IS THE SUBJECT OF A PENDING SITE PLAN S301-SP-16-2 PREPARED BY VKA INCORPORATED.
- 2) THE PURPOSE OF THE FDPA IS TO REPRESENT THE CURRENT APPROVED DEVELOPMENT PROGRAM FOR BUILDINGS C AND D, AND THE MARKETING CENTER OFFICE BUILDING, AND TO REQUEST APPROVAL FOR AN EXTENDED TIME FRAME FOR THE EXISTING MARKETING CENTER OFFICE BUILDING.

THE EXISTING MARKETING CENTER OFFICE BUILDING WAS ORIGINALLY APPROVED AS A TEMPORARY SPECIAL PERMIT UNDER FAIRFAX COUNTY NO. TSP-281-86. WITH THE APPROVAL OF FDPA 78-P-130-8 BY THE PLANNING COMMISSION ON OCTOBER 7, 1998, THE MARKETING CENTER OFFICE BUILDING WAS APPROVED AS A CONTINUING TEMPORARY INTERIM USE TO BE ABANDONED UPON CONSTRUCTION OF OFFICE BUILDING C AND ITS RELATED THREE-STORY PARKING STRUCTURE. THIS FDPA APPLICATION SEEKS TO EXTEND THE USE OF THE MARKETING CENTER OFFICE BUILDING DURING THE ONGOING BUILD-OUT OF FAIRVIEW PARK UNTIL PROPOSED BUILDING A IS CONSTRUCTED.
- 3) GIVEN THE LIMITED PURPOSE OF THE FDPA, WE HEREBY REQUEST A WAIVER OF ANY SUBMISSION REQUIREMENT THAT IS NOT NEEDED FOR AN ADEQUATE REVIEW OF THE PROPOSED AMENDMENT IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN PAR. 10 OF SECT. 16-402 OF THE ZONING ORDINANCE. IN THIS REGARD, IT IS TO BE NOTED THAT THE FDPA IS PRESENTED AT A SCALE LESS THAN THE ONE (1) INCH EQUALS 100 FEET MINIMUM SCALE PRESCRIBED BY THE PROVISIONS SET FORTH IN SECT. 16-502 OF THE ZONING ORDINANCE. THE SCALE HAS BEEN SLIGHTLY REDUCED SO THAT THE IMAGE WILL FIT ON THE PRESCRIBED 24 INCH BY 36 INCH MAXIMUM SHEET SIZE.
- 4) FOR THE SAKE OF CONSISTENCY, THE BASE INFORMATION SHOWN ON THE GRAPHIC IS THE SAME AS THE FDPA APPROVED BY THE PLANNING COMMISSION WHEN IT APPROVED FDPA 78-P-130-3 AND 78-P-130-4 ON MARCH 22, 1998. THE FOOTPRINTS FOR BUILDINGS C AND D AND THE MARKETING CENTER OFFICE AND THEIR RELATED SITE IMPROVEMENTS HAVE BEEN ADJUSTED ON THE BASE, HOWEVER, TO REFLECT THEIR CURRENT APPROVED LOCATIONS WHICH WERE DETERMINED TO BE IN SUBSTANTIAL CONFORMANCE WITH THE APPROVED FDP BY LETTER DATED JULY 28, 1998 FROM BARBARA A. BYRON TO MARTIN D. WALSH.
- 5) THE APPLICANT AGREES TO CONTINUE TO HONOR ALL PROFFERS AND DEVELOPMENT CONDITIONS APPROVED TO DATE THAT ARE APPLICABLE TO THE SUBJECT PROPERTY.
- 6) IT IS TO BE UNDERSTOOD THAT THE MARKETING CENTER OFFICE IS AN INTERIM USE AND THE DEVELOPMENT AND USE OF PERMANENT STRUCTURES ULTIMATELY CONSTRUCTED ON THE SUBJECT PROPERTY WILL BE IN ACCORDANCE WITH PROFF APPROVALS.
- 7) THE BOUNDARY INFORMATION SHOWN ON THE GRAPHIC IS BY DEWBERRY & DAVIS. THE TOPOGRAPHY INFORMATION AT THE TWO FOOT CONTOUR INTERVAL FOR PARCEL T2 IS FROM SITE PLAN S301-SP-16-2 PREPARED BY VKA INCORPORATED. IT IS PRESUMED TO BE AERIAL TOPOGRAPHY THAT HAS BEEN FIELD VERIFIED. THE TOPOGRAPHY INFORMATION SHOWN ADJACENT TO THE SUBJECT PARCEL IS AT A TWO (2) FOOT CONTOUR INTERVAL FROM AN AERIAL SURVEY.
- 8) ALTHOUGH AN ENLARGED MARKETING CENTER OFFICE BUILDING WAS PROPOSED/APPROVED WITH FDPA 78-P-130-38 FOR A MAXIMUM OF 16,378 SQUARE FEET OF GROSS FLOOR AREA, THE EXISTING BUILDING CONTAINS ONLY 7,369 SQUARE FEET OF GROSS FLOOR AREA. THERE ARE NO PLANS TO INCREASE THE SIZE OF THE EXISTING BUILDING. IT IS A ONE-STORY BUILDING WITH A MAXIMUM BUILDING HEIGHT OF FORTY (40) FEET.
- 9) THE MARKETING CENTER OFFICE HAS A PRESCRIBED REQUIREMENT FOR 27 PARKING SPACES (7,359 SF ± 3.8 SPACES/1000 SF OFA), BASED ON SITE PLAN S301-SP-16-2 PREPARED BY VKA INCORPORATED. THERE ARE MORE THAN A SUFFICIENT NUMBER OF PARKING SPACES PROPOSED IN PARKING STRUCTURE C TO ACCOMMODATE THE EXISTING MARKETING CENTER OFFICE BUILDING AND THE PROPOSED OFFICE BUILDING.
- 10) THE MARKETING CENTER OFFICE HAS A PRESCRIBED REQUIREMENT FOR ONE (1) LOADING SPACE. A LOADING SPACE HAS NEVER BEEN PROVIDED FOR THE EXISTING BUILDING AND NONE ARE PROPOSED. ADEQUATE RECEIVING FACILITIES HAVE BEEN/ WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN PAR. 14 OF SECT. 11-202 OF THE ZONING ORDINANCE.
- 11) AS REPRESENTED ON SITE PLAN S301-SP-16-2 PREPARED BY VKA INCORPORATED, THE PROPOSED DEVELOPMENT PROGRAM ON PARCEL T2 THAT INCLUDES THE INTERIM MARKETING CENTER OFFICE BUILDING, WILL PROVIDE 2.20 ACRES OF OPEN SPACE WHICH REPRESENTS 30% OF THE TOTAL LAND AREA OF PARCEL T2.

IT IS NOTED THAT THE PDC DISTRICT PROVISIONS PRESCRIBE AN OPEN SPACE REQUIREMENT OF 19%. THE FINAL DEVELOPMENT PLAN THAT WAS APPROVED FOR THE APPROXIMATE 110 ACRE AREA OF RTZ 78-P-130 REPRESENTED A TOTAL OPEN SPACE OF APPROXIMATELY 85 ACRES OR 50%.
- 12) TO THE BEST OF OUR KNOWLEDGE, THERE IS ONLY ONE UTILITY EASEMENT HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE LOCATED ON THE SUBJECT PROPERTY AND THAT IS A 228 FOOT WIDE VERCO EASEMENT LOCATED ON THE WESTERN EDGE OF THE SUBJECT PROPERTY. THERE ARE NO MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED ON THE SUBJECT PROPERTY.
- 13) TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO GRAVES OR BURIAL SITES LOCATED ON THE SUBJECT PROPERTY.
- 14) THERE IS NO FLOODPLAIN DESIGNATED BY THE FEDERAL INSURANCE ADMINISTRATION UNITED STATES GEOLOGICAL SURVEY OR FAIRFAX COUNTY, NO RESOURCE PROTECTION AREA OR NO ENVIRONMENTAL QUALITY CORRIDOR LOCATED ON THE SUBJECT PROPERTY.
- 15) THE EXISTING AND PROPOSED DEVELOPMENT IN FAIRVIEW PARK IS SERVED BY PUBLIC WATER AND SEWER CURRENTLY LOCATED ON SITE.

BOTH STORMWATER MANAGEMENT (SWM) AND BEST MANAGEMENT PRACTICES (BMP) ARE BEING PROVIDED OFF SITE IN A PRIVATELY MAINTAINED POND DESIGNED FOR FAIRVIEW PARK (FAIRFAX COUNTY PLAN S301-P1-03) AND APPROVED ON JANUARY 10, 1998. BASED ON SITE PLAN S301-SP-16-2 PREPARED BY VKA INCORPORATED, THIS FACILITY IS ADEQUATELY DESIGNED TO ACCOMMODATE THE EXISTING DEVELOPMENT PROGRAM.
- 16) GIVEN THE SCALE OF FAIRVIEW PARK, THE DEVELOPMENT PROGRAM IS ONGOING. THERE IS NO SET DEVELOPMENT SCHEDULE OR SEQUENCE OR APPROXIMATE COMPLETION DATE. DEVELOPMENT WILL CONTINUE IN ACCORD WITH MARKET CONDITIONS AND THE RECEIPT OF NECESSARY COUNTY APPROVALS.
- 17) TO THE BEST OF OUR KNOWLEDGE, THE PROPOSED USE WILL NOT GENERATE, UTILIZE, STORE, TREAT OR DISPOSE OF ANY HAZARDOUS OR TOXIC SUBSTANCES AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 119.4, 302.4 AND 309. ALL HAZARDOUS WASTE AS SET FORTH IN COMMERCIAL 11H OF VIRGINIA DEPARTMENT OF WASTE MANAGEMENT VR 072-10-01 - VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS, AND/OR PETROLEUM PRODUCTS AS DEFINED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280; HOWEVER, ANY SUCH SUBSTANCES THAT MAY BE UTILIZED, STORED AND/OR DISPOSED OF IN CONJUNCTION WITH THE PROPOSED USES AND BUILDING AND GROUNDS MAINTENANCE WILL BE IN ACCORDANCE WITH SAID REGULATIONS.
- 18) THE MARKETING CENTER OFFICE BUILDING HAS EXISTED ON THE SUBJECT PROPERTY SINCE ITS APPROVAL IN 1986. THERE ARE NO PROPOSED EXTERNAL IMPROVEMENTS FOR THE BUILDING. ITS ARCHITECTURE IS CHARACTERIZED BY THE PHOTOGRAPHS PRESENTED ON THIS SHEET.
- 19) AMENITIES HAVE BEEN PREVIOUSLY PROVIDED AND CURRENTLY AROUND THROUGHOUT FAIRVIEW PARK. THERE ARE NO ADDITIONAL AMENITIES, COMMUNITY OR PUBLIC FACILITIES PROPOSED WITH THIS APPLICATION.

IN ADDITION, OTHER THAN THE EXISTING VEGETATION AND IMPROVEMENTS ON THE SUBJECT PROPERTY, THERE ARE NO SCENIC ASSETS LOCATED ON THE SITE OTHER THAN THE EXISTING VEGETATION. THERE ARE NO NATURAL FEATURES DESERVING OF PROTECTION OR PRESERVATION LOCATED ON THE SUBJECT PROPERTY.
- 20) IT IS UNDERSTOOD THAT ADDITIONAL SITE FEATURES SUCH AS GAZEBOS, BENCHES, COVERED WALKWAYS, FLAGPOLES, THE LINES WATER FOUNTAINS OR FEATURES, SIGNS, WALLS, FENCES, LIGHT STANDARDS AND/OR UTILITY MAINTENANCE STRUCTURES NOT REPRESENTED ON THE GRAPHIC EITHER EXIST OR MAY BE PROVIDED AS LONG AS THE RESULTANT PROPOSED DEVELOPMENT IS IN SUBSTANTIAL CONFORMANCE WITH THAT REPRESENTED ON THE GRAPHIC. IT IS ALSO UNDERSTOOD THAT MOBILE AND LAND-BASED TELECOMMUNICATION FACILITIES MAY BE PROVIDED ON SITE IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN SECT. 2-514 OF THE ZONING ORDINANCE.

ALL SIGNS WILL BE PROVIDED IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN ARTICLE 12 OF THE ZONING ORDINANCE.

ALL LIGHTING ON SITE WILL BE SHIELDED AND LOCATED IN SUCH A MANNER AS TO REDUCE GLARE ON ADJACENT PROPERTIES IN ACCORDANCE WITH THE STANDARDS SET FORTH IN ARTICLE 14 OF THE ZONING ORDINANCE.
- 21) TO THE BEST OF OUR KNOWLEDGE, THE EXISTING PROPOSED DEVELOPMENT OF THE SUBJECT PROPERTY CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES, REGULATIONS AND ADOPTED STANDARDS EXCEPT AS MAY BE QUALIFIED ABOVE.

Sheet Index
 1. Cover Sheet / Notes
 2. Final Development Plan Amendment / Tabulation
 3. Landscape Plan

Applicant:
 3120 Fairview LLC
 2941 Fairview Park Drive, Suite 650
 Falls Church, Virginia 22042

Fairview Park
 Final Development Plan Amendment

Rev. March 13, 2006
 October 5, 2005



SUBMISSION DATE

M-10567

Dewberry & Davis LLC
 800 W. BOSTON BLVD.
 SUITE 200
 FAIRFAX, VA 22031
 TEL: 703.281.8800
 FAX: 703.281.8810
 www.dewberry.com

FAIRVIEW PARK
 Final Development Plan
 Amendment
 PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA



KEY PLAN

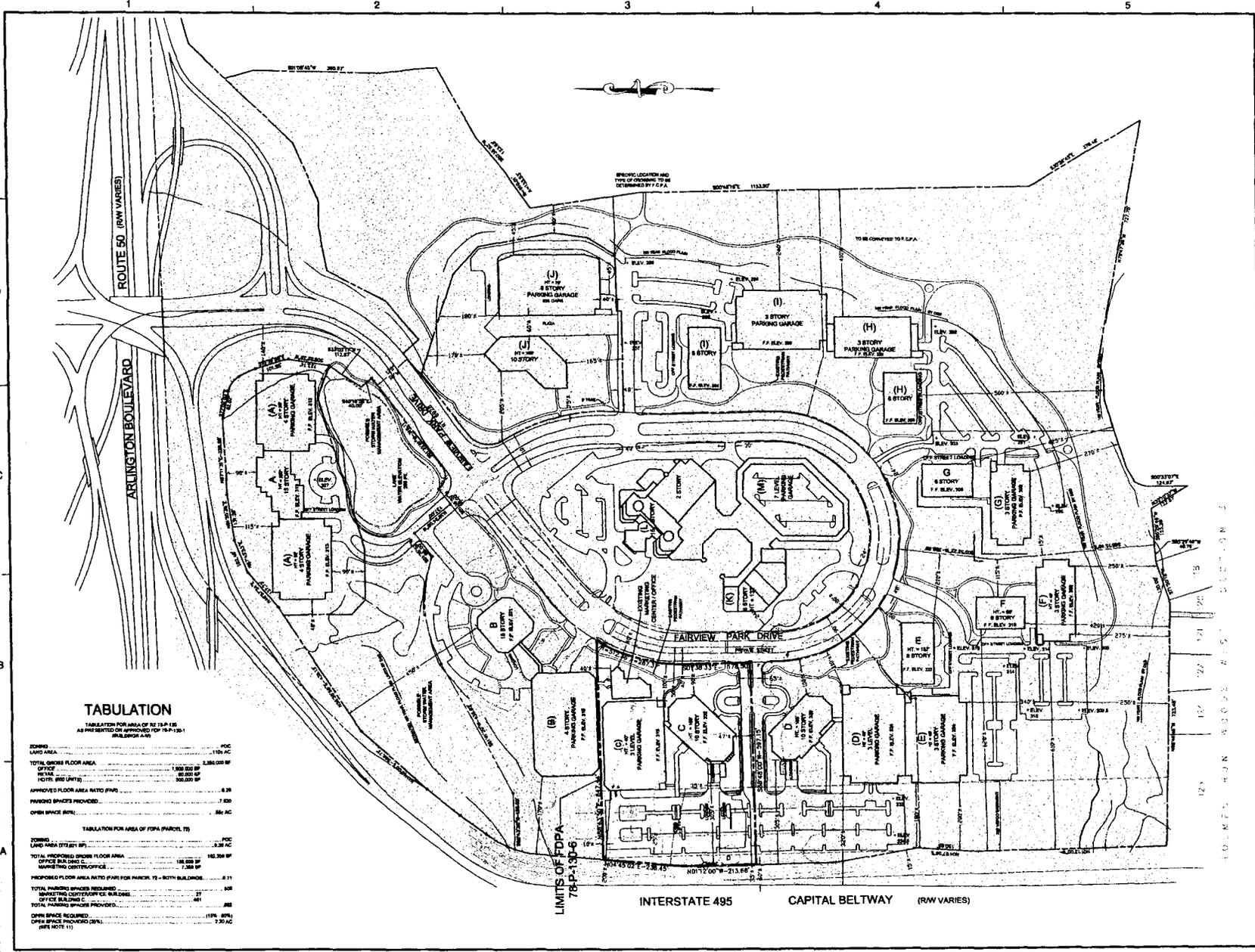
SCALE
 0' 120' 240'

No.	DATE	BY	Description
1	03.15.06	JMC	

REVISIONS
 DRAWN BY: JMC
 APPROVED BY: JCY
 CHECKED BY: JCY
 DATE: October 6, 2005

Final Development Plan Amendment
 FDPA 78-P-130-8

PROJECT NO.



TABULATION

TABULATION FOR AREA OF 76.134 AC
 AS PRESENTED OR APPROVED FOR FDPA (PARCEL A-M)

ZONING	POC
LAND AREA	1,100 AC
TOTAL GROSS FLOOR AREA	1,380,000 SF
OFFICE	1,380,000 SF
RETAIL	80,000 SF
ICR (NO. UNITS)	50,000 SF
APPROVED FLOOR AREA (NETO) (FPA)	8.28
PARKING SPACES PROVIDED	7,000
OPEN SPACE (AC)	86 AC

TABULATION FOR AREA OF FDPA (PARCEL 78)

ZONING	POC
LAND AREA (DTP) (SF)	3.28 AC
TOTAL PROPOSED GROSS FLOOR AREA	180,000 SF
OFFICE (BAU) (SF)	180,000 SF
MARKETING CENTER/OFFICE	7,300 SF
PROPOSED FLOOR AREA (NETO) (FPA) FOR PARCEL 78 - BOTH BUILDINGS	8.71
TOTAL PARKING SPACES REQUIRED	488
MARKETING CENTER/OFFICE BUILDING	27
OFFICE BUILDING (C)	461
TOTAL PARKING SPACES PROVIDED	488
OPEN SPACE REQUIRED	17% (80%)
OPEN SPACE PROVIDED (BAU)	3.28 AC

(SEE NOTE 11)

© PROPERTY SERVICES, INC. 11/20/05 11:22:24 AM
 PROJECT: Fairfax County, Virginia, Providence District, Fairview Park, 1133307



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

DESCRIPTION OF THE APPLICATION

The applicant, 3120 Fairview, LLC, is seeking to delete the previously approved but unbuilt addition to its 7,359 square-foot marketing center/office building granted pursuant to FDPA 78-P-130-5; and continue the marketing center/office building's current use until the buildout of Fairview Park (i.e. when Building A has been constructed). Pursuant to the existing FDPA, the marketing center/office building is approved for an additional 8,019 square feet, and is to be abandoned upon construction of office Building C and its associated three-story parking garage, Parking Structure C.

The applicant's development conditions, affidavit, and statement of justification can be found in Appendices 1-3, respectively.

Waivers and Modifications:

None requested.

LOCATION AND CHARACTER

Site Description:

The subject property is located in the southeast quadrant of the intersection of the Capital Beltway (I-495) and Arlington Boulevard (Route 50). The subject site consists of 6.26 acres of the 110-acre Fairview Park development. Approved for this section of Fairview Park are 11 office buildings and associated parking structures, and a 15-story hotel. Holmes Run and the Providence Recreation Center are adjacent to the eastern boundary of the Fairview Park site. The northern portion of Fairview Park is located directly across Arlington Boulevard. The Capital Beltway (I-495) borders the western side of the site.

Existing Use:

A 7,359 square-foot glass and masonry structure serving as a temporary marketing center/office.

Other Features:

A surface parking lot of 68 parking spaces.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Office (Building B)	PDC	Mixed Use
South	Office (Building D)	PDC	Mixed Use
East	Hotel (Fairview Park Marriott)	PDC	Mixed Use
West	Interstate 495 and Mobil Corporation Headquarters	PDC	Right-of-way and Mixed Use

BACKGROUND:

Application	Date	Description
RZ 78-P-130	May 18, 1981	Rezoned 197 acres to PDC District
FDP 78-P-130-1	June 28, 1982	FDP for 110 acres of site. Included 1,900,000 SF of office; 50,000 SF of retail; and a 500 unit hotel.
FDP 78-P-130-2	January 10, 1983	FDP for 4.9 acres of site. Included 36 townhouses and 4 single-family detached units.
FDPA 78-P-130-3	January 10, 1983	FDP for 33.76 acres of site. Included 350 multifamily units and 50 townhouses.
DPA 78-P-130-1	December 16, 1985	Amended FDP for Parcels 10, 11 and 12.
PCA 78-P-130-1 DPA 78-P-130-2	November 24, 1986	Addition of new proffers. Amended FDP for Parcel 8 and 9.
FDPA 78-P-130-3	March 22, 1990	Modified parking for Buildings A, C, D, E, F and J.
FDPA 78-P-130-4	March 7, 1990	Approved principal and secondary uses for Buildings A, C, D, E, F, J and K.
FDPA 78-P-130-5*	October 7, 1998	Approved expansion and continued use of interim marketing center/office.
FDPA 78-P-130-6	November 10, 1999	Amended the FDP to replace two buildings with a single, eight story office building and a private child care center.
FDPA 78-P-130-7	January 16, 2003	Amended the FDP's development conditions to permit public enrollment of existing child care center.

(Applications **highlighted in bold text** are those that have directly impacted Parcel 72.)

*In 1985, the marketing center/office building that is the subject of this application was approved by temporary special permit TSP-251-85. Under the Zoning Ordinance, temporary special permits are issued administratively and renewed periodically. In order to prevent having to renew the temporary special permit, the applicant requested and received approval to include the structure on the FDP as an interim use under FDPA 78-P-130-5. (Interim uses were permitted pursuant to FDPA 78-P-130-4, which established permitted principal and secondary uses for the subject site).

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area I

Planning Sector: Merrifield Suburban Center Planning Sector

Plan Map: Mixed Use

Plan Text:

The Comprehensive Plan contains no site-specific text. However, on page 93 of the 2003 edition of the Area I Plan, as amended through July 21, 2003, under the heading, "Land Unit J" the Plan states:

"Existing development consists of a mix of office, hotel and support retail uses on the western portion of the Land Unit and residential and institutional uses located on the eastern portion of the Land Unit. In addition, the Holmes Run Environmental Quality Corridor, which runs through the middle of this Land Unit, is preserved as private and public open space.

This land unit is envisioned to remain as developed, with the remaining undeveloped parcels to develop with office uses."

ANALYSIS

Final Development Plan Amendment (provided at front of this report)

Title: Fairview Park, Providence District, Fairfax County, Virginia; Final Development Plan Amendment, FDPA 78-P-130-6

Prepared by: Dewberry & Davis LLC

Original & Revised Dates: October 5, 2005 revised through March 13, 2006

Description of the Final Development Plan

The Final Development Plan Amendment (FDPA) consists of three sheets. Sheet 1, the cover sheet, includes general notes, a vicinity map, and two photographs of the marketing center/office building. Sheet 2 depicts the entire 110-acre portion of the Fairview Park development located at the southeastern quadrant of Route 50 and the Capital Beltway, with the area subject to this FDPA (Parcel 72) highlighted. Tabulations have also been provided. Sheet 3 is the landscape plan, depicting existing landscaping.

The site comprises 6.26 acres and is zoned PDC. As shown on the plan, the existing marketing center/office building contains 7,359 square feet; and the proposed 165-foot, 10-story office Building C contains 185,000 square feet. Together, the proposed gross floor area for the buildings is 192,359 square feet, with a combined floor area ratio (FAR) of 0.71. As previously stated, the applicant is seeking to delete the previously approved but unbuilt 8,019 square-foot addition to the marketing center/office building that was granted pursuant to FDPA 78-P-130-5, and continue the marketing center/office building's current use until the buildout of Fairview Park (i.e. when Building A has been constructed), at which time the marketing center/office building will be demolished.

West of the marketing center/office building and north of office Building C is the proposed 40-foot, three-story parking garage. Further west of these structures, occupying the entire portion of the site adjacent to the Capital Beltway, is a surface parking lot with three loading spaces. The Zoning Ordinance calls for 508 parking spaces (27 spaces for the marketing center/office building and 481 spaces for office Building C) of which a total of 562 parking spaces has been provided. Access is afforded from Fairview Park Drive and from an existing pedestrian pathway that runs parallel to Fairview Park Drive.

The Zoning Ordinance also requires that 15% of the site be dedicated to open space. (The Final Development Plan that was approved for the 110-acre area of RZ 78-P-130 has a total open space area of approximately 55 acres or 50%.) Approximately 2.20 acres, or 35% of the site, is proposed as open space. Sheet 3 depicts the location of existing landscaping.

Transportation Analysis (Appendix 6)

There are no transportation issues associated with this application.

Stormwater Analysis (Appendix 8):

As no new construction is being proposed, there are no stormwater issues associated with this application. However, all submitted site plans will have to comply with stormwater management provisions.

ZONING ORDINANCE PROVISIONS

The proposed FDPA is in conformance with the approved CDP and with the executed proffers (attached as Appendix 5). Office uses are permitted as a principal use. The requested FDPA must also comply with the Zoning Ordinance provisions found in Section 16-101, General Standards; and Section 16-102, Design Standards. The use is existing; and the request is to extend the life of the temporary facility. All the General and Design Standards were previously satisfied with FDPA 78-P-130-5, and continue to be met by this application, as conditioned. A landscaping plan has been submitted to insure the continuation of the site's high-quality, landscaped environment.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in harmony with the Comprehensive Plan. The proposed FDPA also conforms to the Conceptual Development Plan and the proffers for the subject site. Finally, the proposed FDPA is in conformance with the applicable Zoning Ordinance provisions, subject to the Development Conditions contained in Appendix 1.

Staff Recommendations

Staff recommends approval of FDPA 78-P-130-8, subject to the development conditions in Appendix 1.

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. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Transportation Analysis
5. CDP and Excerpted Proffers for RZ 78-P-130 and RZ 78-P-130-1
6. FDPA and Development Conditions for FDPA 78-P-130-5
7. Applicable Zoning Ordinance Provisions Checklist
8. Glossary of Terms

PROPOSED DEVELOPMENT CONDITIONS**FDPA 78-P-130-8****March 3-2006**

If it is the intent of the Planning Commission to approve FDPA 78-P-130-8, located at Tax Map 49-4 ((1)) 72, previously approved for a temporary use as a marketing center/office building, to modify the development conditions to permit the continued use of the marketing center/office building (but without the previously approved addition) during the ongoing buildout of Fairview Park, staff recommends that the approval be subject to the following development conditions. These conditions incorporate and supersede all previous development conditions. Previously approved conditions or those which have minor revisions are marked with an asterisk (*). Those conditions which apply only to the marketing center/office building are marked with two asterisks (**)

1. Development of the subject property will be in substantial conformance with the Final Development Plan (FDP), which consists of three (3) sheets prepared by Dewberry and Davis LLC and dated October 5, 2005, revised through March 13, 2006.
- *2. The parking reduction for Buildings A, C, D, E, F and J shall occur either from within the parking structures or from surface lots as shown on the FDPA. Where surface parking is removed, landscaped open space shall be provided subject to review and approval of Urban Forest Management, Department of Public Works and Environmental Services (DPWES).
- *3. Parking for Buildings A, C, D, E, F and J shall be provided in accordance with the FDP, as determined by DPWES.
- *4. All proposed secondary uses for Buildings A, C, D, E, F and J shown on the Final Development Plan Amendment 78-P-130-4 dated October 5, 2005, revised through March 13, 2006, as prepared by Dewberry and Davis shall be designed primarily to serve the occupants of Fairview Park and shall be conducted entirely within an enclosed building so as to allow no direct access to uses from an exterior door except those necessary to meet Fire and Safety Codes. In addition, there shall be no outside display of goods or services.
- *5. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance.
- *6. The hours of operation of any establishment and all secondary uses in Buildings A, C, D, E, F and J shall be limited to Monday through Friday from 6:00 a.m. to 9:00 p.m.

- *7. Group 3 Institutional Uses shall be limited to employee training centers and child care centers located with any of the buildings shown on the submitted Final Development Plan Amendments. If a child care center is located on the site, it shall require a Final Development Plan Amendment.
- **8. At a minimum, the applicant shall maintain landscaping on the application property as generally shown on Sheet #3 of the FDP, pursuant to the approval of Urban Forest Management. Replacement deciduous tree shall be a minimum of two (2) to two and one-half (2-1/2) inches in caliper and replacement evergreen trees a minimum of six (6) to eight (8) feet in height at the time of planting.

REZONING AFFIDAVIT

DATE: February 21, 2006
 (enter date affidavit is notarized)

I, Abby C. Denham, attorney/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

89926a

in Application No.(s): FDPA 78-P-130-8
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
3120 Fairview LLC Agent: Joseph A. Layden	2941 Fairview Park Drive, Suite 250 Falls Church, Virginia 22042	Applicant/Title Owner of Tax Map 49-4 ((1)) 72
Dewberry & Davis LLC Agents: Philip G. Yates P. Christopher Champagne	8401 Arlington Boulevard Fairfax, Virginia 22031	Engineers/Planners/Agent

(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.

* 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: February 21, 2006
(enter date affidavit is notarized)

899269

for Application No. (s): FDPA 78-P-130-8
(enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Noritake Associates Agent: Rae F. Noritake Andrew C. Smith	605 Prince Street Alexandria, Virginia 22314	Architect/Agent
Walsh, Colucci, Lubeley, Emrich & Terpak, P.C. Agents: Martin D. Walsh Timothy S. Sampson Lynne J. Strobel Elizabeth D. Baker M. Catharine Puskar Inda E. Stagg Elizabeth A. McKeeby Kara M. Whisler Abby C. Denham Susan K. Yantis Tara E. Wiedeman Jane W. Gwinn Jason B. Heinberg Megan C. Shilling James P. Downey Former Agent: Susan S. Blakely	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent

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

REZONING AFFIDAVIT

DATE: February 21, 2006
(enter date affidavit is notarized)

89926a

for Application No. (s): FDPA 78-P-130-8
(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)
3120 Fairview LLC
2941 Fairview Park Drive, Suite 250
Falls Church, Virginia 22042

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)

Managing Member: R. L. Adams, Jr.
Members: D. F. Adams, A.H. Frey, M.K. Adams, E.B. Adams

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: February 21, 2006
(enter date affidavit is notarized)

89926a

for Application No. (s): FDPA 78-P-130-8
(enter County-assigned application number (s))

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

Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

The Dewberry Companies LC, Member
Eric D. Snellings, Member
Dennis M. Couture, Member
Steven A. Curtis, 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)

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, Virginia 22031

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)

Members: Sidney O. Dewberry, Barry K. Dewberry, Karen S. Grand Pre, Michael S. Dewberry, Thomas L. Dewberry

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: February 21, 2006
(enter date affidavit is notarized)

89926a

for Application No. (s): FDPA 78-P-130-8
(enter County-assigned application number (s))

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

Walsh, Colucci, Lubeley, Emrich & Terpak, PC
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)

Susan S. Blakely (former), David J. Bomgardner, Thomas J. Colucci, James P. Downey, 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, Nan E. Terpak, Garth M. Wainman, Martin D. Walsh

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)

Noritake Associates
605 Prince Street
Alexandria, Virginia 22314

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)

Rae F. Noritake, sole shareholder

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: February 21, 2006
(enter date affidavit is notarized)

89926a

for Application No. (s): FDPA 78-P-130-8
(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: February 21, 2006
(enter date affidavit is notarized)

899262

for Application No. (s): FDPA 78-P-130-8
(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: February 21, 2006
(enter date affidavit is notarized)

89926a

for Application No. (s): FDPA 78-P-130-8
(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:

(check one)

[] Applicant

[x] Applicant's Authorized Agent

Abby C. Denham

Abby C. Denham, attorney/agent

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 21 day of February 2006, in the State/Comm. of Virginia, County/City of Arlington.

Kenneth K. Follen
Notary Public

My commission expires: 11/30/2007

WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

Abby Denham
(703) 528-4700 Ext. 5462
adenham@arl.thelandlawyers.com

October 27, 2005

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

RECEIVED
Department of Planning & Zoning
OCT 28 2005
Zoning Evaluation Division

**Re: Application for Final Development Plan Amendment
FDPA 78-P-130-6
Tax Map 49-4 ((1)) 72 (the "Application Property")
3120 Fairview LLC (the "Applicant")**

Dear Ms. Byron:

On behalf of the Applicant, 3120 Fairview LLC, please accept this letter as a statement of justification for amending the Final Development Plan Amendment (FDPA 78-P-130-5) for the Application Property. The Applicant is the title owner of the Application Property.

The Application Property is identified on the Fairfax County Zoning Map as 49-4 ((1)) 72 and comprises approximately 6.26 acres. The Application Property, which is situated within Fairview Park, is located west of Fairfax Park Drive (Rt. 6928), south of Arlington Boulevard (Rt. 50) and east of the Capital Beltway (Rt. 495). Presently, it is zoned to the Planned Development Commercial District. The Application Property is the site of an existing marketing center/office for Fairview Park. A proposed Office Building C and related parking structure is the subject of pending site plan 5301-SP-16-2 and will also be located on the Application Property.

The existing marketing center/office building was originally approved in 1985 by a temporary special permit, TSP-251-85. On October 7, 1998, the existing marketing center/office building was approved by the Planning Commission as a continuing interim use to be demolished upon construction of Office Building C and its related three-story parking structure. Pursuant to FDPA 78-P-130-05, the existing marketing center/office building was approved showing an addition with a total floor area up to 15,378 square feet. The proposed addition to the building footprint, extending from the rear of the building into the proposed three-story parking garage shown on the FDPA, was not built. On February 6, 2001, a minor site plan (5301-MSP-01) depicting a minor addition along the front of the building was approved. We are no longer requesting the increase of square footage up to 15,378 square feet. Without the approved additions, the existing marketing center/office building, Building C and its related three-story parking structure all fit on the Application Property. Note #1 on the FDPA Plat that

was approved pursuant to FDPA 78-P-130-5 on October 7, 1998 stated, "...This is a temporary interim use which will be abandoned upon construction of Office Building C and the three-story Parking Structure C." In maintaining the existing marketing center/office building at its current size of 7,359 square feet, the Applicant seeks approval to amend FDPA 78-P-130-5 in order to remove the text quoted above, and thereby obtaining an extended timeframe for the existing marketing center/office building to remain on the Application Property during the ongoing build-out of Fairview Park.

The Application Property is located in the western portion of Land Unit J of the Merrifield Suburban Center, which is in Area I of the Fairfax County Comprehensive Plan. Among other things, the Comprehensive Plan describes the existing development in the western portion of the land unit, which consists of a mix of office, hotel and support retail uses. Moreover, it is recommended that this land unit is to remain as developed, with the remaining undeveloped parcels to develop with office uses. In regard to open space, it is recommended that the site design of the nonresidential portion of the land unit should have substantial landscaped open space provided throughout the site. Specifically, at least thirty-five (35) percent of the area west of the Holmes Run stream valley should be preserved as landscaped open space. The Comprehensive Plan further recommends that the maximum height for buildings in the western portion of the land unit should be fifteen (15) stories or approximately one hundred and eighty (180) feet.

This Final Development Plan Amendment, if approved, would provide a benefit and convenience by allowing the continued use of the marketing center/office building during the ongoing build-out of Fairview Park. Further, this amendment would be consistent with the Comprehensive Plan. Specifically, this amendment would allow the continued use of such office space while the remainder of the Application Property was being further developed. This amendment would also permit the Applicant to continue to develop additional office uses on the undeveloped portion of the Application Property without causing delay from the demolition of the marketing center/office building. Approval of this amendment would not be detrimental to the surrounding properties and/or businesses in Fairview Park. Further, the proposed development program, including the marketing center/office building, will provide approximately 2.20 acres of open space, which represents approximately thirty-five (35) percent of the total land area of the Application Property. This open space is well-maintained and substantially landscaped. Open space on the Application Property will increase after the marketing center/office building is demolished. The area once occupied by the building will be landscaped in a manner compatible with adjacent landscaping. The marketing center/office building would remain a one-story building with a building height of approximately forty (40) feet. The marketing center/office building would continue to occupy roughly four (4) percent of the approved maximum gross floor area of 185,000 square feet for the Application Property. The Applicant does not have any plans to increase the size of the marketing center/office building and the continued use of this building will not cause the density to exceed the allowable FAR contained within Fairview Park. The Applicant proposes to continue the existing use of the marketing center/office building until proposed Building A, which is not located on the

Statement of Justification

Page 3

Application Property but is located within Fairview Park, is completed, at which time the marketing center/office building will be demolished.

The Applicant believes that the plans submitted are adequate for review of the amendment and, therefore, requests waiver of any submission requirement that is not represented on the FDPA plat submitted with this application in accordance with the provisions set forth in Paragraph 10C of Section 16-402 of the Zoning Ordinance.

The Applicant does not propose any new construction and, therefore, requests a waiver of the submission requirements set forth in Paragraph 1Q of Section 16-502 of the Zoning Ordinance.

Finally, the existing and proposed development of the Application Property conforms to all current applicable land development ordinances, regulations and adopted standards except as qualified in the Final Development Plan Amendment.

Thus, for the above reasons, we respectfully request that you recommend this Final Development Plan Amendment for approval to the Planning Commission. Should you require additional information, please do not hesitate to contact me. I appreciate your cooperation and assistance in this matter.

Very truly yours,

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



Abby Denham



County of Fairfax, Virginia

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-4 (RZ 78-P-130)

REFERENCE: FDPA 78-P-130; 3120 Fairview LLC
Tax Map 49-4 ((1)) 72

DATE: March 3, 2006

This department has reviewed the subject application and the FDPA plan dated October 5, 2005. We have no objection to approval of the application.

In the course of reviewing the subject request we also reviewed the proffers approved with the original rezoning. During that review we were reminded that a number of specific TDM proffer commitments were accepted. These are detailed in Proffers B.7. through B.10 attached for your reference. The status of these proffers is not immediately clear, including whether thresholds for traffic studies are met. It is recommended that the applicant provide a checklist detailing the status of these proffers.

AKR/MAD

cc: Michelle Brickner, Director, Design Review Division, Department of Public Works and Environmental Services

FAIRVIEW PARK PROPOSAL FOR THE SO EASTER
QUADRANT OF THE ROUTE 50/I-494 INTERSECTION
APPLICATION NO. 78-P-130
(A Part of the Conceptual Development Plan)

PROFFERS

Recognizing his responsibility to the community and to the planning process, the applicant is making the commitments contained hereafter.

These commitments are presented as a "package", the economic impact of which has been carefully determined. Any substantive change in the development plan would necessarily result in a review of the "package" and any increase in any of the listed commitments or any additional commitments could not be made without a similar review.

The following commitments are intended as an integral part of the PDC submission and conceptual development plan and are binding on the applicant provided such PDC and conceptual development plan are approved. However, the location of buildings and of residential mix shown on illustrative plans shall be considered for illustrative purposes only and the specific location of buildings, residential unit mix and related development matters shall be determined at the time of final development plan approval pursuant to provisions of Fairfax County ordinances.

In addition to required approval or approval of modifications of Final Development Plan(s) pursuant to paragraph 4 of Section 16-402 of the Zoning Ordinance, such plan(s) shall be subject to public hearing and action by the Board of Supervisors in a manner prescribed by paragraph 7 of the above cited section.

These commitments shall be binding upon the applicant/owners only upon approval of the requested PDC zoning and the conceptual development plan submitted with Applications 78-P-130 and 80-P-073.

A. LAND USE

1. Subject development shall have no more than 2.25 million square feet of non-residential development on the area west of Holmes Run Stream Valley. At least 35% of the area west of the Holmes Run stream shall be provided as natural and landscaped open space. Underground or multilevel structured parking is encouraged to preserve the maximum amount of undisturbed open space. The non-residential development shall be an integrated business park consisting of no more than 1.9 million square feet of office space, 50,000 square feet of retail commercial space and 500 room hotel, and 250 residential units.

2. The Holmes Run Stream Valley shall be preserved as a stream valley park and dedicated to Fairfax County Board of Supervisors in accordance with the County's adopted stream valley policy.

3. Office building shall not exceed 15 stories in height and hotel/apartment buildings to the west of Holmes Run Stream Valley may exceed 15 stories but in no event shall they exceed 180 feet which is the equivalent height of a 15 story office building.

4. Applicant agrees that the portion of the quadrant east of Holmes Run, north and northwest of Falls Church High School, will be developed for residential units not to exceed 400 dwelling units. These units shall not exceed 3 stories in height. The vacant 10 acre portion of the quadrant south of Falls Church High School will be developed as single family detached units along the eastern property line with attached units adjoining the Fairfax County Park and Stream Valley to the north, west and south respectively as shown on schematic plan for this area.

5. Applicant shall dedicate to the Fairfax County Board of Supervisors land to serve future residents at the location adjacent to Arlington Boulevard and west of Jaguar Trail in that portion outside Stream Valley.

6. Applicant agrees that any retail commercial uses on the site will serve primarily the demand of the other non-residential uses on the site and will be integrated with the overall design and layout of the site.

7. A substantial open space buffer of no less than 250 feet, with 300 feet desirable, consisting of the existing tree cover and supplemented with additional landscaping will be provided along the southern perimeter of the site to eliminate any adverse visual impact upon the detached single family residences to the south of the site. If requested to do so by Fairfax County, this buffer shall be dedicated to the County and maintained in its natural state. However, it is understood that nothing herein shall preclude the installation of any utilities, storm water detention and/or siltation and erosion control devices in accord with Fairfax County Ordinances and Standards.

8. The height of all structures within 500 feet of the southern boundary of the site shall be limited to 6 stories so as to be visually unobtrusive to the stable low density residential communities to the south and east of the site. Applicant agrees to comply with the tapering of heights from the north to the south as shown on the Conceptual Development Plan.

9. The provision of lighting in buildings located within areas of the site abutting adjacent residences and communities shall be visually unobtrusive to and compatible with such residences and adjacent communities. As a general rule, parking lot lighting shall not exceed 13 feet in height.

10. Applicant shall provide internal recreation facilities in accordance with the provisions of Section 6-209 (2) of the Fairfax County Zoning Ordinance. Type and location of such will

be specified on final development plan. Any recreational facilities constructed within areas to be dedicated to the Park Authority shall be subject to the approval of the Park Authority. Applicant will provide a trail connection between southeast and northeast quadrants.

B. TRANSPORTATION

1. Primary residential vehicular access to the tract from Route 50 will be via Jaguar Trail and Camp Alger Avenue. Non-residential access will be provided directly from Route 50 by means of a new interchange located generally west of the Holmes Run Stream Valley. (As shown on applicant's submission)

2. Access to the office-hotel-retail portion of the tract will be provided by a new Route 50 grade separated interchange east of the existing I-495-50 interchange and generally west of Holmes Run Stream Valley. (See Exhibit 1 as subsequently amended) Construction of all transportation improvements on Exhibit 1 shall be the responsibility of the owners of the northeast and southeast quadrants of Route 50 and 495 and said improvements shall be dedicated as public facilities.

3. Applicant agrees to abide by existing covenants which prohibit vehicular access from areas west of Holmes Run to residential neighborhoods south and east of the site. Existing covenants do not preclude proposed construction for the new Route 50 interchange ramps.

4. Applicant agrees to improve a portion of Jaguar Trail and Marc Drive adjacent to the site as well as the intersection of Jaguar and Route 50 in order to accommodate the traffic generated by the residential development of that portion east of Holmes Run Stream Valley in the manner shown on Exhibit 1 as subsequently amended and in accordance with the Fairfax County and VDH&T standards.

5. In the event that the applicant is unable to obtain easements or rights of way necessary for the proposed transportation improvements, the applicant agrees to bear the expense of condemnation for said easements or rights of way which Fairfax County will undertake promptly at the request of the applicant.

6. Applicant agrees that all vehicular access improvements shall meet with the approval of Fairfax County and the Virginia Department of Highways and Transportation (VDH&T); with Federal Highway Administration approval as necessary as well for the new Route 50 interchange and associated I-495 improvements.

7. Applicant agrees to aggressively encourage ridesharing by office building tenants to reduce traffic generated by site development during peak traffic periods by phasing the implementation of the transportation control strategies listed below at appropriate stages in the development of the site; and maintaining these strategies until the applicant provides evidence to the Board of Supervisors that there is no further need. Where appropriate, applicant agrees to work with other area employers (i.e., Mobil, AAA and employers on northeast quadrant) in implementation of this ridesharing.

- ° Establish a formal carpool/vanpool program for Fairview Park employees which will be operational under the direction of the transportation coordinator no later than when 500,000 square feet of commercial space is occupied in either or both tracts provided by and at the expense of the occupants of the commercial uses.
- ° With technical assistance from Washington COG, provide matching service for carpooling and vanpooling candidates.
- ° Developer shall fully fund a position of "transportation coordinator" with appropriate private staff support.
- ° Designate convenient spaces as preferred parking for carpools/vanpools.
- ° Institute a pay parking policy with incentives for ridesharing participants and to reduce concentration of peak-hour traffic.

8. Applicant agrees to aggressively encourage mass transit use; including construction of bus shelters and pedestrian walkways linking adjacent communities to more convenient bus shelters.

9. In the event that WMATA does not operate direct feeder bus service to and between Fairview Park and the Dunn Loring Metro station, the applicant agrees to implement a peak-hour shuttle bus service to the Dunn Loring Metro station in coordination with other major developments in the immediate area.

10. A traffic analysis shall be conducted under the direction of the transportation coordinator at applicant's expense to determine the magnitude of total peak-hour office trips generated by this development. Said analysis shall occur:

- a. Within six (6) months after at least 2.4 million square feet of the total of 3.6 million square feet of office use is completed.
- b. Six (6) months after completion of full development of 3.6 million square feet of office use.

If the total peak-hour trips generated by commercial development by the subject property and the companion tract exceed either 3,300 inbound A.M. trips or 2,971 outbound P.M. trips and these excess trips create a significant change in the peak-hour level of service from that which would be computed in the absence of such trips at either the new interchange on Route 50 or at the northeast tract connection to Routes 29-211, additional transportation strategies shall be developed to reduce the peak-hour effect of the incremental trips to a level commensurate with the above allowable AM and PM peak hour trips.

If the total peak-hour generated trips after occupancy of 2.4 million square feet of commercial uses exceed 75% of either 3,300 inbound A.M. trips or 75% of 2,971 outbound P.M. trips, issuance of building permits for commercial uses in excess of 3.0 million square feet may be deferred by the Board of Supervisors for a period not to exceed two years to allow development and implementation of additional transportation strategies designed to assure that at the time of occupancy of the total of 3.6 million square feet of commercial use the peak-hour traffic generated by the subject property and the companion tract shall not exceed the above projections.

In order to agree impartially on the degree of the incremental impact (if any) and the most practical strategies for implementation (if required) traffic recommendations developed by the transportation coordinator shall be submitted to the Board of Supervisors. If the Board of Supervisors does not agree with the traffic analysis, the Board of Supervisors shall submit said analysis for review to an arbitration board. Said arbitration board shall consist of the following members:

- (1) One representative transportation consultant appointed and funded by Fairview Park developer.
- (2) One representative transportation consultant appointed and funded by developer of northeast quadrant.
- (3) One representative transportation engineer appointed by Fairfax County Board of Supervisors.
- (4) One representative transportation engineer appointed by VDE&T.

If the said arbitration board cannot reach a consensus opinion on the said analysis, a fifth traffic consultant shall be

appointed by the four traffic consultants selected pursuant to the above procedure. The decision of the fifth transportation consultant concerning the accuracy of said analysis shall be binding upon all parties. Compensation of the fifth traffic consultant shall be paid equally by developers of northeast and southeast quadrant unless otherwise determined by the Fairfax Board of Supervisors.

Upon approval of the arbitration board, appropriate transportation strategies shall be instituted by applicant as soon as practical. If the peak-hour traffic levels are under the allowable limits, no action shall be taken.

In the event that revised strategies shall be required as described, additional monitoring and/or analysis shall be conducted by applicant to determine the adequacy of the revised strategies and the results submitted to the Board of Supervisors of Fairfax County for review and additional procedures in accord with the provisions of this proffer shall be undertaken by applicant if requested by the Board of Supervisors.

In the event additional monitoring and/or analysis and/or revised strategies shall be required from time to time in accordance with this provision, the cost of the revised strategies and the additional monitoring and/or analysis shall be paid by the developers of the subject property and the companion property and/or occupants of the commercial uses.

11. Construction of substantially all the foregoing transportation improvements including the overpass and associated ramps shall be completed prior to first occupancy of the commercial portions of the development. However, with the concurrence of the County and VDH&T, certain portions of the improvements, such as the additions to the I-495 CD lanes may be deferred until a later phase of development. The issuance of building permits for commercial structures shall be dependent upon receipt by appropriate governmental authority of assurance that the grade separation at US Route 50 and associated ramps shall be available for use prior to the date of first occupancy of the commercial facilities.

C. ENVIRONMENT

1. Holmes Run Stream Valley Shall be preserved as a stream valley park in accordance with the County's adopted stream valley policy. However, the applicant shall have the right to construct and provide for utilities, storm water detention facility, siltation and erosion devices, interchange ramps, recreational facilities and such other improvements including but not limited to selective clearing necessary for improvements of the stream channel and/or sound forest management practices. Applicant shall dedicate said land to the County.

2. Applicant agrees to provide non-vehicular access to and through the Holmes Run Stream Valley as shown on the conceptual development plan.

3. Applicant agrees that a portion of the existing tree cover (not less than 25 feet of natural tree cover and/or landscaped open space) shall be preserved as a natural open space, screen and buffer along the periphery with I-495 and Route 50, while permitting points of visibility at selected intervals.

4. The applicant agrees to provide stormwater detention facilities which are designed in accord with the requirements and objectives of Fairfax County for the Upper Holmes Run watershed. More specifically, the applicant shall provide for detention/retention which will control peak discharge for the post-development state in excess of that which is calculated for the pre-development condition. This commitment shall be accomplished by the provision of detention reservoirs located in the northeastern and northwestern tributaries of the Holmes Run which traverse this property, more specifically identified by the Fairfax County Department of Public Works as detention reservoir sites DR 494-4 and DR 503-1. These reservoirs shall be designed for the 25-year and 2-year frequency storms of one-hour durations and generally will be in substantial conformance with the following design characteristics for each of the two reservoirs.

DR 494-4

Q25 In = 548 cfs
Q25 Out = 85 cfs

t_p In = 15 minutes
 t_p Out = 70 minutes

25-Year Storage Volume Required = 21 acre feet

Q2 Out = 26 cfs

t_p Out = 135 minutes

2-Year Storage Volume Required = 13 acre feet

DR 503-1

Q25 In = 782 cfs
Q25 Out = 595 cfs

t_p In = 20 minutes
 t_p Out = 25 minutes

25-Year Storage Volume Required = 5 acre feet

Q2 Out = 356 cfs

t_p Out = 25 minutes

2-Year Storage Volume Required = 1.6 acre feet

It shall be understood that provision of these storm water detention facilities will require the modification of the two aforementioned tributaries. Furthermore, whereas the applicant intends to maximize the preservation of the open space buffer, more specifically described as condition A-7, the applicant will minimize the provision of storm water detention facilities in the southwestern tributary which traverses the subject site, however, the applicant shall provide for those siltation and erosion control devices including temporary siltation ponds which may be requested or required in accord with the Fairfax County Public Facilities Manual.

5. Applicant will comply with all Federal, state and local air and noise laws, ordinances and regulations applicable to development of this site.

6. Fairfax County identifies the subject property as an area of potential adverse noise impact resulting from adjacent highway uses.

In order to mitigate the adverse impact, if any of highway noise, residential units constructed on the subject property shall have the following acoustical attributes:

- a. Roofs and exterior walls shall be designed to have a laboratory sound transmission class (STC) of at least 39.
- b. Doors and windows shall be designed to have a laboratory sound transmission class (STC) of at least 28.
- c. Adequate sealing and caulking between surfaces shall be accomplished.

No structures for either commercial or residential use shall be erected within the 75 dba Ldn noise zone, such zone is more particularly shown on plat prepared by the Fairfax County staff and is attached to the Staff Report, being further that area within 400 feet of the centerline of I-495.



WILLIAM H. PLANK, President
WHP, Inc., Partner, Fox Chase Joint
Venture



P. REED WILLS, President
Wills Investment, Inc., Partner,
Fox Chase Joint Venture



DAVID S. WEINBERG,
Executive Vice President
C.F. Properties (Virginia), Inc.

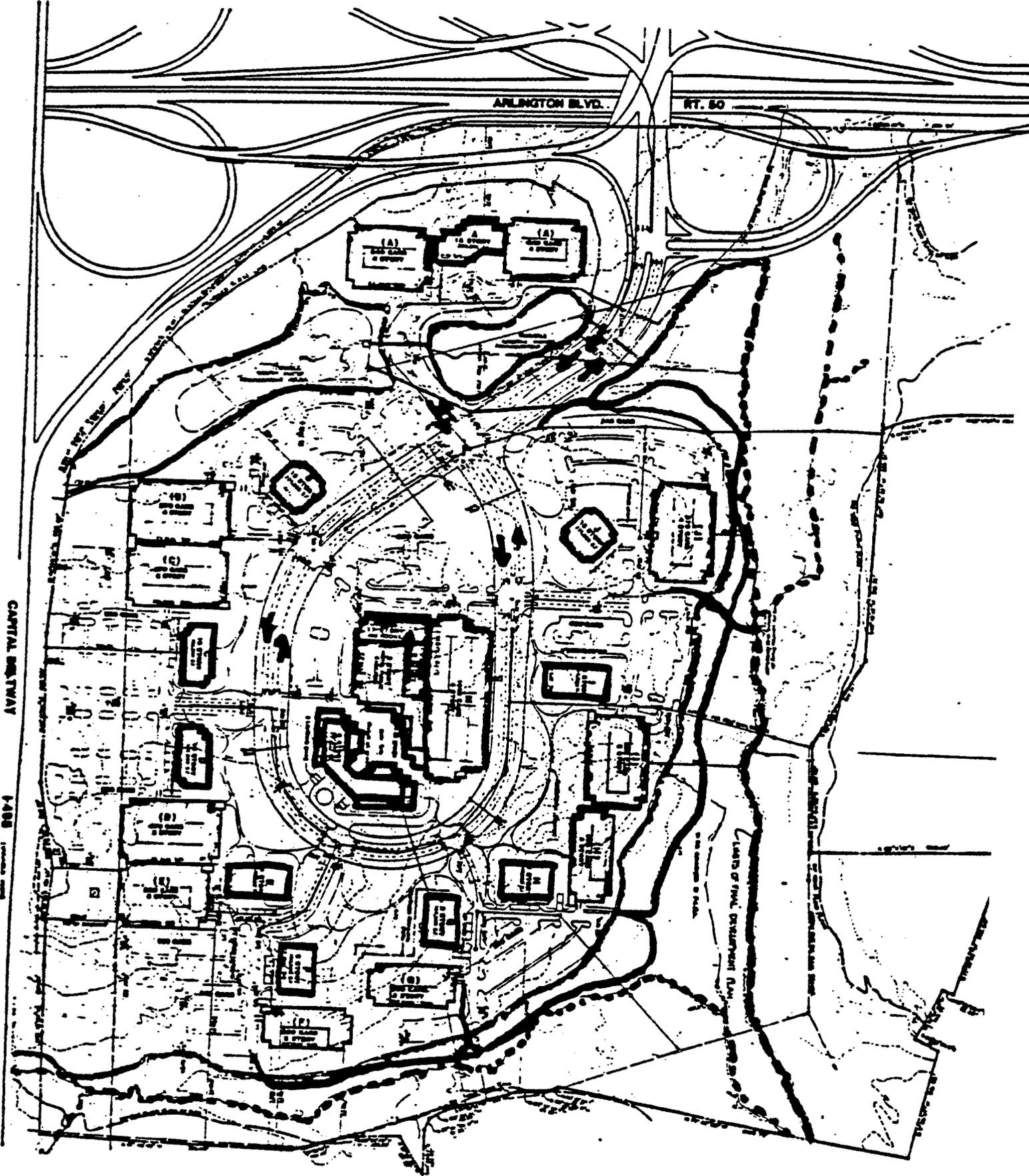
5/11/81

ARLINGTON BLVD.

RT. 50

CAPITAL BELTWAY

1408



COMPUTER SCIENCES CORPORATION

FINAL PROFFERS

DPA and PCA 78-P-130-2

November 24, 1986

Pursuant to Section 15.1-491(a), Code of Virginia, 1950 edition as amended, subject to the Board of Supervisors approving the Amendment to the Final Development Plan, the applicant reaffirms the previously approved development conditions and proffers as applicable to the subject property except as modified by the following proffered development conditions:

1. The subject property shall be developed in substantial conformance with the Final Development Plan (FDP) dated June 26, 1986, as revised through October 30, 1986, prepared by Dewberry and Davis and RTKL.
2. The applicant shall develop the subject property in conformance with the landscape plan as submitted on October 28, 1986, prepared by Land Design/Research, Inc.
3. The applicant shall notify the Heritage Resources Branch of Fairfax County ninety (90) days prior to commencement of construction. Within this ninety (90) day period the applicant shall permit survey of the subject property for any archeological or historical sites and recovery of any prehistorical components. In addition, applicant shall permit observation of clearing and excavation during construction.
4. At the request of the Heritage Resources Branch, the applicant shall erect a monument in the open space to commemorate the historic significance of the subject site.
5. Applicant shall cover the southern sides of the parking structure on parcel 8 with a floor to ceiling screen. Said screen shall be designed to shed interior lights and automobile headlights within the parking structure, and shall be designed with louvers for ventilation purposes.
6. Applicant shall record in the land records of Fairfax County, a restrictive covenant which preserves the additional open space area resulting from this amendment as open space for the life of the proposed structures on parcels 8 and 9. The contents of the restrictive covenant shall be reviewed and approved by the Fairfax County attorney's office prior to its recordation.

Date: November 24, 1986

**COMPUTER SCIENCES CORPORATION,
Applicant**

By: _____

Albert Gluckson
**Albert Gluckson
Vice President and Secretary**



James C. Wyckoff, Jr. Executive Director
 Barbara J. Lippa, Deputy Executive Director
 Sara Robin Hardy, Chief, Administration Branch
 Mary A. Pascoe, Clerk to the Commission

COMMONWEALTH OF VIRGINIA
 COUNTY OF FAIRFAX

PLANNING COMMISSION
 SUITE 330
 12000 GOVERNMENT CENTER PARKWAY
 FAIRFAX, VIRGINIA 22035-0042

(703) 324-2865
 FAX (703) 324-3948
 TTY (703) 324-7951

October 8, 1998

PLANNING COMMISSION
 Peter F. Murphy, Jr., Chairman
 John R. Byers, Vice Chairman
 Suzanne F. Harsel, Secretary
 Alvin L. Thomas, Parliamentarian

Walter L. Acom
 Carl A. S. Coan, Jr.
 Judith W. Downer
 Janet R. Hall
 John W. Hunter
 John B. Kelso
 Ronald W. Koch
 John M. Palatiello

Francis McDermott, Esquire
 Hunton and Williams
 1751 Pinnacle Drive, Suite 1700
 McLean, Virginia 22102

RE: FDPA-78-P-130-5
Fairview Property Investments, L.L.C.
 Providence District

Dear Mr. McDermott:

This will serve as your record of the Planning Commission's action on FDPA-78-P-130-5, an application by Fairview Property Investments, L.L.C., in the Providence District.

On Wednesday, October 7, 1998, the Planning Commission voted unanimously (Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting) to approve FDPA-78-P-130-5, subject to the attached development conditions dated October 7, 1998.

Also for your information, a copy of the verbatim excerpts from the Planning Commission's action on this application is attached. Should you need any additional information on this case, please do not hesitate to contact me at 324-2865.

Sincerely

Barbara J. Lippa
 Deputy Director

Attachments (a/s)

cc: Michael Frey, Supervisor, Sully District
 Ronald Koch, Commissioner, Sully District
 Cathy Lewis, Staff Coordinator, ZED, OCP
 October 7, 1998 Date File
 Y-2 File

Planning Commission Meeting
October 7, 1998
Verbatim Excerpts

FDPA-78-P-130-5 - FAIRVIEW PROPERTY INVESTMENTS, L.L.C.

After Close of the Public Hearing

Chairman Murphy: Recognize Commissioner Coan.

Commissioner Coan: Mr. Chairman, I just want to make one comment. The staff report says that to the west of this site are certain stream valleys and things like that, and I'd just like to point out that they are to the south. But otherwise -- Mr. Chairman, I MOVE THAT WE RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL --

Chairman Murphy: No, I think we --

Commissioner Coan: Mr. Chairman, I RECOMMEND APPROVAL OF FDPA-78-P-130-5, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN THE -- DATED OCTOBER 7TH.

Commissioners Alcorn, Hall and Byers: Second.

Chairman Murphy: Seconded by Mr. Alcorn, Ms. Hall and Mr. Byers. All those in favor of the motion to approve FDPA-78-P-130-5, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much.

//

(The motion carried unanimously with Commissioner Downer not present for the vote; Commissioner Thomas absent from the meeting.)

LBG

PROPOSED DEVELOPMENT CONDITIONS

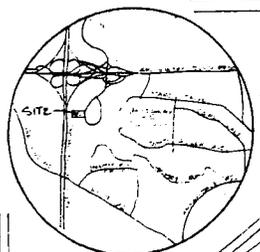
FDPA 78-P-130-5

October 7, 1998

If it is the intent of the Planning Commission to approve Final Development Plan Application FDPA 78-P-130-5 located at Tax Map 49-4 ((1)) 72 for an interim marketing center/sales office, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions. These development conditions incorporate and supersede all previous development conditions. Previously approved conditions or those which have minor revisions are marked with an asterisk (*). Those conditions which apply only to the interim marketing center/office are marked with two asterisks (**).

- *1. The parking reduction for Buildings A, C, D, E, F, and J shall occur either from within the parking structures or from surface lots as shown on the FDPA. Where surface parking is removed, landscaped open space shall be provided subject to review and approval of the Urban Forestry Branch, Department of Public Works and Environmental Services (DPW & ES).
- *2. Parking for Buildings A, C, D, E, F, and J shall be provided in accordance with the FDP, as determined by the DPW & ES.
- *3. All proposed principal and secondary uses for Buildings A, C, D, E, F, and J shown on the Final Development Plan Amendment 78-P-130-4 dated February 16, 1990 as prepared by Dewberry and Davis shall be designed primarily to serve the occupants of Fairview Park and shall be conducted entirely within an enclosed building so as to allow no direct access to uses from an exterior door except those necessary to meet Fire and Safety Codes. In addition, there shall be no outside display of goods or services.
- *4. Signage shall be provided in accordance with Article 12 of the Zoning Ordinance.
- *5. The hours of operation of any establishment and all secondary uses in Buildings A, C, D, E, F, and J shall be limited to Monday through Friday from 6:00 A.M. to 9:00 P.M.
- *6. The applicant shall notify the County Archaeologist a minimum of 14 days prior to any grading or disturbance of the site. The applicant shall permit the County Archaeologist to observe clearing and excavation during construction with the understanding that this action will not unreasonably delay construction.

- *7. Group 3 Institutional Uses shall be limited to employee training centers and child care centers located within any of the buildings shown on the submitted Final Development Plan Amendments. If a child care center is located on the site, it shall require a Final Development Plan Amendment.
- **8. The architecture and materials for the proposed additions to the interim marketing center/sales office, located within the footprint of the proposed parking garage for proposed Building C, as depicted on the Final Development Plan dated February 25, 1998, shall match ~~be compatible with~~ that of the existing marketing center, as determined by DPW & ES.
- **9. Landscaping shall be planted around the proposed additions to the interim marketing center/sales office which shall match ~~be compatible with~~ the landscaping planted around the existing interim marketing center, which is located within the footprint of the proposed parking garage for proposed Building C, as determined by the Urban Forestry Branch of DPW & ES.



VICINITY MAP
1" = 2000'

ARLINGTON BLVD.

ROUTE 50 (R/W VARIES)

BOUNDARY OF FDPA
78-P-130-3

BOUNDARY OF FDPA
78-P-130-3

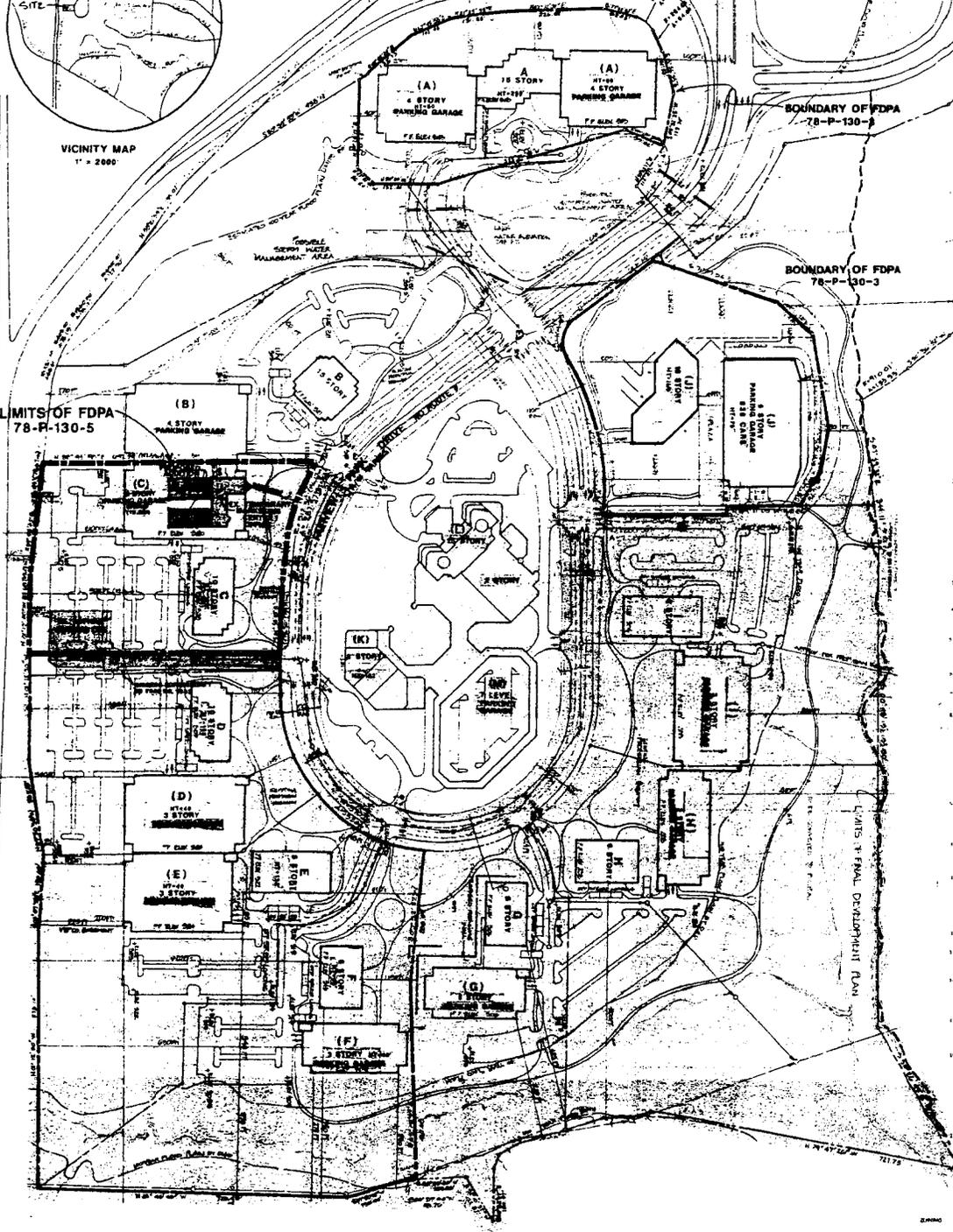
LIMITS OF FDPA
78-P-130-5

INTERSTATE 495

CAPITAL BELTWAY

(R/W VARIES)

- NOTES
1. THE APPLICANT HAS SUBMITTED AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN FOR THE PROJECT. THE APPLICANT HAS REQUESTED THAT THE APPLICANT BE PERMITTED TO CONSTRUCT AND OPERATE THE PROJECT AS A MIXED-USE DEVELOPMENT. THE APPLICANT HAS REQUESTED THAT THE APPLICANT BE PERMITTED TO CONSTRUCT AND OPERATE THE PROJECT AS A MIXED-USE DEVELOPMENT. THE APPLICANT HAS REQUESTED THAT THE APPLICANT BE PERMITTED TO CONSTRUCT AND OPERATE THE PROJECT AS A MIXED-USE DEVELOPMENT.
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ZONING	PD
LAND AREA	1.04 AC
GROSS FLOOR AREA	
OFFICE	1,000,000 SF
RETAIL	100,000 SF
APPROX. TOTAL FLOOR AREA	1,100,000 SF
PARKING SPACES CALCULATED	1,100

ZONING	PD
LAND AREA	1.04 AC
TOTAL GROSS FLOOR AREA (GFA) OF ALL MAJOR ZONING DISTRICTS	1,100,000 SF
OFFICE	1,000,000 SF
RETAIL	100,000 SF
PARKING SPACES CALCULATED	1,100



FINAL DEVELOPMENT PLAN AMENDMENT
FAIRVIEW PARK
 PROVIDENCE DISTRICT

FDPA 78-P-130-5

Dewberry & Davis
 An Equal Opportunity Employer
 Fairfax County, Virginia

FAIRFAX COUNTY, VIRGINIA

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.

GLOSSARY

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

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

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

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

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

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

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

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

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

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted 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 provided 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
DWAC	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		