APPLICATION ACCEPTED: December 21, 2009
PLANNING COMMISSION: May 5, 2010
BOARD OF SUPERVISORS: May 11, 2010 @ 3:30 p.m.

County of Fairfax, Virginia

April 21, 2010

STAFF REPORT

SPECIAL EXCEPTION APPLICATION SE 2009-PR-027

PROVIDENCE DISTRICT

APPLICANT:	TDC Owner, Inc.
ZONING:	C-3
PARCEL(S):	29-4 ((6)) 106
ACREAGE:	2.62 acres
FAR:	.46
OPEN SPACE:	12.19 %
PLAN MAP:	Office
SE CATEGORY:	Category 3 – Colleges, Universities Category 6 – Waiver of Open Space Requirements
PROPOSAL:	The applicant proposes to establish a college/university use at an existing office building and also requests a waiver of the open space requirement.

STAFF RECOMMENDATION:

Staff recommends approval of SE 2009-PR-027, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of the modification of the peripheral parking lot landscaping requirements along the southern and western property lines in favor of what is shown on the SE Plat.

Brenda J Cho

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/

Staff recommends approval of the waiver of the open space requirement.

Staff recommends approval of the waiver of the barrier requirement and modification of the transitional screening requirement along the eastern boundary of the site in favor of what is shown on the SE Plat.

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

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

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

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

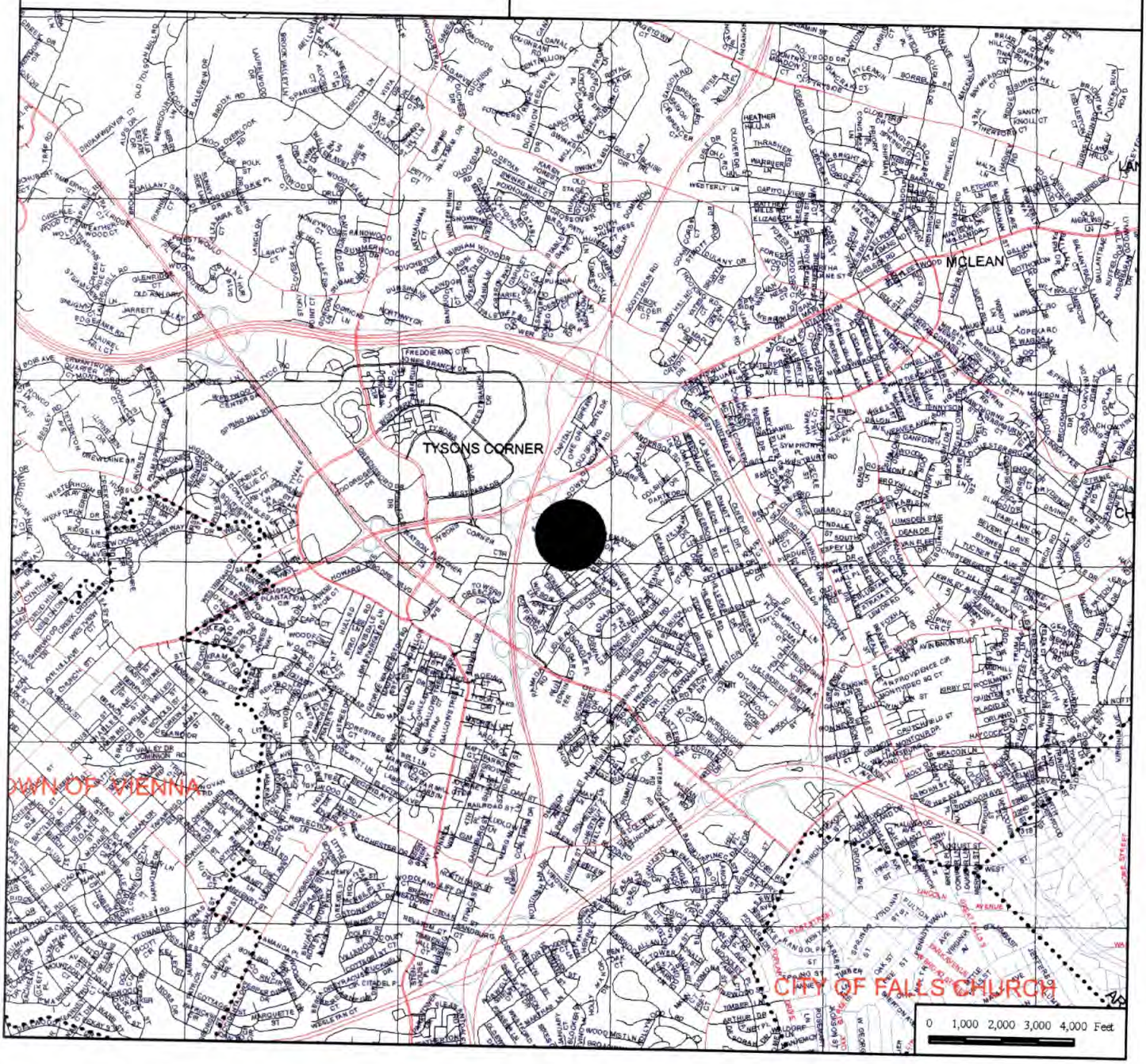
O:\bcho00\SE\SE 2009-PR-027 (TDC)\Report Documents\Draft_Cover.doc

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

Special Exception

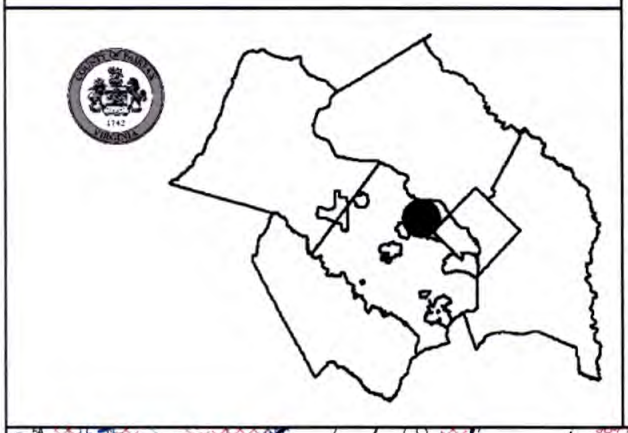
SE 2009-PR-027

Applicant:	TDC OWNER, LLC
Accepted:	12/21/2009
Proposed:	COLLEGE/UNIVERSITY
Area:	2.62 AC OF LAND; DISTRICT - PROVIDENCE
Zoning Dist Sect:	04-0304
Art 9 Group and Use:	3-01
Located:	1761 OLD MEADOW ROAD
Zoning:	C- 3
Plan Area:	2,
Overlay Dist:	
Map Ref Num:	029-4- /06/ /0106



Special Exception

SE 2009-PR-027



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Proposed:	COLLEGE/UNIVERSITY
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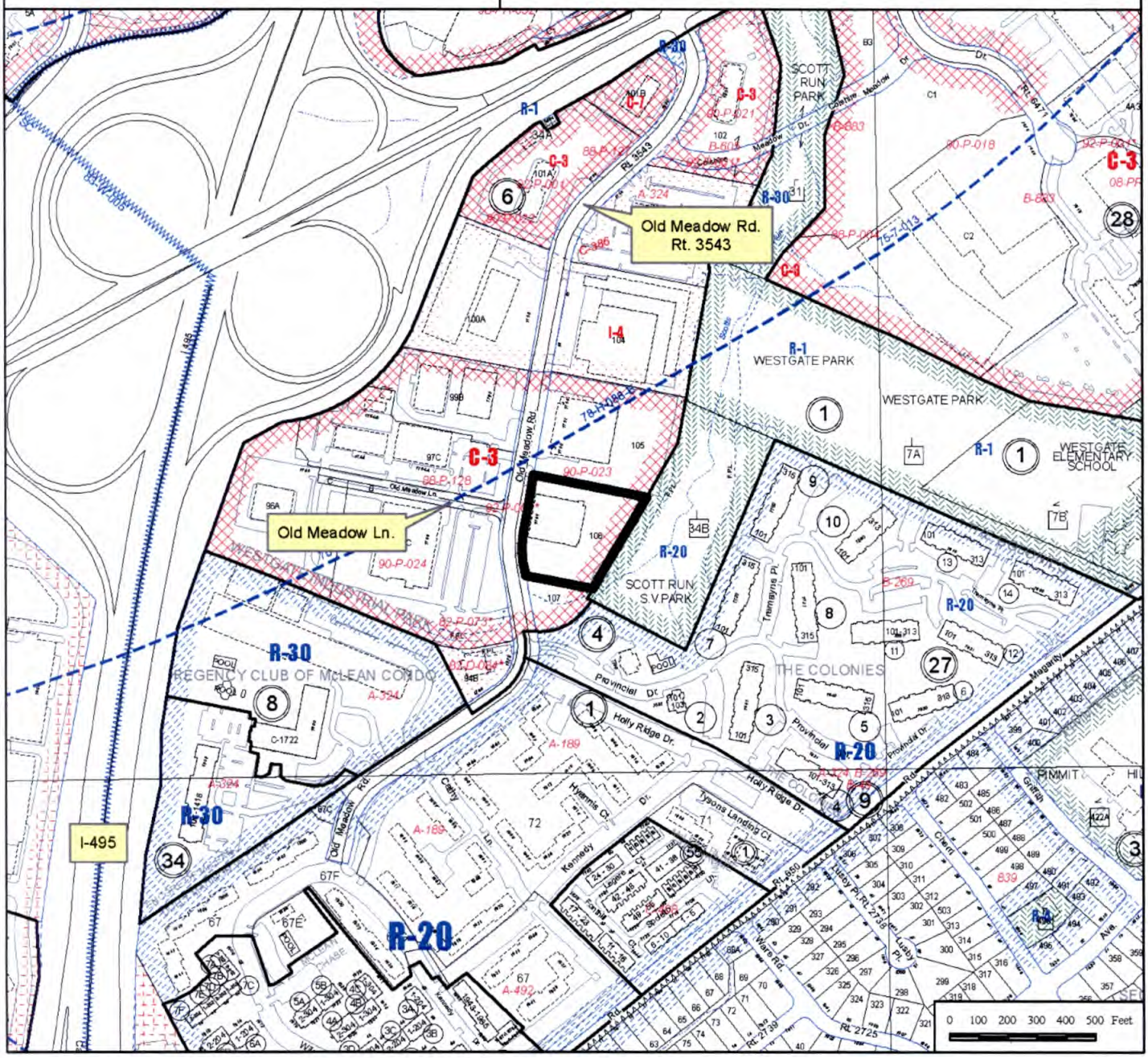


NOTES:

1) THE PROPERTY DELINEATED ON THIS PLAT IS LOCATED ON FAIRFAX COUNTY TAX ASSESSMENT MAP 029-4 ((06)) 106 AND IS ZONED C-3. (SEE SP-834-C, AND PCA 92-P-001-6 & PCA 1998-PR-052)
2.) THE CURRENT OWNER OF THE SUBJECT PROPERTY IS TDC OWNER, LLC, AS RECORDED IN DEED BOOK 18871 AT PAGE 806 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
3) THE PROPERTY IS LOCATED IN FLOOD ZONE "X"(AREA DETERMINED TO BE OUTSIDE 500-YEAR FLOODPLAIN) AND FLOOD ZONE "A"(AREA WHERE NO BASE FLOOD ELEVATION IS DETERMINED) AS SHOWN ON FEMA MAP NO. 515525 0100 D, DATED MARCH 5, 1990.
4.) NO TITLE REPORT FURNISHED.
5.) THE BOUNDARY INFORMATION SHOWN HEREON IS BASED UPON A GROUND SURVEY PERFORMED BY VIKA, INC. ON OCTOBER 10, 2005. THE HORIZONTAL DATUM SHOWN HEREON IS BASED ON VIRGINIA STATE COORDINATE SYSTEM (VCS '83) BY USING THE FOLLOWING (2) FAIRFAX COUNTY CONTROL MONUMENTS
   1.) WESTGATE 1969 N=7,020,550.356 E=11,851,687.283.
   2.) LEWINSVILLE 2 N=7,023,459.058 E=11,849,293.873.
6.) THE BOUNDARY OF THE PROPERTY SHOWN HEREON IS REFERENCED FROM A "PLAT SHOWING BOUNDARY SURVEY OF THE LAND OF WESTGATE CORPORATION" RECORDED IN DEED BOOK 5888 AT PAGE 1335 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.
7.) SEE SHEET 2 OF 5 FOR PROPOSED TREE LOCATIONS AND TREE CANOPY COMPUTATIONS.
8.) SEE SHEET 3 OF 5 FOR EXISTING TREE LOCATIONS.
9.) APPLICANT AGREES TO PROVIDE AN EASEMENT IN THE SOUTHEAST CORNER (OUTSIDE THE PARKING LOT AS SHOWN HEREON) IN ORDER TO COORDINATE WITH THE ADJACENT LANDOWNER ON THE POSSIBLE FUTURE CONSTRUCTION OF A STREAM VALLEY TRAIL.

NOTES (continued):

10.) WATER QUALITY STORMWATER MANAGEMENT SHALL BE PROVIDED TO MEET CBPO REDEVELOPMENT CRITERIA, IF REQUIRED, AT TIME OF FINAL SITE PLAN, UNLESS REQUIREMENT IS WAIVED OR MODIFIED BY THE DIRECTOR.
11.) LIMIT OF CLEARING AND GRADING IS LIMITED TO THE MINIMUM AREA REQUIRED TO CONSTRUCT THE PROPOSED IMPROVEMENTS AND DEMOLISH THE EXISTING PAVEMENT.

Waivers and Modifications Requested:

1.) A MODIFICATION OF THE PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENT (PFM SECTION 13-203) ON THE SOUTH AND WEST PROPERTY LINES IN FAVOR OF MAINTAINING THE EXISTING CONDITIONS, AS SHOWN ON SHEETS 2 & 3.
2.) A MODIFICATION OF THE LOADING SPACE REQUIREMENT (SECTION 11-203) TO PROVIDE 3 (MAX) LOADING SPACES IN FAVOR OF MAINTAINING THE TWO EXISTING LOADING SPACES SHOWN ON THE PLAN.
3.) A MODIFICATION OF THE OPEN SPACE REQUIREMENT (SECTION 2-309) TO PROVIDE 15% OPEN SPACE IN FAVOR OF THAT SHOWN ON THE PLAN BECAUSE THE EXISTING FLOODPLAIN AND WOODED AREAS ADJACENT TO THIS SITE HAVE BEEN MAINTAINED, PER PCA92-P-001-2, 1.0-2 & 4). SEE ALSO OPEN SPACE TABULATION BELOW.
4.) A REAFFIRMATION OF THE WAIVER OF THE TRANSITIONAL SCREEN AND BARRIER REQUIREMENT, DUE TO THE FULFILLMENT OF PROFFERS 1.0-2 & 4, PER PCA 92-P-001-2. THE EXISTING WOODLAND AND MAINTAINED FLOODPLAIN SERVE AS THE SCREEN AND BARRIER.

Parking Required

Office: 14,138 square feet at 3.6 spaces/1000 square feet = 51 spaces

College or University: Based on a review by the Director including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, the availability of mass transportation, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time

50 faculty/employees at 1 space per faculty/employee = 50 spaces
257 students at 1 space per student = 257 spaces[1]

Total parking spaces required = 358

Parking Provided

Office: 51 spaces
College or University: 307 spaces (152 spaces on Parcel 106 and 155 spaces on adjacent Parcel 105)[2]

[1] The number of students that will drive will be less than 257 due to proximity to the Tysons East Metro Station and other Transportation Demand Management strategies. The required and provided number of parking spaces may be reduced based on a refined parking analysis to be reviewed and approved by the Director of DPMES.

[2] In accordance with Section 11-102 of the Zoning Ordinance all required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot contiguous thereto which has the same zoning classification, and is either under the same ownership, or is subject to agreements or arrangements satisfactory to the Director that will ensure the permanent availability of such spaces. Lot 105 is contiguous to Lot 106; both lots are zoned C-3; and both are owned by TDC Owner LLC.

HC Parking

Required: 7 spaces
Provided: 7 spaces

SITE AREA TABULATION:

LOT 106.....114,256 SF. OR 2.62296 AC

AREA OF SPECIAL EXCEPTION:

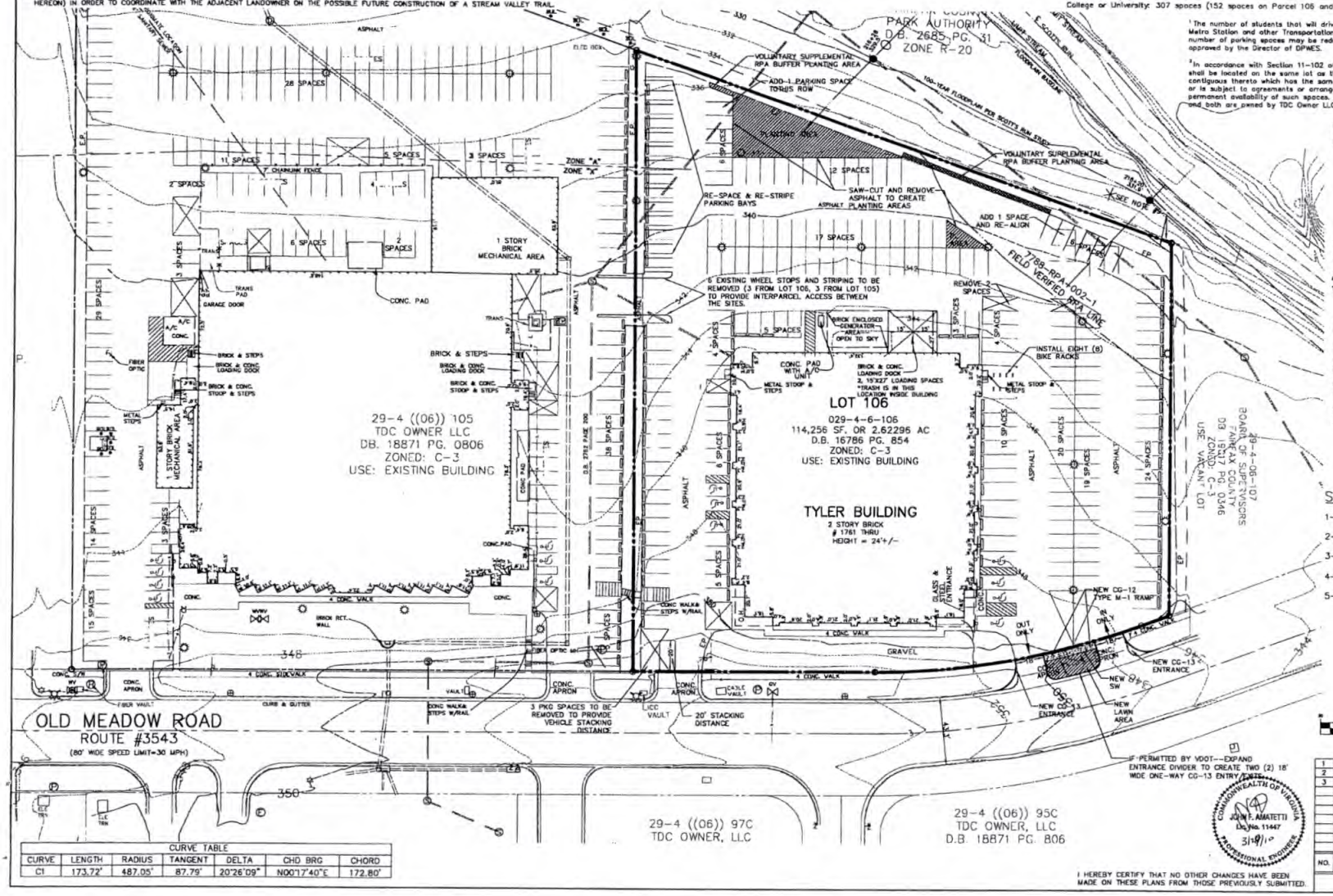
114,256 SQ. FT. OR 2.62296 ACRES

Open space:

Required = 15% (17,138.4 sf)
Existing = 9.6% (11,048 sf.)
Provided after construction = 12.19% (13,930 sf)
Modification is being requested (above)
See PCA 92-P-001-2, 1.D2 & 4 for further information.

SHEET INDEX

1--SPECIAL EXCEPTION PLAT / EX. COND PLAN
2--LANDSCAPE PLAN & EVM DETAILS AND COMPS
3--EXISTING VEGETATION MAP
4--EXISTING VEGETATION INVENTORY/ANALYSIS
5--ADEQUATE OUTFALL MAP & NARRATIVE



CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHD BRG	CHORD
C1	173.72'	487.05'	87.79'	20°26'09"	N00°17'40"E	172.80'

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

I HEREBY CERTIFY THAT NO OTHER CHANGES HAVE BEEN MADE ON THESE PLANS FROM THOSE PREVIOUSLY SUBMITTED.

COMMONWEALTH OF VIRGINIA
JOHN F. AMATETTI
Reg. No. 11447
3/19/10
PROFESSIONAL ENGINEER

NO.	DESCRIPTION	REVISED BY	APPROVED	DATE
1	REVISION 2/12/10			
2	REVISION 3/12/10			
3	REVISION 3/26/10			

REVISIONS

VIKA
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
VIKA, INCORPORATED
8180 GREENSBORO DRIVE - SUITE 200 ■ MCLEAN, VIRGINIA 22102
703-442-7800 FAX: 703-848-2687
MCLEAN, VA ■ LEESBURG, VA ■ GERMANTOWN, MD

LOT 106 – WESTGATE INDUSTRIAL PARK

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SPECIAL EXCEPTION PLAT EXISTING CONDITIONS PLAN

SUBMISSIONS

REVISION	3/29/10
REVISION	3/12/10
REVISION	2/12/10
DATE:	11/16/09
DES. JK	DWN. JK
SCALE:	1"=30'
PROJECT/FILE NO.	6894
SHEET NO.	1 OF 5

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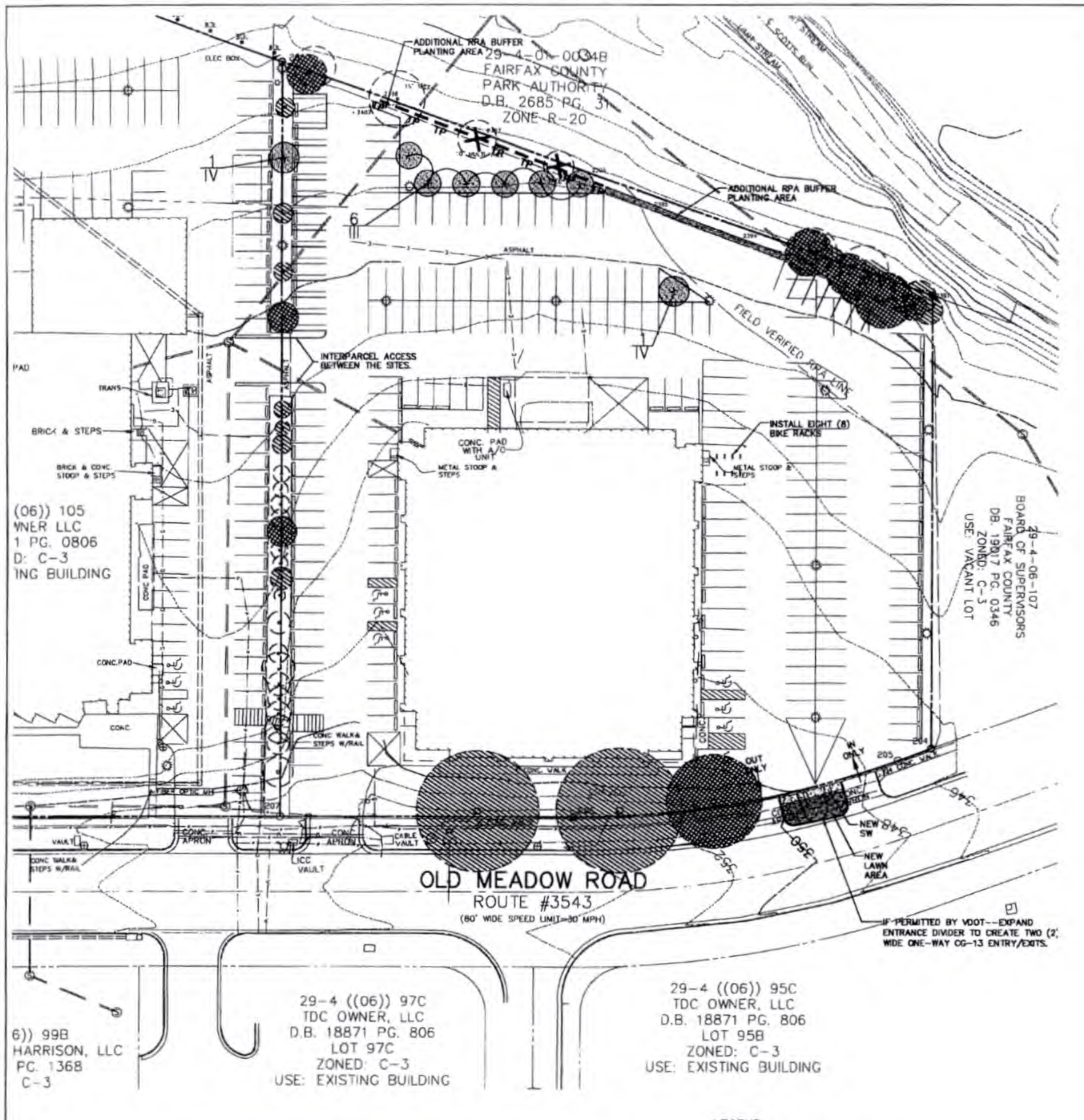


KEY	TREE TYPE	QUANTITY	CALIPER (IN)	STD COVERAGE CREDIT (SF)	NATIVE SPECIES CREDIT (SF)	COVERAGE (SF)
IV	CAT IV DECIDUOUS	2	2"	200 SF	300 SF	600 SF
III	CAT III DECIDUOUS	6	2"	150 SF	225 SF	1,350 SF
						TOTAL: 1,950 SF

PERIPHERAL PARKING LOT LANDSCAPING

1. NORTH PROPERTY LINE: REQUIREMENTS MET
2. EAST PROPERTY LINE: REQUIREMENTS MET
3. SOUTH PROPERTY LINE: MODIFICATION REQUESTED
4. WEST PROPERTY LINE: MODIFICATION REQUESTED

LEGEND

- EXISTING TREES TO PROVIDE OVERALL SITE TREE CANOPY COVERAGE.
- EXISTING TREES TO PROVIDE OVERALL TREE CANOPY COVERAGE AND PARKING LOT TREE CANOPY COVERAGE.
- NEW CATEGORY IV DECIDUOUS TREES TO BE PLANTED TO PROVIDE PARKING LOT CANOPY COVERAGE AND OVERLL CANOPY COVERAGE.
- EXISTING TREES TO BE REMOVED
- TP TP TREE PROTECTION FENCE INSTALLATION-PER FFX CO PFM PLATE 6-12 & PFM SECTION 12-0703.1B.

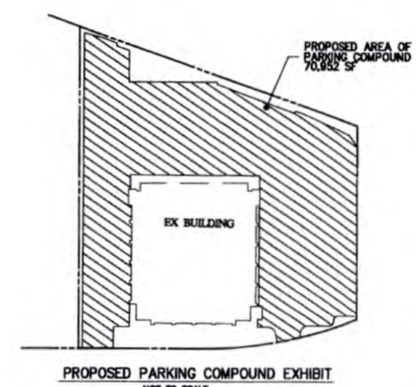
Table 12.12 10-Year Tree Canopy Calculation Worksheet			
Step		Totals	Reference
A. Tree Preservation Target Calculations and Statement			
A.1	Pre-development area of existing tree canopy (from existing vegetation map)(SF) =	12455.00	see § 12-0507.2
A.2	Percentage of gross site area covered by existing tree canopy =	11%	
A.3	Percentage of 10-year tree canopy required for site =	10%	see Table 12.4
A.4	Percentage of the 10-year tree canopy requirement that should be met through tree preservation =	11%	
A.5	Proposed percentage of canopy requirement that will be met through tree preservation =	125%	
A.6	Has the Tree Preservation Target minimum been met?	Yes	Provide Yes or No
A.7	If No for line A.6, then a request to deviate from the Tree Preservation Target shall be provided on the plan that states one or more of the justifications listed in § 12-0507.3 along with a narrative that provides a site-specific explanation of why the Tree Preservation Target cannot be met. Provide sheet number where deviation request is located.		Provide sheet number, see § 12-0507.3
A.8	If step A.7 requires a narrative, it shall be prepared in accordance with § 12-0507.4		see § 12-0507.4
B. Tree Canopy Requirement			
B1	Identify gross site area (SF) =	114256.00	§ 12-0510.1A
B2	Subtract area dedicated to parks, road frontage(SF) =	0.00	§ 12-0510.1B
B3	Subtract area of exemptions(SF) =	0.00	§ 12-0510.1C(1) through § 12-0510.1C(8)
B4	Adjusted gross site area (B1-B2,B3)(SF) =	114256.00	Square feet
B5	Identify the site's zoning and/or use	PRM	
B6	Percentage of 10-year tree canopy required =	0.10	§ 12-0509.1 and Table 12.4
B7	Area of 10-year Tree Canopy Required (B4 x B6)(SF) =	11425.60	Square feet
B8	Modification of 10-year Tree Canopy Requirements requested?		Yes or No
B9	If B8 is yes, then list plan sheet where modification request is located		Sheet number
C. Tree Preservation			
C.1	Tree Preservation Target Area(SF) =	1245.60	Square Feet
C.2	Total canopy area meeting standards of § 12-0400 (SF) =	[illegible]869.00	Square Feet
C.3	C 2 x 1.25(SF) =	12336.25	§ 12-0509.3B
C.4	Total canopy area provided by unique or valuable forest or woodland communities(SF) =	0.00	Square Feet
C.5	C 4 x 1.5(SF) =	0.00	§ 12-0509.3B(1)
C.6	total of canopy area provided by "Heritage," "Memorial," "Specimen," or "Street" trees (SF) =	0.00	Square Feet
C.7	C 6 x 1.5 to 3.0 (SF) =	0.00	§ 12-0509.3B(2)
C.8	Canopy area of trees within resource Protection Areas and 100-year floodplains (SF) =	1093.00	Square Feet
C.9	C 8 x 1.0 (SF) =	1093.00	§ 12-0509.3C(1)
C.10	Total of C 3, C 5, C 7 and C 9 =	14329.25	If area of C 10 is less than B 7 remainder of requirement must be met through tree planting - go to D

D. Tree Planting			
D.1	Area of canopy to be met through tree planting (B.7-C10) =	1250.00	Square feet
D.2	Area of canopy planted for air quality benefits =		Square feet
D.3	D.2 x 1.5 (SF) =	0.00	§ 12-0509.4B(1)
D.4	Area of canopy planted for energy conservation =		Square feet
D.5	D.4 x 1.5 (SF) =	0.00	§ 12-0509.4B(2)
D.6	Area of canopy planted for water quality benefits =		Square feet
D.7	D.6 x 1.25 (SF) =	0.00	§ 12-0509.4B(3)
D.8	Area of canopy planted for wildlife benefits =	0.00	Square feet
D.9	D.8 x 1.5 (SF) =	0.00	§ 12-0509.4B(4)
D.10	Area of canopy provided by native trees =	1150.00	Square feet
D.11	D.10 x 1.5 (SF) =	1950.00	§ 12-0509.4B(5)
D.12	Area of canopy provided by improved cultivars and varieties =		Square feet
D.13	D.12 x 1.25 (SF) =	0.00	§ 12-0509.4B(6)
D.14	Area of canopy provided through tree seedlings (SF) =	0.00	§ 12-0509.4D(1)(a)
D.15	D.14 x 1.0 =	0.00	Square feet
D.16	Percentage of D.14 represented by D.15 =	0.00	Must not exceed 33% of D.14
D.17	Area of canopy to be planted with no benefit credits =		Square feet
D.18	Total of canopy area provided through tree planting =	1950.00	Square feet
D.19	Is an offsite planting relief requested?	0.00	Yes or No
D.20	Tree Bank or Tree Fund?	0.00	Yes or No § 12-0511
D.21	Canopy area requested to be provided through offsite banking or tree fund =	0.00	Square feet
D.22	Amount to be deposited into the Tree Preservation and Planting Fund =	0.00	
E. Total of 10-year Tree Canopy Provided			
E.1	Total of canopy area provided through tree preservation (C 10) =	14329.25	Square feet
E.2	Total of canopy area provided through tree planting (D 18) =	1950.00	Square feet
E.3	Total of canopy area provided through offsite mechanism (D.21) =	0.00	Square feet
E.4	Total of 10-year Tree Canopy Provided (SF) =	16279.25	Total of E.1 through E.3, area should meet or exceed area in B.7

Table 12.13 Interior Parking Lot Landscaping Calculations		Remarks
Area to be counted (SF) =	70952.00	square feet
Interior Landscaping Required (5%) =	3547.60	square feet
Total Shade tree Canopy Provided		
(7 Existing Trees to Provide Parking Canopy Coverage) =	2760.00	Counting benefit credits
(6 New Category III Deciduous Trees @ 150 SF EA.) =	900.00	Counting native credits
(2 New Category IV Deciduous Trees @ 200 SF EA.) =	400.00	Counting native credits
Total Area Required (SF) =	3547.60	5.00%
Total Area Provided (SF) =	4060.00	5.72%

Tree Preservation Fencing: "All trees proposed for preservation shall be protected by tree protection fence as shown. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."



PROPOSED PARKING COMPOUND EXHIBIT

NOT TO SCALE

PLAN PREPARED BY: NELSON P. KIRCHNER, CLA
CERTIFIED ARBORIST NO. MA-4720AM

SIGNATURE [signature] DATE 3/29/10

GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

NO.	DESCRIPTION	REVIEW BY	APPROVED	DATE
1	REVISION 2/12/10			
2	REVISION 3/12/10			
3	REVISION 3/26/10			
4	REVISION 3/28/10			

REVISION APPROVED BY:
DIVISION OF DESIGN REVIEW

VIKA
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
VIKA INCORPORATED
8180 GREENSBORO DRIVE SUITE 200 ■ McLEAN, VIRGINIA 22102
(703)442-7800 ■ FAX (703)761-2787
McLEAN, VA GERMANTOWN, MD

LOT 106 – WESTGATE INDUSTRIAL PARK

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

LANDSCAPE PLAN, EVM DETAILS AND COMPUTATIONS

COMMONWEALTH OF VIRGINIA
JOHN F. AMATETTI
Lic. No. 11447
3/29/10
PROFESSIONAL ENGINEER

VIKA REVISIONS

REVISION 3/29/10
REVISION 3/26/10
REVISION 3/12/10
REVISION 2/12/10

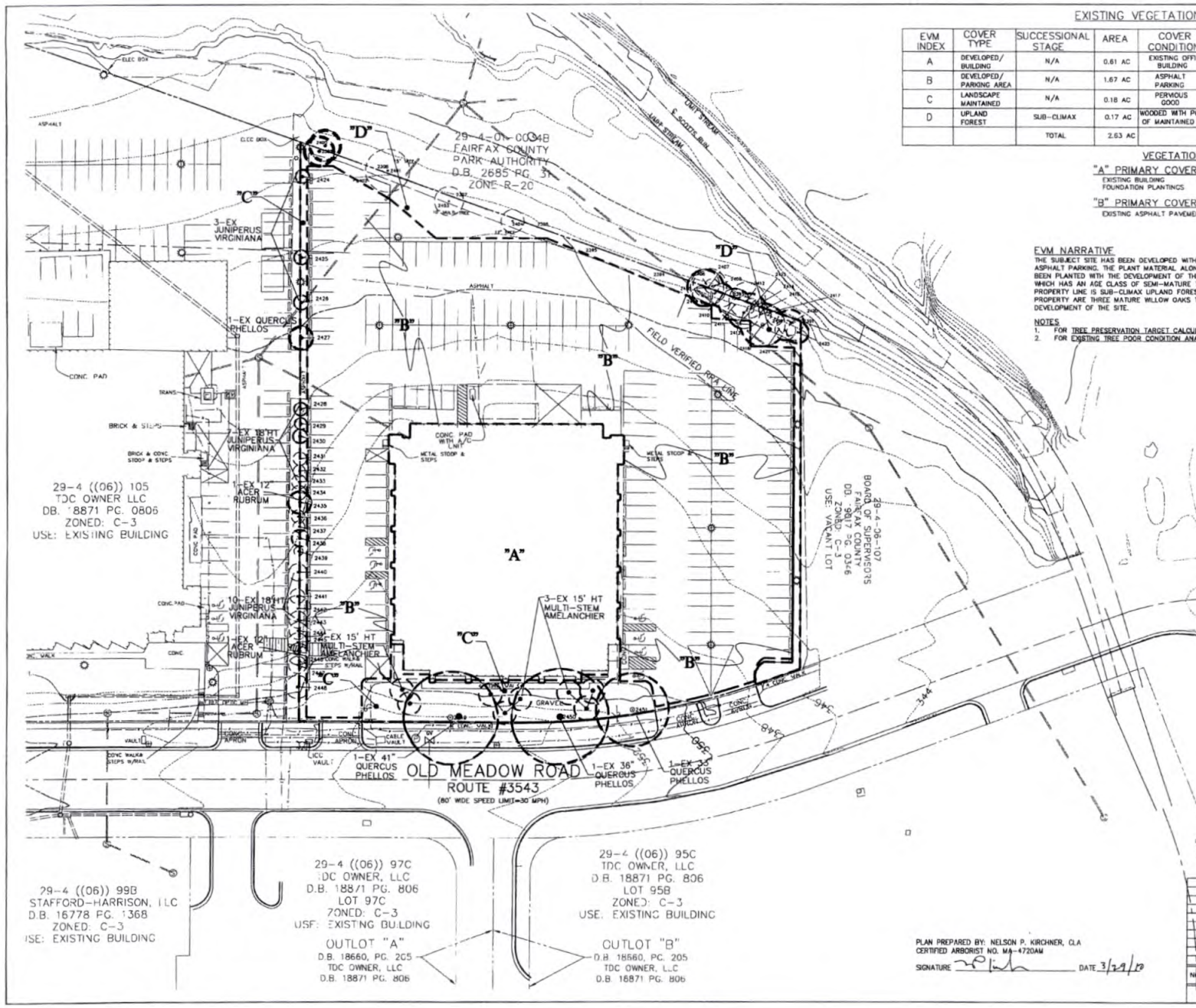
DATE: FEBRUARY 2010

DES. NPK | DWN. NPK

SCALE: 1"=30'

PROJECT/FILE NO. 6894

SHEET NO. 2 OF 5



EXISTING VEGETATION TABLE

EVM INDEX	COVER TYPE	SUCCESSIONAL STAGE	AREA	COVER CONDITION	PRIMARY SPECIES	COMMENTS
A	DEVELOPED/ BUILDING	N/A	0.61 AC	EXISTING OFFICE BUILDING	N/A	EXISTING COMMERICAL DEVELOPMENT
B	DEVELOPED/ PARKING AREA	N/A	1.67 AC	ASPHALT PARKING	N/A	EXISTING PARKING/ TRAVEL LANES
C	LANDSCAPE MAINTAINED	N/A	0.18 AC	PERVIOUS GOOD	(SEE VEG TYPE COVERS, PLAN & OUTLINE)	MAINTAINED LAWN AREA UNDER TREE CANOPY/LANDSCAPE AREA
D	UPLAND FOREST	SUB-CLIMAX	0.17 AC	WOODED WITH PORTIONS OF MAINTAINED GRASS	(SEE VEG TYPE COVERS)	WOODED AREA AT THE PERIPHERAL OF ADJACENT UNDISTURBED AREA
		TOTAL	2.63 AC			

VEGETATION COVER TYPES

"A" PRIMARY COVER
EXISTING BUILDING
FOUNDATION PLANTINGS

"B" PRIMARY COVER
EXISTING ASPHALT PAVEMENT

"C" PRIMARY COVER
LAWN/GRASS AREA
MAINTAINED LANDSCAPED AREA

"D" PRIMARY COVER
ACER – MAPLE
ALBIZIA – SILK TREE
LIRODENDRON – POPLAR
PLATANUS – SYCAMORE
GLEDITSIA – LOCUST
PRUNUS – CHERRY

EVM NARRATIVE

THE SUBJECT SITE HAS BEEN DEVELOPED WITH A TWO STORY OFFICE BUILDING AND ASSOCIATED ASPHALT PARKING. THE PLANT MATERIAL ALONG THE NORTHERN PROPRETY LINE APPEARS TO HAVE BEEN PLANTED WITH THE DEVELOPMENT OF THE SITE. THIS IS MAINTAINED LANDSCAPE PLANT MATERIAL WHICH HAS AN AGE CLASS OF SEMI-MATURE TO MATURE. THE COVER TYPE ALONG THE EASTERN PROPERTY LINE IS SUB-CLIMAX UPLAND FOREST COVER TYPE. ALONG THE WESTERN PORTIONS OF THE PROPERTY ARE THREE MATURE WILLOW OAKS THAT APPEAR TO HAVE BEEN INSTALLED WITH THE DEVELOPMENT OF THE SITE.

NOTES
1. FOR TREE PRESERVATION TARGET CALCULATIONS AND STATEMENT SEE SHEET 2 OF 4.
2. FOR EXISTING TREE POOR CONDITION ANALYSIS SEE SHEET 4 OF 4.

GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

PLAN PREPARED BY: NELSON P. KIRCHNER, CLA
CERTIFIED ARBORIST NO. MA-4720AM
SIGNATURE _____ DATE 3/29/10

NO.	DESCRIPTION	REVISED BY	APPROVED	DATE

REVISION APPROVED BY:
DIVISION OF DESIGN REVIEW

VIKA
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
VIKA, INCORPORATED
8180 GREENSBORO DRIVE - SUITE 200 ■ MCLEAN, VIRGINIA 22102
TEL: (703) 442-7800 ■ FAX: (703) 848-2687
WALDAK, VA. GERMANTOWN, MD

LOT 106 – WESTGATE INDUSTRIAL PARK
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

EXISTING VEGETATION MAP

COMMONWEALTH OF VIRGINIA
JOHN F. AMATETTI
Lic. No. 11447
3/29/10
PROFESSIONAL ENGINEER

VIKA REVISIONS
REVISION 3/29/10
REVISION 3/26/10
REVISION 3/12/10
REVISION 2/17/10

DATE: FEBRUARY 2010
DES. NPK
DWN. NPK
SCALE: 1"=30'
PROJECT/FILE NO. 6894
SHEET NO. 3 OF 5

Tree #	Species	Size	Condition	Canopy Position	Status	Activites				Existing Conditions / Problems	Comments
		*DBH (in)	%			Crown Clean	Crown Raising	Remove Tree	Remove Invasive Vine		
2423	Acer rubrum / Red Maple	10.5, 12, 10	60	Codominant	Preserve					No discernible structural or health issues.	Remove cottonwood that fell on tree 2423.
2422	Liriodendron tulipifera / Yellow poplar	12	60	Codominant	Preserve					Good/Fair structure & health.	–
2420	Acer rubrum / Red Maple	10	65	Codominant	Preserve					Good/Fair structure & health.	–
2421	Necrotic	13	0	–	Remove			X		–	Poor condition. Remove tree 2421.
2418	Populus deltoides / Eastern Cottonwood	22	50	Dominant	Preserve				X	Significant invasive vine on trunk stem.	Remove invasive vine.
2417	Acer rubrum / Red Maple	8	65	Codominant	Preserve					Good /Fair structure & health.	Remove backfill at trunk stem root crown.
2416	Acer rubrum / Red Maple	8	65	Codominant	Preserve					Good/Fair structure & health.	Remove backfill at trunk stem root crown.
2419	Populus deltoides / Eastern Cottonwood	9.5	65	Codominant	Preserve					No discernible structural or health issues.	–
2415	Acer rubrum / Red Maple	6	65	Codominant	Preserve					No discernible structural or health issues.	–
2412	Acer rubrum / Red Maple	9.5	60	Codominant	Preserve					Good/Fair structure & health, epicormic shoots.	–
2414	Acer rubrum / Red Maple	6	60	Codominant	Preserve					Good/Fair structure & health.	–
2413	Populus deltoides / Eastern Cottonwood	16	60	Dominant	Preserve				X	Invasive vine on trunk stem, fair structure & health.	Remove invasive vine.
2411	Acer rubrum / Red Maple	10	50	Codominant	Preserve	X	X			Leaning trunk stem, no discernible health issues.	Crown clean and raise. Tree 2411 should be considered for removal.
2410	Acer rubrum / Red Maple	9.5	60	Codominant	Preserve					No discernible structural or health issues.	Remove backfill at trunk stem root crown.
2408	Acer rubrum / Red Maple	11	60	Codominant	Preserve					No discernible structural or health issues.	Remove backfill at trunk stem root crown.
2405	Acer rubrum / Red Maple	13	65	Dominant	Preserve					Twisty trunk stem, no serious structural or health issues.	Remove backfill at trunk stem root crown.
2406	Acer rubrum / Red Maple	9	50	Codominant	Preserve	X	X			Trunk stem has a lean. No discernible structural or health issues.	Remove backfill at trunk stem root crown.
2407	Acer rubrum / Red Maple	6.5	50	Codominant	Preserve				X	Trunk stem has an arching lean with invasive vine in canopy, no discernible health issues.	Remove backfill at trunk stem root crown. Remove invasive vine.
2409	Acer rubrum / Red Maple	13	55	Codominant	Preserve	X			X	Trunk stem has an arching lean with invasive vine in canopy, no discernible health issues.	Remove backfill at trunk stem root crown. Crown Clean.Remove invasive vine.
2403	Morus alba, White mulberry	10, 9, 8	45	Codominant	Remove			X		Deadwood in canopy, bi-dominant trunk stem with low angle of attachment, bleeding flow from trunk stem.	Tree 2403 has a hazard potential and could be considered for removal.
2404	Morus alba, White mulberry	11	45	Codominant	Remove	X		X		Invasive vine in canopy, bleeding flow from trunk stem, deadwood in canopy.	Tree 2404 has a hazard potential and could be considered for removal.
2401	Acer rubrum / Red Maple	15	60	Dominant	Preserve	X	X			Slight lean. No discernible structural or health issues.	Crown clean and raise.
2399	Liriodendron tulipifera / Yellow poplar	21	75	Dominant	Preserve					No discernible structural or health issues.	–
2400	Prunus serotina / Black Cherry	10	35	Intermediate	Remove					This tree has no effective scaffold, invasive vine is along the length of the trunk stem. Tree is Off-site.	–
2424	Juniperus virginiana / Eastern Red Cedar	20	70	Dominant	Preserve					No discernible structural or health issues.	–
2425	Juniperus virginiana / Eastern Red Cedar	11, 9, 5, 8	40	Dominant	Preserve					Half of the total 9" trunk stem leader has been snapped in recent storm event.	Remove storm damage. Tree 2425 should be considered for removal & replacement.
2426	Juniperus virginiana / Eastern Red Cedar	15	60	Dominant	Preserve	X	X			Tree 2426 has been damaged in recent storm event.	Remove storm damage. Crown clean and raise.
2427	Quercus phellos / Willow Oak	29	75	Dominant	Preserve					No discernible structural or health issues.	–

DBH = Diameter at Breast Height (measured 4.5 feet above ground)

Conditions Ratings provided as percentages as based on methods outlined in the "Guide for Plant Appraisal", 9th edition, published by the International Society of Arboriculture.

Tree #	Species	Size	Condition	Canopy Position	Status	Activites				Existing Conditions / Problems	Comments
		*DBH (in)	%			Crown Clean	Crown Raising	Remove Tree	Remove Invasive Vine		
2428	Juniperus virginiana / Eastern Red Cedar	16	70	Codominant	Preserve					No discernible structural or health issues.	–
2429	Juniperus virginiana / Eastern Red Cedar	12	70	Codominant	Preserve					No discernible structural or health issues.	–
2430	Juniperus virginiana / Eastern Red Cedar	12, 9	70	Codominant	Preserve					No discernible structural or health issues.	–
2431	Juniperus virginiana / Eastern Red Cedar	11	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2432	Juniperus virginiana / Eastern Red Cedar	7.5	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2433	Juniperus virginiana / Eastern Red Cedar	11	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2434	Juniperus virginiana / Eastern Red Cedar	8	25	Codominant	Remove					Tree 2434 has virtually no canopy or scaffold. Has a low canopy ratio. Tree is Off-Site.	Poor condition.
2435	Acer rubrum / Red Maple	18	65	Dominant	Preserve					No discernible structural or health issues.	–
2436	Juniperus virginiana / Eastern Red Cedar	10	45	Codominant	Preserve					No discernible structural or health issues. Low canopy ratio. Tree is Off-Site.	–
2437	Juniperus virginiana / Eastern Red Cedar	10	60	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2438	Juniperus virginiana / Eastern Red Cedar	12	65	Dominant	Preserve					No discernible structural or health issues.	Crown clean and raise.
2439	Juniperus virginiana / Eastern Red Cedar	8.5, 5	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2440	Juniperus virginiana / Eastern Red Cedar	14.5	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2441	Juniperus virginiana / Eastern Red Cedar	14.5	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2442	Juniperus virginiana / Eastern Red Cedar	10	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2443	Juniperus virginiana / Eastern Red Cedar	14	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2444	Juniperus virginiana / Eastern Red Cedar	13	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2445	Juniperus virginiana / Eastern Red Cedar	12, 5	60	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2446	Acer rubrum / Red Maple	14	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2447	Juniperus virginiana / Eastern Red Cedar	14	65	Codominant	Preserve					No discernible structural or health issues. Tree is Off-Site.	–
2448	Juniperus virginiana / Eastern Red Cedar	18	65	Dominant	Preserve					Two upper trunk stems have recent storm damage. No discernable health issues. Tree is off-site.	–
2449	Quercus phellos / Willow Oak	41	75	Dominant	Preserve					No discernible structural or health issues.	–
2450	Quercus phellos / Willow Oak	35.5	75	Dominant	Preserve					No discernible structural or health issues.	–
2451	Quercus phellos / Willow Oak	33	75	Dominant	Preserve					No discernible structural or health issues.	–

DBH = Diameter at Breast Height (measured 4.5 feet above ground)

Conditions Ratings provided as percentages as based on methods outlined in the "Guide for Plant Appraisal", 9th edition, published by the International Society of Arboriculture.

POOR CONDITION ANALYSIS NARRATIVE

A CONDITION ANALYSIS WAS PERFORMED ON MARCH 10, 2010 TO ASSESS THE STRUCTURAL INTEGRITY AND HEALTH OF THOSE ON-SITE TREES THAT ARE SPECIFIED TO BE PRESERVED AND TO ACCOUNT FOR THE REQUIRED OVERALL SITE LANDSCAPE CANOPY COVERAGE. THE PLANT MATERIAL ASSESSED WAS OF TWO CATEGORIES:

- LANDSCAPE PLANT MATERIAL INSTALLED AT THE TIME THE PROPERTY WAS DEVELOPED.
- PRESERVED WOODED AREA ALONG THE SCOTTS RUN STREAM VALLEY - UPLAND FOREST.

GENERALLY THE PLANT MATERIAL INVENTORIED SHOWS GOOD STRUCTURE AND HEALTH. HOWEVER, THERE IS SOME PLANT MATERIAL THAT HAD BEEN DETERMINED TO BE OF POOR CONDITION AND IS SPECIFIED TO BE REMOVED. TREES 2403 AND 2304 HAVE BEEN NOTED AS POTENTIAL HAZARD AND SHOULD BE CONSIDERED TO BE REMOVED. HOWEVER, SAID TREES ARE NOT TARGETING PROPERTY OR PEDESTRIAN. TREES 2403 AND 2404 HAVE NOT BEEN FACTORED INTO THE OVERALL OR PARKING COMPUTATIONS AS THEY MAY BE REMOVED.

COMMONWEALTH OF VIRGINIA
JOHN F. AMATETTI
Lic. No. 11447
3/29/10
PROFESSIONAL ENGINEER

PLAN PREPARED BY: NELSON P. KIRCHNER, CLA
CERTIFIED ARBORIST NO. MA-4720AM

SIGNATURE _____ DATE 3/29/10

NO.	DESCRIPTION	REVIEW BY	APPROVED	DATE

REVISION APPROVED BY:
DIVISION OF DESIGN REVIEW

VIKA
ENGINEERS ■ PLANNERS ■ LANDSCAPE ARCHITECTS ■ SURVEYORS ■ GPS SERVICES
VIKA INCORPORATED
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LOT 106 – WESTGATE INDUSTRIAL PARK
PROVIDENCE DISTRICT
FAIRFAX COUNTY VIRGINIA

EXISTING TREE INVENTORY AND CONDITION ANALYSIS

VIKA REVISIONS

Revision 3/29/10
~~REVISION 3/26/10~~
REVISION 3/26/10
REVISION 3/11/10
REVISION 2/12/10
DATE: FEBRUARY 2010

DES.	DWN.
NPK	NPK

SCALE: –

PROJECT/FILE NO. 6894

SHEET NO. 4 OF 5

OUTFALL DESCRIPTION

THE SUBJECT PROPERTY, IDENTIFIED BY FAIRFAX COUNTY TAX MAP # 29-4 ((6)) 106, IS PRESENTLY DEVELOPED WITH AN OFFICE BUILDING, SURFACE PARKING, AND OTHER ASSOCIATED SITE IMPROVEMENTS. THE SITE IS BOUNDED TO THE EAST AND SOUTH BY SCOTTS RUN STREAM VALLEY, TO THE NORTH BY AN EXISTING COMMERCIAL OFFICE BUILDING, AND TO THE WEST BY OLD MEADOW ROAD. THE DEVELOPMENT PROPOSED IN THE SUBJECT PLAN INCLUDES LANDSCAPE AND HARDSCAPE IMPROVEMENTS. LANDSCAPE WORK INCLUDES THE ADDITION OF TREES AT THE REAR OF THE SITE AND MINOR SPOT GRADING ADJUSTMENTS. HARDSCAPE WORK INCLUDES REMOVAL OF WHEEL-STOPS, RE-STRIPING OF SEVERAL PARKING AREAS, AND THE REMOVAL OF ASPHALT TO CREATE PLANTING AREAS.

CURRENTLY FLOW FROM THE SITE IS CONVEYED VIA SHEET FLOW IN AN EASTERLY DIRECTION DIRECTLY INTO SCOTTS RUN (POINT A). THERE IS A HIGH POINT IN OLD MEADOW ROAD IN FRONT OF THE SITE, ALLOWING OFFSITE STORMWATER TO DRAIN INTO AN EXISTING CLOSED CONDUIT SYSTEM ON EITHER SIDE OF THE PROPERTY, WHERE FLOW OUTFALLS INTO SCOTTS RUN. THEREFORE, NO OFFSITE WATER DRAINS ONTO THE SUBJECT SITE. BECAUSE LITTLE CHANGE WILL BE MADE TO THE IMPERVIOUSNESS OF THE SITE, THE FLOW FROM THIS AREA WILL BE ALLOWED TO CONTINUE AS SHEET FLOW PER THE EXISTING CONDITION OF THE SITE. THE OVERLAND FLOW FROM THE PROPERTY WILL BE CONVEYED IN A NORTHERLY DIRECTION IN SCOTTS RUN (POINT B). FLOW WILL PASS THROUGH A QUADRUPLE BOX CULVERT UNDER ROUTE 123 (POINT C), AND THEN THROUGH A LARGE ELLIPTICAL CULVERT UNDER SCOTTS CROSSING ROAD (POINT D). FLOW WILL CONTINUE TO TRAVEL IN A NORTHERLY DIRECTION IN SCOTTS RUN, EVENTUALLY PASSING UNDER THE DULLES AIRPORT ACCESS ROAD AND INTERSTATE #495.

THE CHOSEN STUDY POINT IS THE SAME POINT WHERE THE SITE OUTFLOWS INTO SCOTTS RUN. THE SUBJECT SITE IS 2.62 ACRES AND THE TOTAL CONTRIBUTING DRAINAGE AREA TO THIS POINT IS 437.87 ACRES. PER PARAGRAPH 10.F OF THE FAIRFAX COUNTY ZONING ORDINANCE, THIS NARRATIVE AND GRAPHIC MEET THE REQUIREMENTS OF AN ADEQUATE OUTFALL DESCRIPTION.

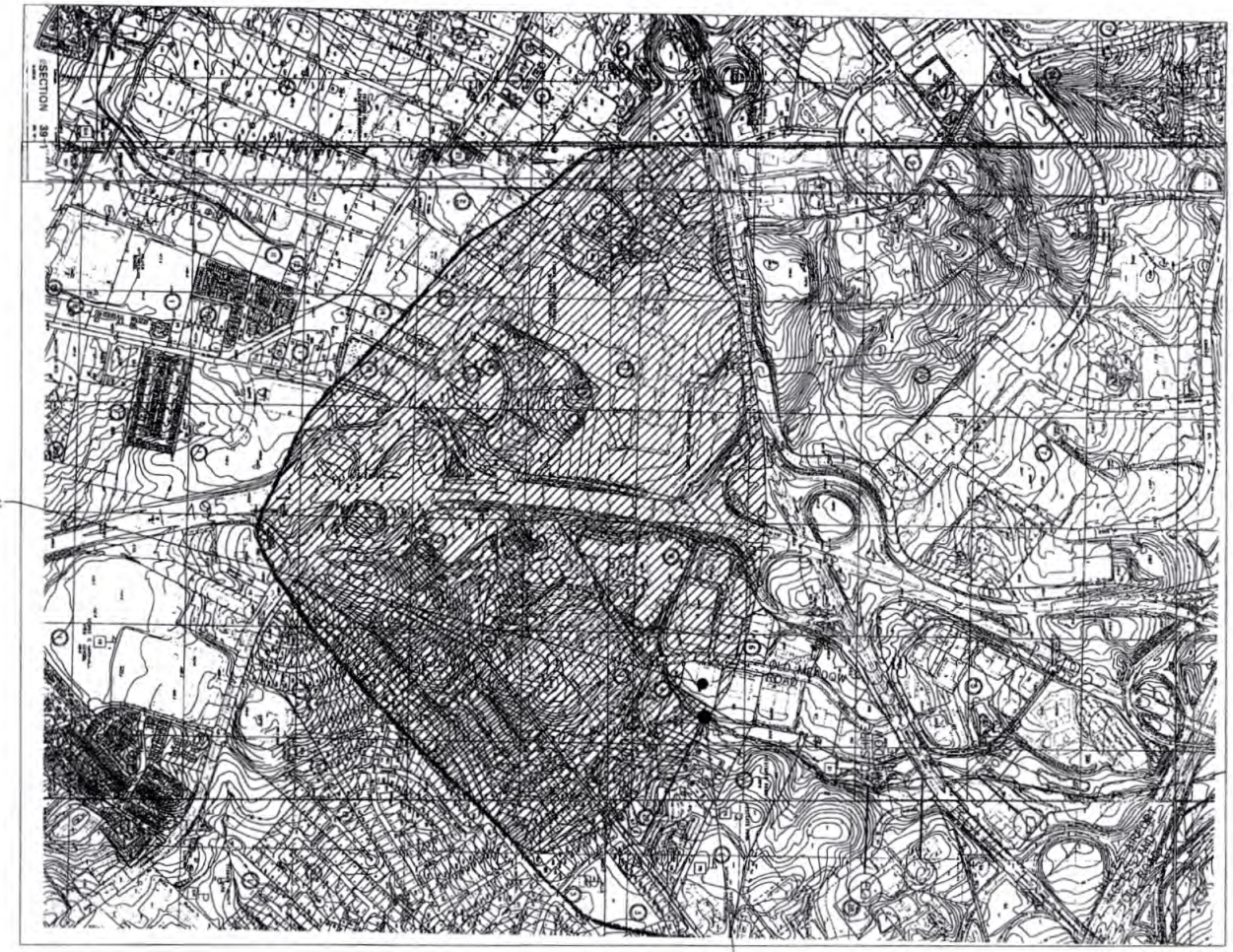
APPROXIMATE AREA DRAINING TO STUDY POINT PER SCOTTS RUN DRAINAGE AREA MAP

FLOWPATH

APPROXIMATE AREA = 19,073,750 SQUARE FT
= 437.87 Ac

NORTH

SITE:
A=2.62 AC
C=0.86



COMMONWEALTH OF VIRGINIA
JOHN F. AMATETTI
Lic. No. 11447
3/23/10
PROFESSIONAL ENGINEER

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LOT 106 – WESTGATE INDUSTRIAL PARK

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

ADEQUATE OUTFALL

VIKA REVISIONS

REVISION	3/26/10
DATE:	3/26/10
DES.	JK
DWN.	JK
SCALE:	1"=500'
PROJECT/FILE NO.	6894
SHEET NO.	5 OF 5

P:\LIB03\Projects\6894\dwg\OUTFALL MAP.dwg 12/28/2006 2:34:39 PM EST

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, TDC Owner, Inc., seeks approval to add a college/university use within an existing two (2) story office building, which measures 52,692 square feet. Approximately 14,138 square feet of the building will continue to be used for offices, and 38,554 square feet will be dedicated to the college/university use. The hours of operation for the college/university will be Monday through Thursday, 7:30 a.m. to 11:00 p.m.; Friday, 7:30 a.m. to 6:00 p.m.; and Saturday and Sunday, 8:00 a.m. to 4:00 p.m. There will be three sessions held during the week from 8:30 a.m. to 12:30 p.m., 1:00 p.m. to 5:30 p.m., and 6:00 p.m. to 10:00 p.m. The overall enrollment will be approximately 1,000 students, and a maximum of 500 students and 50 faculty members will be on site at any one time.

Waivers and Modifications:

The applicant seeks the following waivers and modifications:

- Modification of the peripheral parking lot landscaping requirements along the southern and western property lines in favor of what is shown on the SE Plat;
- Waiver of the open space requirement; and
- Waiver of the barrier requirement and modification of the transitional screening requirement along the eastern boundary of the site in favor of what is shown on the SE Plat.

LOCATION AND CHARACTER

Site Description:

The site is located at 1761 Old Meadow Road off Dolley Madison Boulevard near Tysons Corner. The subject property measures 2.62 acres and is zoned C-3 (Office) District. The site is developed with an existing two (2) story, 52,692 square foot brick office building and parking lot with approximately 200 spaces at an FAR of .46. The building was built in 1966, and there are three (3) ingress and egress access points from Old Meadow Road to the site. Scotts Run Stream Valley Park is located to the east of the site, and there are existing trees along the eastern, northern and western boundaries of the site. The southeastern corner of the site is within the RPA associated with Scotts Run.

SURROUNDING AREA DESCRIPTION			
Direction	**Use**	**Zoning**	**Plan**
North	WestGate Industrial Park (Office)	C-3	Office
South	Vacant lot	C-3	Office
East	Scotts Run Stream Valley Park (Public Park)	R-20	Public Park
West	WestGate Industrial Park (Office)	C-3	Office

BACKGROUND

Site History:

RZ 92-P-001 was approved by the Board of Supervisors (BOS) on June 22, 1992, with proffers to rezone 128.6 acres, including the application site, from various zoning districts to the C-3 (Office) District. A maximum FAR of .6232 and three (3) land bays were established. The Old Meadow Road Land Bay (Land Bay C), where the application site is located, was proffered not to exceed a maximum FAR of .70.

SE 92-P-007 was approved by the BOS on July 27, 1992, to permit a satellite earth station. This SE and its development conditions have since been abandoned, as of December 14, 2009, with the operational end of the satellite earth station (see Appendix 4).

PCA 92-P-001-2 (concurrent with PCA 1998-PR-052) was approved by the BOS on October 16, 2000, to amend proffers for RZ 92-P-001 (and RZ 1998-PR-052, which rezoned right-of-way portions along Old Springhouse Road) to increase the overall maximum allowable density for West*Gate from .60 to .65 FAR to be used anywhere within the subject site.

PCA 92-P-001-4 was approved by the BOS on December 3, 2001, to amend the approved proffers for RZ 92-P-001 in order to reallocate density between land bays within West*Gate.

PCA 92-P-001-6 was approved by the BOS on September 24, 2007, to amend the proffers for RZ 92-P-001 to permit modification to create new land bays with no new construction for an overall FAR of .65. The application site was located in Land Bay C, which was divided into three (3) sections, and it is now located in Land Bay C-2.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: Area IV

Planning District: Tysons Corner Urban Center

Planning Sector: Land Unit R

Plan Map: Office

According to the 2007 Edition of the Fairfax County Comprehensive Plan, Area II, Tysons Corner Urban Center, as amended through January 27, 2003, on Page 142 of the Land Unit Recommendations of Land Unit R:

Land Unit R is comprised of about 169 acres, bounded by the DAAR on the north, multi-family developments (in Land Unit S) on the east and south, and the Capital Beltway on the west. Existing development is predominantly office, with older buildings designed and built for research and development (R & D), and light industrial uses. It is not the intent of this plan to preclude the use of older buildings for R & D and light industrial redevelopment.

Land Unit R contains the West Gate office park and is one of the two largest non-core areas in Tysons Corner, the other being West Park (Sub-units L1, L2, and L3). Both areas have developed as office parks with a predominantly campus-like setting. The vision for both is to continue their development as office parks. The vacant parcels in Land Unit R will infill with additional office use, and the low-rise buildings will redevelop to mid-rise and some high-rise office buildings with support retail and service uses. Opportunities exist to introduce a housing component. Further opportunities exist for intensified development, in the event that a rail transit station site is selected and programmed for design and construction in proximity to this land unit.

Major circulation improvements planned for this land unit include a new road with a bridge across Scotts Run Park to connect Colshire Drive to Old Meadow Road, and an extension of Colshire Drive across Route 123 to connect with Old Spring House Road. Development should allow for the eventual construction of these roads and bridges as already approved by the County.

Guidance for evaluating development proposals for this land unit is contained in the Area-wide Recommendations, the Land Unit Recommendations and the Development Review Guidelines Sections of the Plan. Specific guidance for uses and intensities as envisioned in the Plan are provided in the sub-unit text below. Achieving planned intensity is predicated upon successfully incorporating these recommendations and guidelines into development proposals.

Sub-Unit R-2

Sub-unit R-2 is planned for research and development use, light industrial use, and office use with support retail and service uses up to an average .65 FAR for the Sub-unit, with a maximum intensity of 1.0 FAR on individual and/or groupings of parcels. The variation in intensity within this sub-unit is to encourage the development of nodes. Development with intensities up to 1.0 FAR should be concentrated north of Route 123 to encourage the creation of a development node in the portion of the sub-unit that is furthest from single-family detached residential neighborhoods and has substantial visibility from the Capital Beltway.

This flexibility is intended to encourage innovative design solutions for this area which offer significant opportunities to provide urban design amenities and better integrate development in this land unit. The Old Springhouse Road area is particularly suited to be designed as a major focal point if redeveloped so that future buildings related to a plaza with interconnections to the pedestrian system to the remainder of land unit, where appropriate. Also, the vacant land on the west side of Colshire Drive could provide a focal point through the grouping of buildings and site design. Integration with surrounding areas through pedestrian linkages and urban design amenities should be provided.

Option Without Rail

As an option, residential use is appropriate on any portion of the sub-unit. In any development proposal submitted under this option, planned nonresidential intensity can be replaced by residential use as provided under Alternative Land Uses in the Area-wide Recommendations section.

Option with Rail

If a rapid rail station site is selected and programmed for design and construction in proximity to this sub-unit, mixed-use development with an intensity (for all nonresidential uses) up to 1.5 FAR is appropriate for the area within 1,000 feet of the station platform. Sites between 1,000 and 1,600 feet of the station platform are appropriate for mixed-use development up to 1.0 FAR (for all nonresidential uses). Compatible transitions of height, bulk and intensity to adjacent development should be provided within the 1,600 foot area. In any development proposal submitted under this option, planned nonresidential intensity can be replaced by residential use as provided under Alternative Land Uses in the Area-wide Recommendations section.

Height Limit:

Up to 150 feet north of Route 123 and west of Scott's Run, with the area east of Scott's Run up to 105 feet; and the area west of Scott's Run along Old Meadow Road up to 105 feet for the northern portion and up to 90 feet for the southern portion. Building heights at or near the top of the limit can be achieved if the result is more usable open space and/or improved pedestrian circulation. In addition, a variety of building heights should be provided in the sub-unit. (See the Building Heights Map, Figure 10, and Building Heights Guidelines.)

If a rail station is to be located adjacent to that portion north of Route 123 and east of Scott's Run, building height could be increased from 105 to 150 feet. For the remainder of the sub-unit, if a rapid rail station site is located in proximity to this Sub-unit, maximum building heights within 1,600 feet of the station platform may increase up to 30%. All transit related height increases should be consistent with the Building Height Guidelines and the resultant height should not adversely impact the character and development of adjacent and nearby lands or neighborhoods.

ANALYSIS

Special Exception (SE) Plat (Copy at front of staff report)

Title of SE Plat: Lot 106 – Westgate Industrial Park

Prepared By: VIKA, Inc.

Original and Revision Dates: November 19, 2009, as amended through March 29, 2010

The SE Plat consists of five (5) sheets.

Lot 106 – Westgate Industrial Park, SE Plat	
Sheet #	**Contents**
1	Special Exception Plat Existing Conditions Plan
2	Landscape Plan, EVM Details and Computations
3	Existing Vegetation Map
4	Existing Tree Inventory and Condition Analysis
5	Adequate Outfall

Site Layout: The subject property, which measures 2.62 acres, is located along Old Meadow Road off Dolley Madison Boulevard near Tysons Corner. The existing building, which measures 52,692 square feet, is located along the Old Meadow Road frontage, and there are approximately 200 spaces in the parking lot, which surrounds the building to the north, south and east. There are existing mature trees along the eastern, northern and western peripheries of the site, and there are three (3) points of access along Old Meadow Road to the site. The applicant does not propose any changes to the building but will make minor improvements to the site, such as interparcel access, additional landscaping and reconfigured access points (as detailed below). The existing amount of open space is 9.6% and will increase to 12.19% after portions of asphalt are removed from the site.

Access and Parking: Access to the site is currently facilitated by three (3) ingress and egress points along Old Meadow Road. There is one (1) access point to the north and (2) access points to the south. Under this proposal, the two (2) southern access points will become one-way, and the northern access point will remain two-way. The two (2) reconfigured access points to the south will be 18 feet in width and one-way CG-13 (Virginia Department of Transportation standard) entry and exit each. The applicant also proposes to build interparcel access between the application site and the adjoining site (Parcel 105). Additional parking for the college/university will be provided on the adjacent lot (which is also owned by the applicant) through a shared parking agreement for a total of 307 parking spaces. Sect. 11-102 of the Zoning Ordinance permits all required off-street parking spaces to be located on the same lot as the structure or use or on a contiguous lot which has the same zoning classification or is

under the same ownership. After several existing parking spaces are realigned and restriped, 152 spaces will be provided on the application site, and 155 spaces will be available on Parcel 105. Students seeking to use this parking can also access Parcel 105 through two (2) vehicular access points along Old Meadow Road, as well as a pedestrian connection between the two sites near Old Meadow Road. A four (4) foot wide concrete sidewalk also runs along Old Meadow Road. Eight (8) new bike racks will be provided on site.

Landscaping and Streetscape: The applicant proposes to retain most of the existing trees on site along the northern, eastern and western boundaries. A couple of existing trees which are in poor condition will be removed. Scotts Run Stream Valley Park is adjacent to the site along the eastern boundary and the southeastern corner of the site is located in the RPA. Due to the site's proximity to Scotts Run, the applicant plans to remove existing asphalt and provide additional RPA buffer plantings along the eastern edge of the site, including several new trees. Within the parking lot, a small triangular portion is also planned for asphalt removal and tree planting.

Stormwater Management: Portions of asphalt will be removed from the parking lot near and within the RPA to justify a waiver request of water quality controls. Due to the decreased amount of impervious surface on site, underground detention is not required.

Land Use Analysis

The Comprehensive Plan states that the site is planned for "research and development use, light industrial use, and office use with support retail and service uses up to an average .65 FAR." The proposed additional uses of a college/university would be in conformance with the Comprehensive Plan text, and the FAR of the application property is currently 0.46.

The applicant proposes to add a college/university use, which is permitted in the C-3 District with the approval of a Special Exception. The application site is developed with an existing office building in the West*Gate office park, which is developed with several office buildings located along Old Meadow Road. The office park is located in close proximity to Tysons Corner and I-495 and will be within half (1/2) a mile of the future Tysons East Metro Station. Given this location, staff believes that a college/university use would complement the adjoining commercial uses and would attract local and regional students by car, rail, bus and even foot. Therefore, staff finds that the proposed college/university is in general harmony with the Comprehensive Plan, which recommends research and development use, light industrial use, and office and support services for this site.

Transportation Analysis (Appendix 6)

Issue: TDM Condition

A transportation demand management (TDM) condition was proposed by the applicant and reviewed by staff to help address the number of anticipated trips for the

college/university use. In response to the proposed condition, staff recommended additional language regarding the use of permit parking to limit demand of the parking spaces and a penalty or remedy fund to strengthen the condition.

Resolution:

The applicant has objected to the use of permit parking because of difficulties in administering such a program. As such, staff suggested the applicant install signage within the parking lot that limits use of the lot to tenants only, including the college/university students. A development condition proposing the specific signage is included. The applicant agreed to a remedy fund of $7,500, which is a part of the TDM condition, in the development conditions. With the implementation of these development conditions, staff believes this issue is addressed.

Issue: Access

In the original submission, the applicant did not propose any changes to the two (2) existing access points to the south along Old Meadow Road. The Fairfax County Department of Transportation (FCDOT) recommended one (1) consolidated ingress and egress access point instead of two (2) separate access points. The Virginia Department of Transportation (VDOT) also recommended consolidation of the access points or the use of one-way drive aisles at a maximum width of 20 feet. Finally, it was also noted that the applicant proposed shared parking between the application site (Parcel 106) and the adjoining site (Parcel 105) but interparcel access was not proposed.

Resolution:

The applicant now proposes interparcel access between the neighboring parcels to allow the college/university patrons to enter the adjoining parking lot without entering onto Old Meadow Road. A shared parking agreement with interparcel access easement will be recorded between the two (2) adjoining lots, which are both owned by the applicant. Also, the two (2) access points to the south will be reconfigured to meet VDOT entrance standards and these access points will be one-way, which is acceptable to VDOT. While FCDOT would prefer a consolidated entrance, they do not object to the applicant's proposal. Staff believes that this issue is resolved.

Urban Forest Management Division (UFMD) Analysis (Appendix 7)

Issue: RPA Buffer Planting Area

In the original submission, the applicant did not propose any additional plantings near or in the Resource Protection Area (RPA), which is located along the eastern and southern boundaries of the application site. The RPA runs along Scotts Run, and Scotts Run Stream Valley Park is also adjacent to the eastern side of the site. Staff recommended that the applicant provide additional buffer plantings along and in the RPA to supplant the existing trees and help improve water quality. Staff also recommended that the applicant provide a landscape plan which provided such details

as: the total square footage of the RPA Buffer Planting Area; the required plants; and other requirements of Public Facilities Manual (PFM) 12-0515.4.

Resolution:

The applicant has noted "voluntary supplemental RPA buffer planting areas" on the SE Plat, but has not provided the requested landscape plan. Staff proposes a development condition which would require a landscape plan in conformance with PFM 12-0515.4 be submitted concurrent with site plan review for the review and approval by UFMD staff. With the implementation of this development condition, staff believes that this issue is addressed.

Issue: Peripheral Parking Lot Landscaping

According to Par. 1 of Sect. 13-203 of the Zoning Ordinance, a four (4) foot wide landscape strip should be located between the property boundary and the parking lot with at least one (1) tree every 50 feet if the parking lot has 20 or more parking spaces. Along the southern boundary of the site, there is no existing landscaping, and the applicant did not propose any new plantings. There are existing trees and landscape strips around the rest of the site, but the western side of the site currently does not have a sufficient landscape strip. The applicant requested a modification of the peripheral parking lot landscaping requirements along the southern and western boundaries of the site. Staff, however, notes that the southern boundary of the site has sufficient space to provide peripheral parking lot landscaping and recommended that it be provided.

Resolution:

The applicant responded to staff's request by noting that the existing parking lot asphalt extends all the way to the property line, which cannot accommodate any plantings. While the asphalt can be removed to provide landscaping as proposed elsewhere on the site, this removal would result in disturbance to the RPA. As such, staff now supports the requested modification of the peripheral parking lot landscaping requirement. However, staff recommends a development condition that would require the applicant to provide a detailed landscape plan, which would include the proposed supplemental RPA planting areas along the eastern boundary. With implementation of this development condition, staff believes this issue is resolved.

Stormwater Management (SWM) Analysis (Appendix 9)

Issue: Pavement Removal

In the original submission, the applicant did not propose any new landscaping within the parking lot, which is completely paved with asphalt. Staff recommended that portions of the parking lot be removed to increase the site's open space percentage, provide additional interior parking lot landscaping and improve water quality.

Resolution:

The applicant proposes removal of two (2) portions of asphalt in the parking lot, and the surrounding parking spaces will be realigned and restriped. The proposed removal of asphalt from the site will decrease the amount of impervious surface on the site, and as such, no stormwater detention is required. In its analysis, DPWES noted that the requested waiver of water quality controls could be approved if this asphalt is removed and the limits of disturbance are included on the minor site plan to DPWES's satisfaction. DPWES also encourages the additional removal of asphalt in the Resource Protection Area (RPA), which would trigger an approved Water Quality Impact Assessment, to provide additional open space. However, the applicant does not want to disturb the RPA. The detention requirement will also be met once adequate outfall is demonstrated in the outfall narrative description and calculations at site plan. No other stormwater management issues were identified with this application.

Fairfax County Park Authority Analysis (Appendix 10)

Initially, Fairfax County Parking Authority (FCPA) staff had requested a monetary contribution for an eight (8) foot wide asphalt stream valley trail, which is depicted on the Comprehensive Plan Trails Map near the site. However, it was later discovered that a monetary contribution of $100,000 in lieu of construction of a stream valley trail was made to Fairfax County to satisfy a previously approved proffer for a stream valley trail near the application site. FCPA now only recommends that final plant material selection for the RPA buffer planting areas should include native plant species.

Public Facilities Analysis (Appendix 11)

No public facility issues were identified with this application.

ZONING ORDINANCE PROVISIONS

Bulk Standards for C-3 District		
Standard	**Required**	**Provided**
Lot Area	20,000 square feet	2.62 acres
Lot Width	100 feet	155 feet along Old Meadow Rd; 364.36 feet along the rear of the site
Max. Building Height	90 feet	24 feet
Front Yard	25° angle of bulk plane, but not less than 40 feet	28 feet (shortest point) – 29.7 feet
Side Yard	No requirement	61.1 feet (shortest point) – approx. 121 feet
Rear Yard	20° angle of bulk plane, but not less than 25 feet	113.5 feet (shortest point) – 158.3 feet
Maximum FAR	1.0	.46

Bulk Standards for C-3 District		
Standard	**Required**	**Provided**
Open Space	15%	12.19%[1]
Parking Spaces (College/University)	Based on the Director's review, but no less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time = **307 spaces** for 50 faculty members and 257 students who will drive to the site	**307 spaces total** (152 spaces on Parcel 106 and 155 spaces on Parcel 105)
Parking Spaces (Offices)	Three and six-tenths (3.6) spaces per 1000 square feet of gross floor area = **51 spaces** for 14,138 square feet	51 spaces on site
Loading Space (College/University and Office Uses)	Standard F for College/University: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 100,000 square feet or major fraction thereof = **1 loading space** Standard C for Office: One (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 20,000 square feet or major fraction thereof = **1 loading space**	2 existing loading spaces
Peripheral Parking Lot Landscaping	A 4 foot wide landscaping strip shall be located between the parking lot and the abutting property lines with a tree for every 50 feet. Along the right-of-way, a 10 foot wide landscaping strip with a tree for every 40 feet is recommended	Modification requested along southern and western boundaries
Interior Parking Lot Landscaping	5% of the parking lot	5.10%
Transitional Screening		
North (Office)	N/A	N/A
South (Vacant Lot)	N/A	N/A
East (Public Park)	TS 2 – 35 feet	Modification requested to that shown on the SE Plat.
West (Office)	N/A	N/A
Barrier		
North (Office)	N/A	N/A
South (Vacant Lot)	N/A	N/A
East (Public Park)	Barrier D, E, or F (42"-48" high chain link fence; 6 foot high wall, brick, architectural block fence; 6 foot high wood fence)	Modification requested to that shown on the SE Plat.

1 A modification of the Open Space requirement is requested, which is a Category 6 Special Exception.

Bulk Standards for C-3 District		
Standard	**Required**	**Provided**
West (Office)	N/A	N/A

Waivers and Modifications

- Modification of the peripheral parking lot landscaping requirements along the southern and western property lines in favor of what is shown on the SE Plat

The applicant requests a modification of the peripheral parking lot landscaping requirement along the southern and western boundaries of the application site. There are no existing plantings or landscape strip along the southern boundary of the site. Along the western boundary, there are only three (3) mature trees and a lack of continuous landscaping along Old Meadow Road. The adjacent site to the south, which is entirely in the RPA, is vacant and owned by Fairfax County, and to the west (across Old Meadow Road), there are existing office buildings. Though staff would encourage additional landscaping along the southern and western property lines, the applicant is preserving the existing trees to the west and cannot remove asphalt without disturbing the RPA along the southern boundary. As reiterated in the UFMD analysis section earlier, staff does not object to the requested modification.

- Waiver of the open space requirement

The applicant requests a waiver of the open space requirement of 15%, which can be waived by the Board, in accordance with the provisions of Sect. 9-612 of the Zoning Ordinance. According to the *Provisions for Waiving Open Space Requirements*, the requested waiver should further the intent of the Ordinance and Comprehensive Plan, be harmonious with adjacent development, and satisfy provisions of Article 13 *Landscaping and Screening*. The existing open space of the site is 9.6%, and with the proposal, the open space calculation will increase to 12.19%. Staff noted that no new construction is proposed and the addition of a college/university use will complement the adjoining commercial uses in the office park. Though additional landscaping beyond that proposed is encouraged, staff does not object to the requested waiver, especially given that the applicant proposes additional planting areas near and in the RPA, which will help improve the site.

- Waiver of the barrier requirement and modification of the transitional screening requirement along the eastern boundary of the site in favor of what is shown on the SE Plat.

According to Sect. 13-303 of the Zoning Ordinance, an unbroken open space strip at least 35 feet wide with required trees and/or shrubs (Transitional Screening Two) and a 42-48 inch chain link fence, six (6) foot wall, brick, architectural block, solid wood or architecturally solid fence is required between the proposed college/university use and the adjoining public park. Par. 7 of Sect. 13-305 of the Zoning Ordinance permits transitional screening and barriers to be waived or modified where the adjoining

property is used for any public purpose other than a school or hospital. The adjacent property to the east, which is zoned R-20, contains the Scotts Run Stream Valley Park, which is a heavily wooded site. The addition of a barrier would not be needed for additional screening since the adjoining park is heavily forested, and the applicant proposes to plant additional buffer plantings along the eastern boundary. Staff does not object to the requested waiver and modification.

Zoning Ordinance Requirements (Appendix 11)

General Special Exception Standards (Sect. 9-006)

General Standards 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations. The proposed addition of a college/university use generally complies with the Comprehensive Plan as a complementary use to an existing office building and commercial area.

The addition of a college/university use will not adversely affect the use or development of neighboring properties, as recommended by General Standard 3. No new construction is proposed for the site, and site modifications, such as additional landscaping, interparcel access and reconfigured access points, will improve the site and not affect the adjoining properties negatively. Though the proposed college/university use will generate more daily trips than a general office use within the existing building, the applicant has proposed a Transportation Demand Management (TDM) Plan to encourage the users of the college/university to use other means of transportation, including rail, high-occupancy vehicle commuting modes, walking and biking. A Program Manager will be assigned to help execute the TDM Plan, and the site is within half (1/2) a mile of the future Tysons East Metro Station as well as many commercial and residential properties.

Landscaping and open space recommendations for General Standards 5 and 6 are generally addressed by the applicant. As discussed earlier in this report, the applicant has requested a modification of the peripheral parking lot landscaping requirement along the southern and western boundaries, as well as a waiver of the barrier and modification of the transitional screening requirements along the eastern boundary in favor that what is shown on the SE Plat, all of which staff supports. While the applicant has not met the required open space, but staff supports the requested waiver of the requirement because this application will result in an increase of open space above that which currently exists.

Adequate utility, drainage, and parking will be provided, as required by General Standard 7. The proposed removal of asphalt from the site will decrease the amount of impervious surface on the site, and no stormwater detention is required. The applicant will provide the required minimum number of parking spaces through a shared parking arrangement between the application site and the adjoining site (Parcel 105), which the applicant also owns. The applicant also agrees to support a variety of transportation options for the college/university patrons.

Any signage provided on site will be required to meet the signage regulations of the Zoning Ordinance, as required by General Standard 8. All signage on the site will be subject to a condition that requires conformance with the Zoning Ordinance.

Standards for All Category 3 Uses (Sect. 9-304)

Standard 1 recommends that the proposed location of the SE use for public uses is necessary for adequate governmental services in the proposed area. The proposed college/university is a quasi-public use, so this standard does not apply. Standards 2 and 3 notes that all uses shall comply with the lot size requirements and bulk regulations of the applicable zoning district; these requirements are satisfied with this proposal. As stipulated in Standard 4, all performance standards for the zoning district continue to be met with the addition of a college/university use. Standard 5 requires that all uses shall be subject to the provisions of Article 17, Site Plans, and a development condition noting this requirement is included.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The addition of a college/university use on the site of an existing office building within an office park will not adversely impact the site or neighboring properties. No new construction is proposed with the college/university use, and site improvements, such as additional plantings near and within the RPA, interparcel access and reconfigured entrances, will help improve overall circulation and water quality on site. The applicant has also agreed to implement a Transportation Demand Management (TDM) Plan for the site with the addition of the new use, which will further mitigate any additional traffic generated by the proposed college/university. With these commitments, staff believes that this application is in harmony with the Comprehensive Plan and satisfies the Zoning Ordinance and other applicable standards.

Recommendation

Staff recommends approval of SE 2009-PR-027, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of the modification of the peripheral parking lot landscaping requirements along the southern and western property lines in favor of what is shown on the SE Plat.

Staff recommends approval of the waiver of the open space requirement.

Staff recommends approval of the waiver of the barrier and modification of the transitional screening requirements along the eastern boundary of the site in favor of what is shown on the SE Plat.

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

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Letter from Applicant regarding SE 92-P-007
5. Approved Proffers for RZ 92-P-001, PCA 92-P-001-2, PCA 92-P-001-4, and PCA 92-P-001-6
6. Transportation Analysis
7. Urban Forest Management (UFM) Analysis
8. Stormwater Management (SWM) Analysis
9. Fairfax County Park Authority Analysis
10. Sanitary Sewer Analysis
11. Applicable Zoning Ordinance Provisions
12. Glossary

Appendix 1

PROPOSED DEVELOPMENT CONDITIONS

SE 2009-PR-027

April 21, 2010

If it is the intent of the Board of Supervisors to approve SE 2009-PR-027 located at 1761 Old Meadow Road [Tax Map 29-4 ((6)) 106] for a college/university, pursuant to Sect. 4-304 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.

3. A copy of this Special Exception and the Non-Residential Use Permit (Non-RUP) shall be posted in a conspicuous place on the property of the use and be made available to all departments of Fairfax County during the hours of operation on the permitted site.

4. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Plat entitled "Lot 106 – Westgate Industrial Park", prepared by VIKA, Inc., consisting of 4 sheets dated November 19, 2009, as revised through March 29, 2010, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

5. The maximum number of students on-site at any one time shall be limited to 500 students.

6. There shall be no dormitories or eating establishments in association with the college/university use on site. A cafeteria/snack bar with disposable plates or containers and eating utensils shall be permitted as an accessory use to the college/university.

7. A landscape plan, including details for any proposed supplemental planting areas in the Resource Protection Area (RPA), shall be submitted concurrent with site plan review and shall provide for the number and sizes of trees and plantings consistent with that shown on the SE Plat and shall be subject to the review and approval of Urban Forest Management Division (UFMD), DPWES. Plantings provided in the RPA shall be comprised of at least 60% native species, as determined by UFMD. All non-native species proposed in the RPA shall be approved by UFMD.

8. All trees proposed for preservation shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart shall be erected adjacent to those areas on the site plan where there is a "limit of disturbance." Adjacent to those areas where there is a "limit

of work" specified on the site plan, and no disturbance or demolition will occur, orange plastic fencing shall be installed.

All tree protection fencing shall be installed prior to any clearing and grading activities, including any demolition. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

9. All signs shall be in conformance with Article 12 of the Zoning Ordinance. Pole mounted and pylon signs shall be prohibited, with the exception of those signs permitted by Section 12-103 of the Zoning Ordinance.

10. Prior to the issuance of the Non-Residential Use Permit, a "Parking for Tenants and Sanford-Brown Students, Employees and Visitors Only" sign shall be posted near the ingress access points of Parcels 105 and 106.

11. A copy of the recorded shared parking agreement between Parcels 105 and 106 [Tax Map 29-4 ((6) 105 and 106] shall be submitted with the site plan for review and approval by DPWES. This agreement shall also provide for interparcel access between Parcels 105 and 106 as generally shown on the SE Plat.

12. All lighting, including streetlights, security lighting, signage lighting and pedestrian or other incidental lighting shall be in accordance with the Performance Standards contained in Part 9 of Article 14 of the Zoning Ordinance.

13. Unless waived or modified by DPWES, SWM/BMPs shall be provided on site in accordance with Public Facilities Manual (PFM) requirements.

14. A Transportation Demand Management Plan (the "TDM Plan") shall be implemented to encourage the students and employees of the college/university to use transit (Metrorail and/or bus), other high-occupancy vehicle commuting modes, walking and biking all in order to reduce automobile trips generated by the college/university.

    a. Program Manager. Prior to the approval of a Non-Residential Use Permit ("Non-RUP"), an individual shall be designated to act as the Program Manager ("PM") for the college/university, whose responsibility shall be to implement the TDM strategies. The PM's contact information shall be provided to Fairfax County Department of Transportation (FCDOT) staff within 30 days of the initial appointment and every time thereafter there may be a change. The duties of the PM may be part of other duties assigned to the individual(s). The PM shall participate in available Tysons area wide TDM Programs, activities and transportation improvement endeavors provided by Fairfax County and the various stakeholders in the Tysons area, and shall join groups such as Tytran.

b. TDM Plan. Sixty (60) days after the appointment of the PM, the PM shall submit to FCDOT for review the TDM Plan. The TDM Plan and any amendments thereto shall include, but not be limited to, provisions for the following:

i. Information Dissemination. The PM shall make Metrorail and bus maps, schedules and forms, ridesharing and other relevant transit option information available to students, employees, and visitors in a common area such as the central lobby or admissions office. The PM shall also publish links to internet sites to mass transit providers with multimodal transportation information, transit data, and the possibility of online transit pass sales or value loading. All incoming students, faculty and staff shall be provided with information concerning the use of SmarTrip cards, including an application.

ii. Car Sharing/Pooling Information. The PM shall make information available regarding the availability of car sharing program(s) to students, visitors and guests (such as ZipCar). In addition, but subject to student confidentiality and safety requirements, zip code rosters shall be made available to all students to facilitate car pool formation/usage.

iii. Preferential Parking. The PM shall provide preferential parking for car pools, as needed.

iv. Bicycle Parking. Racks shall be provided to accommodate parking for at least 16 bicycles. The bike racks shall be inverted U-style racks or other design approved by Fairfax County Department of Transportation.

v. Shuttle Service. The college/university shall provide, or coordinate through other services, the opportunity for both students and employees to utilize daily shuttle services to the West Falls Church Metrorail Station until the Tysons East Metrorail Station opens and becomes operational. This shuttle service shall be provided on a regular schedule.

vi. Transit Incentives. Once the Tysons East Metrorail Station becomes operational, the PM shall institute transit incentives which may include, among other programs, the provision of pre-loaded smart trip cards to faculty, staff and new students and the establishment of a permit parking program.

vii. Coordination. The PM shall work with FCDOT, and any other transportation management entities established in the local area of the development, to promote alternatives to single-occupant automobile commute trips.

c. FCDOT Response. If FCDOT has not responded with any comments to the PM within sixty (60) days of receipt of the TDM Plan, the TDM Plan shall be deemed to be approved and the PM shall implement the TDM Plan.

d. Vehicle Trip Objectives. The goal of the TDM Plan prior to the Tysons East Metrorail station becoming operational shall be to reduce the number of vehicle

trips generated by the college/university, students, employees, and visitors by twenty percent (20%) during the PM peak hour of the adjacent street as projected by using methods based on ITE's, 8th edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use Code 540 (Junior/Community College).

Once the Tysons East Metrorail Station is operational for a period of 12 months, the goal of the TDM Plan shall be to reduce the number of vehicle trips generated by the college/university, students, employees, and visitors by thirty percent (30%) during the PM peak hour

e. Annual Surveys & Coordination with FCDOT. One (1) year following approval of the TDM Plan by FCDOT, the PM shall conduct an annual survey (the "Annual Survey") to be completed the next following October, and in October of each year thereafter, and provided to FCDOT. The Annual Survey shall be conducted during a week without any holidays and when Fairfax County Public Schools are in session. The Annual Survey shall gather information on the effectiveness of the TDM Plan and shall be used by the PM to determine whether changes to the TDM Plan are needed to ensure that the vehicle trips are within the Vehicle Trip Objectives targeted goal. If the Annual Survey reveals that changes to the TDM Plan are needed, the PM shall coordinate such reasonable changes with FCDOT that are acceptable to Applicant and the college/university, and implement and adjust the TDM Plan accordingly. The PM shall coordinate the preparation of the Annual Survey materials and the methodology for validating survey results with FCDOT at least thirty (30) days prior to completing each year's Annual Survey, and shall collect and analyze the results. Such analysis shall include at a minimum:

i. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;

ii. The number of people surveyed and the number of people who responded;

iii. The results of any surveys taken during the survey period;

iv. The number of students and employees participating in the TDM programs displayed by category of participants and by mode of use; and

v. An evaluation of the effectiveness of the TDM Plan and its program elements and, if necessary, proposed modifications to the plan and program elements.

Annual surveys shall be conducted until the PM has demonstrated to FCDOT that the twenty percent (20%) or thirty percent (30%) trip reduction goal, whichever is applicable, is being met or exceeded. After the goal has been met for three (3) consecutive years, the PM shall reduce the surveys to bi-annually. If it is demonstrated that the goal has been met for two (2) consecutive bi-annual surveys, the PM may terminate the surveys, although it shall continue the TDM Plan.

In the event the applicant has not meet the trip reduction goal after the Tysons East Metrorail Station has been operational for a period of 18 months, the applicant shall meet with FCDOT to develop a remedy plan and provide up to $7,500 towards remedy initiatives.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

APPENDIX 2

County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: March 5, 2010

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Bette R. Crane, Paralegal
Office of the County Attorney

SUBJECT: Revised Affidavit
SE 2009-PR-027
Applicant: TDC Owner, LLC
PC Hearing Date: 5/5/10
BOS Hearing Date: Not yet scheduled

REF.: 107081

Attached is an affidavit which has been approved by the Office of the County Attorney for the above-referenced case. Please include this affidavit dated 3/3/10, which bears my initials and is numbered 107081a, when you prepare the staff report.

Thank you for your cooperation.

Attachment
cc: (w/attach) Meredith Amonson, Planning Technician
Zoning Evaluation Division
Department of Planning and Zoning

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SPECIAL EXCEPTION AFFIDAVIT

DATE: March 3, 2010
(enter date affidavit is notarized)

I, Elizabeth D. Baker, 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

10708|a

in Application No.(s): SE 2009-PR-027
(enter County-assigned application number(s), e.g. SE 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 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)
TDC Owner, LLC Agents: Brenda Krieger (nmi) Ralph S. Dweck	1730 M Street, NW, Suite 408 Washington, DC 20036	Applicant/Title Owner of Tax Map 29-4 ((6)) 106
VIKA, Incorporated Agents: John F. Amatetti Robert R. Cochran Jeffrey A. Kreps	8180 Greensboro Drive, Suite 200 McLean, VA 22102	Engineers/Agent

(check if applicable) [✓] There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

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

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

Special Exception Attachment to Par. 1(a)

DATE: March 3, 2010
(enter date affidavit is notarized)

10708\a

for Application No. (s): SE 2009-PR-027
(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)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C. Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Stagg Kara M. W. Bowyer Megan C. Shilling Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent
M.J. Wells & Associates, Inc. Agents: Robin L. Antonucci Jorjean M. Stanton	1420 Spring Hill Road, Suite 600 McLean, Virginia 22102	Transportation Consultant/ Agent

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 3, 2010
(enter date affidavit is notarized)

10708|a

for Application No. (s): SE 2009-PR-027
(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:

(**NOTE**: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES,** and **REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) VIKA, Incorporated
8180 Greensboro Drive, Suite 200
McLean, Virginia 22102

DESCRIPTION OF CORPORATION: (check one statement)

[✓] There are 10 or less shareholders, and all of the shareholders are listed below.

[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

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

Charles A. Irish, Jr.
John F. Amatetti
Harry L. Jenkins
Robert R. Cochran
Mark G. Morelock
Jeffrey B. Amateau
Kyle U. Oliver
Philip C. Champagne

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

Special Exception Attachment to Par. 1(b)

DATE: March 3, 2010
(enter date affidavit is notarized)

10708 1a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
TDC Owner, LLC
1730 M St. NW, Suite 408
Washington, D.C. 20036

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)
Tysons Data Center, LLC, Sole Member
Dweck, LLC, Manager (owns 0% of TDC
Owner, LLC)

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Tysons Data Center, LLC
1730 M St. NW, Suite 408
Washington, D.C. 20036

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)
Park Center Investments, LLC, Sole
Member
Ralph S. Dweck, Manager

==========

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: March 3, 2010
(enter date affidavit is notarized)

107081a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Park Center Investments, LLC
1730 M St. NW, Suite 408
Washington, D.C. 20036

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)
Ardmore East Associates
Pike Apartments LP
Sunbelt Associates Limited Partnership
Equity-Bush Hill Associates LP
Hampton Central Associates LP

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Ardmore East Associates
1730 M St. NW, Suite 408
Washington, D.C. 20036

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)
Equity Investments Associates
Federal Properties LP
Ralph S. Dweck
GHA-PCA Investments LP (owns less than 10% of TDC Owner, LLC)

==========

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: March 3, 2010
(enter date affidavit is notarized)

10708 | a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Dweck Properties, Ltd.
1730 M St. NW, Suite 408
Washington, D.C. 20036

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)
Ralph S. Dweck

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, 13th Floor
Arlington, Virginia 22201

DESCRIPTION OF CORPORATION: (check one statement)

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

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)
David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Peter M. Dolan, Jr., Jay du Von, Jerry K. Emrich, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael D. Lubeley, J. Randall Minchew, M. Catharine Puskar, John E. Rinaldi, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh, Martin D. Walsh

==========

(check if applicable) [✓] There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: March 3, 2010
(enter date affidavit is notarized)

10708/a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

==========

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)
M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, Virginia 22102

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)
M.J. Wells & Associates, Inc. Employee Stock Ownership Trust. All employees are eligible plan participants; however, no one employee owns more than 10% of any class of stock.

==========

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

==========

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 3, 2010
(enter date affidavit is notarized)

107081a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number(s))

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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, and number, street, city, state, and zip code)
5) Sunbelt Associates Limited Partnership
1730 M St. NW, Suite 408
Washington, D.C. 20036

(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**)
General Partners: Equity Investment Associates, Federal Properties LP, Marvin Kay, Leonard Abel

Limited Partners:
Helen Abel
Leonard Abel
Eagle Properties LP (owns less than 10% of TDC Owner, LLC)
9) Equity Investment Associates
10) Federal Properties LP
GHA-PCA Investments LP (owns less than 10% of TDC Owner, LLC)
Douglas Jackson
Craig Kay
Karen Matthews
Marvin Kay

(check if applicable) [✓] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

Special Exception Attachment to Par. 1(c)

DATE: March 3, 2010
(enter date affidavit is notarized)

107081 a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

6) **PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)
Equity-Bush Hill Associates LP
1730 M St. NW, Suite 408
Washington, D.C. 20036

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

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

General Partners:
Ralph S. Dweck
Equity Investment Associates

Limited Partners:
4) Equity Investment Associates
GHA-PCA Investments, LP (owns less than 10% of TDC Owner, LLC)
Bush Hill LLC (owns less than 10% of TDC Owner, LLC)
4) Pike Apartments LP

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

Special Exception Attachment to Par. 1(c)

DATE: March 3, 2010
(enter date affidavit is notarized)

107081a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

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

10) Federal Properties LP
1730 M St. NW, Suite 408
Washington, D.C. 20036

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

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

A private investment fund with approximately 100 investors and the only two investors that may own more than 10% are Ralph S. Dweck and Dweck Properties, Ltd.

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

Special Exception Attachment to Par. 1(c)

DATE: March 3, 2010
(enter date affidavit is notarized)

10708)a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

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

4) Pike Apartments LP
1730 M St. NW, Suite 408
Washington, D.C. 20036

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

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

8) Dweck Properties, Ltd., General Partner

Limited Partners:
8) Dweck Properties, Ltd.
GHA-PCA Investments, LP (owns less than 10% of TDC Owner, LLC)
Kathy Dweck
Noah Dweck
Nora Dweck
Elana Dweck
Hannah Dweck
Hyman Garfinkel
Eddie Gindi
Issac Gindi
Jack Gindi
Dorothy Goozh
Naomi Orgel
Carole Krooth
Shirley Kullen
Marian Malasky
Larry Freedman
Jack Diener
Donna Geller
Andrew Cohen
David Cohen

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

Special Exception Attachment to Par. 1(c)

DATE: March 3, 2010
(enter date affidavit is notarized)

107081a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

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

9) Equity Investment Associates
1730 M St. NW, Suite 408
Washington, D.C. 20036

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

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

A private investment fund with approximately 100 investors and the only two investors that may own more than 10% are Ralph S. Dweck and Dweck Properties, Ltd.

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

Special Exception Attachment to Par. 1(c)

DATE: March 3, 2010
(enter date affidavit is notarized)

107081a

for Application No. (s): SE 2009-PR-027
(enter County-assigned application number (s))

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

Hampton Central Associates LP
1730 M St. NW, Suite 408
Washington, D.C. 20036

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

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

General Partner:
Eagle Properties LP (owns less than 10% of TDC Owner, LLC)

Limited Partners:
Eagle Properties LP (owns less than 10% of TDC Owner, LLC)
Equity Investment Associates
Ralph S. Dweck
GHA-PCA Investments (owns less than 10% of TDC Owner, LLC)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 3, 2010
(enter date affidavit is notarized)

107081a

for Application No. (s): SE 2009-PR-027
(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 "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2009-PR-027

(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

DATE: March 3, 2010 107081a

(enter date affidavit is notarized)

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 "Special Exception 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: Elizabeth D Baker

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

Elizabeth D. Baker, agent

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

Subscribed and sworn to before me this 3 day of March 20 10, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin

Notary Public

My commission expires: 11/30/2011

KIMBERLY K. FOLLIN
Registration # 283945
Notary Public
COMMONWEALTH OF VIRGINIA

APPENDIX 3

Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 5414
ebaker@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

RECEIVED
Department of Planning & Zoning
NOV 19 2009
Zoning Evaluation Division

November 19, 2009

Regina C. Coyle
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: TDC Owner, LLC
Special Exception Application
Tax Map 29-4 ((6)) 106 (the "Subject Property")

Dear Ms. Coyle:

Please accept this letter as a statement of justification for a special exception application for the Sanford-Brown College to occupy a portion of an office building located at 1761 Old Meadow Road. The Subject Property is part of an existing office park known as West*Gate and is zoned C-3. It is developed with a 52,692 square foot office building and a large surface parking lot. The building has been vacant for several years; however, the existing building is planned to be renovated to accommodate new tenants.

Sanford-Brown College is currently located in Tysons Corner at 1980 Gallows Road. The college seeks to relocate to the Subject Property and to better accomodate its student body and diversify its curriculum. Sanford-Brown offers career training and degree opportunities in business, criminal justice, technology and the health care field. They offer flexible schedules with courses on weekday mornings, afternoons and evenings, and on weekends.

In keeping with the Special Exception requirements, the following is a written description of the proposed special exception use.

A. Type of Operation: College/university offering career training as well as two and four year degree programs. The college will occupy 38,554 square feet in an existing office building. A Fact Sheet and a copy of a current catalog are enclosed.

B. Hours of Operation: Monday through Thursday from 7:30 a.m. to 11:00 p.m., Friday from 7:30 a.m. to 6:00 p.m., and Saturday and Sunday from 8:00 a.m. to 4:00 p.m. Sanford-Brown College runs three sessions during the week; mornings from 8:30 a.m. to 12:30 p.m.; afternoons from 1:00 p.m. to 5:30 p.m.; and evenings from 6:00 p.m. to 10:00 p.m.

C. Estimated Number of Students: There will an overall enrollment of approximately 1000 students, with a maximum of 257 students on site at any one time.

D. Proposed Number of Faculty/Employees: 50 faculty members and employees during peak times, less during non-peak times.

E. Estimate of Traffic Impact: Wells and Associates conducted a trip generation analysis of the proposed use. Given the nature and characteristics associated with the Sanford-Brown College, Land Use Code 540 was selected as the most appropriate ITE code. The proposed college/university generates 119 AM peak hour and 102 PM peak hour trips. According to Wells and Associates, the proposed use is not considered to substantially affect the transportation network. The Subject Property is located within ½ mile of the proposed Tysons East Metro Station, scheduled to be operational in 2013. It is anticipated that a proportion of faculty and students will utilize transit to access the college and that the college will encourage transit usage through Transportation Demand Management strategies.

F. Vicinity or General Area to be Served by the Use: Northern Virginia, and more specifically Fairfax County.

G. Description of Building Façade and Architecture: There is no new building proposed. The college/university will be included in an existing building.

H. Hazardous/Toxic Wastes on Site: The Applicant is unaware of any hazardous or toxic substances on the Property.

I. Since no changes are proposed to the physical site design, to the best of our knowledge, the proposed special exception use is in conformance with the approved site plan and applicable ordinances, regulations and standards.

Parking has been provided to accommodate 257 students and 50 faculty members. The Subject Property includes 212 parking spaces, of which 51 are required parking for proposed office uses and 161 are for use by Sanford Brown. An additional 146 parking spaces for use by Sanford-Brown are available on adjacent Parcel 105. The existing building on Parcel 105 is utilized as a telecommunication facility (data center) and thus has a very low parking requirement (20 spaces). Of the 214 parking spaces located on Parcel 105, 146 will be dedicated to Sanford-Brown. Section 11-102 (1) of the Zoning Ordinance allows required parking for a use to be provided on a contiguous lot which is under the same zoning classification and ownership. Parcels 105 and 106 are contiguous and are both zoned C-3 and owned by TDC Owner, LLC.

The Subject Property is situated within a ½ mile of the future Tysons East Metro Station. As such, it is expected that a significant number of the Sanford-Brown students will use transit to travel to and from the college. Currently, the college utilizes a shuttle van system to transport students from the Dunn Loring/Merrifield Metro Station to its Gallows Road campus. It intends

to continue to run a shuttle from the West Falls Church Metro Station to the Subject Property prior to operation of the Tysons East Station, planned for late 2013. Transit and van shuttle service reduces the number of students and faculty driving to the Subject Property. The Applicant thus reserves the right to reduce the number of required parking by providing a refined parking study to the Director of DPWES.

The Subject Property is located in the Tysons Corner Urban Center of the Area II Plan. More specifically, it is located within Subunit R-2. The Comprehensive Plan recommends the area for research and development use, light industrial use, and office use with support retail and service uses up to an average of .65 FAR. The Plan also provides options to convert nonresidential density to residential use. Fairfax County is currently considering amending the Comprehensive Plan for the Tysons Corner Urban Center. The Draft Plan identifies the Subject Property as part of the Old Meadow Subdistrict of the Tysons East District. The draft describes this area as *a good location for institutional and public uses, such as educational and recreational facilities*. The proposed college/university use is compatible with the existing and draft plans and is in keeping with the planning objective of providing educational facilities in this area.

In summary, this application is sought to allow relocation of an existing educational facility in a new location. The Special Exception proposes no changes to the existing building footprint or site design. It does not propose an increase in building size. It simply seeks approval for a college/university to serve the educational needs of residents and employees of Tysons Corner and surrounding areas. The proposal is in keeping with the Comprehensive Plan and helps ensure an educational use that will be compatible with the vision for this portion of Tysons Corner.

Thank you for your attention to this matter. Should you require any additional information, please call me.

Very truly yours,

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

Elizabeth D. Baker

Elizabeth D. Baker
Land Use Coordinator

APPENDIX 4

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

RECEIVED
Department of Planning & Zoning
DEC 17 2009
Zoning Evaluation Division

Elizabeth D. Baker
Land Use Coordinator
(703) 528-4700 Ext. 5414
ebaker@arl.thelandlawyers.com

December 14, 2009

By Certified Mail

Eileen M. McLane
Zoning Administration Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 807
Fairfax, Virginia 22035

Re: Special Exception 92-P-010
Tax Map 29-4 ((6)) 106 (the "Subject Property")

Dear Ms. McLane:

I am writing to officially notify Fairfax County that the satellite earth station permitted under SE 92-P-010 has ceased operation on the Subject Property. As of today, December 14, 2009, the property owner hereby voluntarily abandons the special exception use and specifically states that the owner considers the special exception and its associated development conditions null and void, and hereafter shall have no effect on the Subject Property.

Thank you for your attention to this matter.

Very truly yours,

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

Elizabeth D. Baker

Elizabeth D. Baker
Land Use Coordinator

cc: Brenda Krieger
Catherine Lewis
Martin D. Walsh
Chris Holden
Virginia Ruffner

County of Fairfax, Virginia

MEMORANDUM

DATE: March 30, 2010

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

FILE: 3-5 (SE 2009-PR-027)

SUBJECT: SE 2009-PR-027; TDC Owner
Land Identification Map: 29-4 ((6)) 106

This department has reviewed the special exception plat revised through March 12, 2010. We have the following comments.

Old Meadow Road is expected to be a transit and pedestrian connection to the future Tysons East Metro Station. Consequently, our department previously requested that the applicant consolidate the two existing southern entrances to provide an enhanced pedestrian environment along Old Meadow Road. The applicant made the recommended change in its latest submission, but has recently provided sketches to convert these southern entrances to one way instead. While such a configuration is feasible, it continues to be our preference that these entrances be consolidated to reduce points of pedestrian-vehicular conflicts.

The applicant has agreed to provide a Transportation Demand Management (TDM) program for their development before and after the opening of the Tysons East Metro station. The TDM program after metro opening should incorporate a remedy in the event the applicant does not meet trip reduction goals. Additionally, paid permit parking for their students on the subject site and adjacent parcel is desirable after metro station opening.

AKR/MEC

Fairfax County Department of Transportation
4050 Legato Road, Suite 400
Fairfax, VA 22033-2895
Phone: (703) 877-5600 TTY: 711
Fax: (703) 877 5723
www.fairfaxcounty.gov/fcdot

FCDOT
Serving Fairfax County for 25 Years and More

WEST*GROUP PROPERTIES LLC
PCA 92-P-001-6
August 3, 2007

Pursuant to 15.2-2303(a) of the *Code of Virginia* 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the applicant, WEST*GROUP PROPERTIES LLC, its successors and assigns, reaffirm Proffers dated October 6, 2000, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended by Proffers dated April 5, 2001 (attached as Exhibit B) and Proffers dated November 14, 2001(attached as Exhibit C) and as follows:

I. <u>GENERALIZED DEVELOPMENT PLAN ("GDP").</u> The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999 and September 12, 2000, for Sheets 2, 3, 4, 4A, 5, 6A, 7 and 9, *and as amended through May 9, 2007, for Sheets 1 and 8*, shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered.

A. Floor Area Ratios ("FAR"). No change.
B. Building Height. No change.
C. Landscaping. No change.
D. Transitional Screening and Barrier. No change.
E. Pedestrian Access System. No change.
F. Storm Water Management and Best Management Practices. No change.
G. Environmental Quality Corridor ("EQC") and 100 Year Flood Plan ("Flood Plain"). No change.
H. Limits of Clearing and Grading. No change.
I. Compensatory Landscaping. No change.

II. COUNTERPARTS. To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement collectively constitute a single instrument.

WEST*GROUP PROPERTIES LLC

G. T. Halpin

By: G. T. Halpin, President

TDC Owner, LLC

By: Dweck, LLC, Manager

_____

By: Ralph S. Dweck, Manager/Member

TIAA Stafford-Harrison LLC

By: JOSEPH P. FLANAGAN
ASSISTANT SECRETARY

The Board of Supervisors of Fairfax County

Anthony H. Griffin, County Executive / Agent

MR Old Meadow Capital LLC

Name: Michael J. Darby
Title: Managing Member

WEST*GROUP PROPERTIES LLC
PCA 92-P-001-6
August, 28, 2007

Pursuant to 15.2-203(a) of the *Code of Virginia* 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO") subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the applicant, WEST*GROUP PROPERTIES LLC, its successors and assigns, hereby agree to the following amendments to the Proffers dated August 3, 2007:

NEW:

II. The applicant shall indemnify and hold harmless the Board, its agents, officials, and employees against all claims of whatever kind that may arise out of the Board having signed the proffers in connection with PCA 92-P-001-6.

III. **COUNTERPARTS.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all of the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement collectively constitute a single instrument.

WEST*GROUP PROPERTIES LLC

G.T. Halpin

By: G.T. Halpin, President

TDC Owner, LLC

By: Dweck, LLC, Manager

By: Ralph S. Dweck, Manager/Member

TIAA Stafford-Harrison LLC

By: Joseph P. Flanagan
Assistant Secretary

The Board of Supervisors of Fairfax County

By: Anthony H. Griffin, County Executive / Agent

MR Old Meadow Capital LLC

Name: Michael J. Darby
Title: Managing Member

PROFFERS

PCA 92-P-001-*2 and*

***PCA* 1998-PR-052**

October 6, 2000

Pursuant to Section 15 2 -2203A of the Code of Virginia, 1950 as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition *Amendments* ("PCA"), *the applicant and owner for themselves and their* successors and assigns (hereinafter "Applicant") hereby proffers to the following conditions If *these applications* are approved, the proffered conditions described below supersede all previously approved proffered conditions applicable to the property Any future modification(s) to these proffers or Generalized Development Plan ("GDP") which affects only a specific Building Site or Land Bay may be approved by the Board of Supervisors upon application for a proffered condition amendment by the individual owner of the specific Building Site or Land Bay without amending this entire proffer statement or the entire GDP

1. GENERALIZED DEVELOPMENT PLAN ("GDP"). The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999 and *September 12, 2000* shall be considered for illustrative purposes only Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval At the time of each site plan submission, a copy of the site plan shall be submitted to the *Providence District Planning Commissioner* for review *and comment*. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered

A Floor Area Ratios ("FAR"). The total FAR on the *approximately 131* acre Gross Tract Area (as defined below) for office uses, accessory uses and all other uses permitted in the C-3 Zoning District shall not exceed a *0.65* FAR. However:

1 Individual Building Sites (as defined below) within the Old Springhouse Road Area Land Bay (as defined below) may individually exceed a 1 0 FAR, but the total FAR of the Old Springhouse Road Area Land Bay shall not exceed a 1 0 FAR

2 Individual Building Sites (as defined below) within the Colshire Drive Area Land Bay (as defined below) may individually exceed a 1 0 FAR, but the total FAR of the Colshire Drive Area Land Bay shall not exceed a 1 0 FAR.

3 Individual Building Sites (as defined below) within the Old Meadow Road Area Land Bay (as defined below) may individually exceed a 1 0 FAR, but the total FAR for the Old Meadow Road Land Bay shall not exceed a 0.7 FAR

Definitions·

Gross Tract Area shall be defined as the sum of the areas of the three Land Bays and consisting of *130.3247* acres

Building Site shall be defined as the land associated with the building, parking and/or parking structures, open space and accessory structures or the "site plan "

The Land Bays shall be defined as follows:

- Old Springhouse Road Area (consisting of *approximately 42* acres)
- Colshire Drive Area (consisting of *approximately 58* acres)
- Old Meadow Road Area (consisting of *approximately 31* acres)

B Building Height.

1 Buildings within the Old Springhouse Road Land Bay shall not exceed 90 feet in height except as qualified by paragraph B.4 below.

2. Buildings within the Colshire Drive Land Bay shall not exceed 90 feet in height except as qualified by paragraph B.4 below.

3. Buildings within the Old Meadow Road Land Bay shall not exceed 75 feet in height except as qualified by paragraph B.4 below.

4 An increase in height for any building(s) may be permitted by the Board of Supervisors in accordance with the applicable Special Exception provisions of the Zoning Ordinance without a Proffer Condition Amendment.

C Landscaping Future Building Sites shall be landscaped using a mix of shade and/or ornamental trees (3" in caliper at planting) and evergreen trees (*6' to 8'* in height at planting) of a quantity and species consistent with existing WEST*GATE landscaping and as generally, but not specifically, illustrated on Sheet 9 of 9 of the GDP as it relates to quality and quantity of tree and plant stock. All landscaping plans submitted at the time of site plan submission shall be reviewed and approved by the Department of Public Works and Environmental Services ("DPWES") as part of the site plan approval process

D Transitional Screening and Barrier Transitional screening and barrier requirements shall be modified or waived as follows:

1 Building 10 *(Hayes)* is existing and the transitional screening and barrier modifications for the south, west and east property lines were granted by DPWES for Site Plan 1702-SP-01 and shall remain in place.

2 The limits of the Flood Plain, left undisturbed, shall serve as the transitional screening and barrier for buildings *located in Old Meadow Road Land Bay C*.

3 Transitional screening and barrier requirements for existing Buildings 14 *(Van Buren)* and 15 *(Garfield)* shall be modified to allow the landscaping existing at the time of the rezoning as shown on the GDP to serve as the transitional screening and barrier

4 Transitional screening and barrier requirements for existing buildings *located along the east property line in Colshire Drive Land Bay B-3 and along the south property line in Old Meadow Road Land Bay C* shall be modified to allow the existing wooded area generally shown on the GDP to serve as the transitional screening and barrier.

5. Transitional screening and barrier *for buildings within the Old Springhouse Road Land Bay* and the R-30 project, known as Gates of McLean, located east of Scotts Run Crossing is hereby modified in favor of barrier and landscaping installed on R-30 property.

E Pedestrian Access System Continuous four-foot wide concrete sidewalks along public streets fronting individual Building Sites shall be shown on each site plan submitted and shall be installed prior to site plan bond release The sidewalk system shall be in lieu of any trails shown on the County-wide Trails Plan for the Gross Tract Area with the exception of trails within Park Authority land which are addressed in Proffer IV Park Authority

F Storm Water Management and Best Management Practices.

1 Storm Water Management ("SWM") and Best Management Practices ("BMP") shall be provided for the entire Gross Tract Area in accordance with applicable County ordinances as approved, modified or waived by DPWES SWM/BMP may be provided on a site by site *basis*, land bay by land bay *basis*, or a combination thereof

G. Environmental Quality Corridor ("EQC") and 100 Year Flood Plain ("Flood Plain") Unless waived or modified by the Director of DPWES, the Applicant shall preserve in an undisturbed state the EQC and Flood Plain as generally depicted on the GDP. However, the EQC and Flood Plain may be crossed by utilities, roadways, and trails to the minimum extent necessary The Applicant shall provide Compensatory Landscaping as defined in Proffer I.1(EYE) herein for EQC encroachments for the storm water detention facility and for the parking structure and access driveway to *any building located in the Colshire Drive Land Bay, along the common property line with the Scott Run Stream Valley Park* as may be permitted by Exhibit E. Compensatory Landscaping shall be shown on individual site plans submitted to DPWES The area preserved as the EQC and Flood Plain or the area of Compensatory Landscaping shall be deemed to satisfy transitional screening and barrier requirements in the areas where the EQC and Flood Plain and transitional screening yards coincide and consistent with Proffer I.D herein

H Limits of Clearing and Grading. The Applicant shall use best efforts to adhere to the preliminary limits of clearing and grading as shown on the GDP. However, actual limits of clearing and grading shall be determined at the time of site plan approval. DPWES may approve minor deviations from the limits of clearing and grading shown on the GDP provided that Compensatory Landscaping is provided per Proffer I 1(EYE) herein.

1(EYE). Compensatory Landscaping The Applicant may deviate to a limited extent into or cross the EQC per Proffer 1 G herein or the Applicant may deviate from preliminary limits of clearing and grading shown on the GDP per Proffer 1 H herein provided that the Applicant provides Compensatory Landscaping Compensatory Landscaping shall be defined as the Applicant's choice of the following·

1 Planting an area equal to 125% of the area of the EQC or Flood Plain disturbance or deviation from preliminary limits of clearing and grading shown on the GDP with trees 3" at planting in caliper or evergreens *6' – 8'* in height at planting in quantities and species approved by DPWES in accordance with Section 12-04037A of the Fairfax Public Facilities Manual or other methods acceptable to DPWES; or

2 Providing an uncleared or undisturbed area equal to the area of the EQC or Flood Plain disturbance or deviation from preliminary limits of clearing and grading shown on the GDP, or

3 A combination of Proffer 1(EYE) 1 and 2 herein.

The Compensatory Landscaping shall be provided either on the Building Site or within the Land Bay and adjacent to or as contiguous to the area of the EQC or Flood Plain disturbance or deviation from the preliminary limits of clearing and grading shown on the GDP as possible

II. TREATMENT OF CELLAR SPACE. The Applicant agrees to limit the use of cellar space to

A The core area used by the building tenants or owners (such as rest rooms, mechanical rooms, electrical rooms, janitor and building maintenance rooms),

B Specialty areas used by the building tenants or owners (such as computer rooms, battery rooms, "clean rooms", security tanks, SCIF rooms, bulk storage for documents, paper and office supplies, goods and products of the building tenants or janitorial supplies, libraries, etc),

C Simultaneous or accessory uses by the building tenants or owners (such as conference rooms, conference centers, employee cafeterias or canteens, employee lounges or classrooms);

D Office use which shall not exceed 50% of the cellar space

Although the Applicant may elect to provide parking for cellar uses A, B, and C above, parking shall not be required for uses A, B, and C above Cellar use D above shall be parked at "office rate", based on the total of the Gross Floor Area of the building plus *the amount* of the cellar area *used as office use*, however, cellar space, regardless of use, shall not be computed as Gross Floor Area for FAR purposes

III. TRANSPORTATION PROFFERS

A Tysons Corner Area Wide Transportation Contribution.

1 The Applicant shall contribute to Fairfax County Two Dollars and Eighty-five Cents ($2 85) per FAR square foot (not including cellar space) with the following exceptions

- All buildings *existing* at the time of the original rezoning application as approved by the Board of Supervisors 6/22/92 *and shown on Exhibit H attached hereto* shall be exempt from the $2 85 payment to the extent that there is no increase in FAR square feet above the FAR square feet shown for existing buildings depicted in "Floor Area Ratio Computation" appearing on Sheet 8 of 9 in the GDP
- Building Site 8 *(McKinley)* (254,210 FAR square feet) and Building Site 24 *(Harrison)* (95,304 FAR square feet) or 349,514 equivalent FAR square feet on other sites within the Gross Tract Area shall be exempt from the $2 85 per FAR square feet to the extent there is no increase in FAR square feet above 349,514 FAR square feet. To the extent there is an increase in FAR square feet for Building Sites 8 *(McKinley)* and 24 *(Harrison)* above 349,514 FAR square feet, the $2 85 per FAR square feet shall apply only to the net increase in FAR square feet.
- The $2.85 per square foot, as increased by escalations to the Engineering News Record, Construction Cost Index from the date of approval of RZ 92-P-001 (*6/22/92*), shall be paid directly to the County of Fairfax at the time of issuance of the building permit(s) for building(s) for which the building permit(s) is being issued and shall be used for Tysons Area Wide Transportation Improvements

Priorities and disposition of Tysons Area Wide Transportation Contributions shall be approved by the Providence District Supervisor in consultation with appropriate Fairfax County officials.

B Transportation Design

1 Eastbound I-66/DAAR Ramp and Loop fiom Northbound Route 123 The Applicant shall provide Fairfax County with $110,000 for Fairfax County to design the proposed Eastbound I-66 Ramp and Associated Loop shown on Sheet 2 of 9 of the GDP Payment shall be made in accordance with Exhibit A "Transportation Phasing Schedule" attached herein

2 Route 123 Widening to six (6) through lanes The Applicant shall contract with a Virginia Licensed Professional Engineer ("Engineer") to provide preliminary design of the widening of Route 123 from the Old Meadow Road intersection through the Anderson Road intersection to six (6) through lanes, associated turning lanes and sidewalk both sides. All civil engineering shall be based on VDOT Road and Bridge Standards, Volumes I and II unless otherwise waived or modified by VDOT. The Scope of Work shall be contracted and performed per Exhibit B attached herein

The Scope of Work defined in Exhibit B shall specifically not be considered construction or bid documents Within six (6) months of the date of Board of Supervisors' approval of RZ 92-P-001, a Virginia Licensed Professional Engineer shall submit six (6) sets of documents to the Fairfax County Director of *Department of* Transportation and six (6) sets of documents to VDOT after completion of Scope of Work Task II B for the purpose of *DOT* and VDOT review and comment Upon receipt of review comments by *DOT* and VDOT or 90 days, whichever is earlier, the Engineer shall proceed with Scope of Work Tasks II C through G and submit Scope of Work Task II A through G to *DOT* and VDOT for review and comment. *DOT* and VDOT shall have 90 days to reply Upon receipt of comments or 90 days, whichever is earlier, the Engineer shall prepare the Preliminary Design Study Report ("PDSR"), incorporate comments and publish PDSR. The County shall notify, in writing, the Engineer and the Applicant of approval of the PDSR within 90 days and the Engineer shall submit the Final PDSR per Scope of Work Task III A and B. Submission of the Final PDSR shall constitute completion of this Proffer, or

lternatively the Applicant may escrow $50,000 with Fairfax County at any time after 18 months of the submittal to *DOT* of Scope of Work Tasks II B which shall constitute completion of the Route 123 design obligation cited in the Transportation Phasing Schedule At the option of the County, the County may draw upon the escrow to complete the Final PDSR In the event that the County does not complete the Final PDSR, the $50,000 escrow, including interest accrued, shall be returned to the Applicant upon the actual submission of the Final PDSR by the Applicant

C Street Dedications Upon receipt from Fairfax County or at the time of a site plan submission which involves dedication of contiguous right-of-way, whichever is earlier, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors the following rights-of-way and associated ancillary easements

1 Land necessary to construct the widening of Route 123 between Old Meadow Road and Anderson Road Area of dedication to be determined by Design Proffer III B 2 herein

2 Land, of approximately 0 05 acres (2200 square feet) for the construction of the I-66/DAAR eastbound ramp The actual area of dedication shall be determined by results of Proffer III B 1, but under no circumstance shall dedication of land preclude the Garfield Building from achieving 181 surface parking spaces of the 207 existing parking spaces and travel lanes which allow 360 degree circulation around the building and parking lot

3 Land necessary to construct and maintain a public street referred to as "Proposed Old Springhouse Road Extended" as generally shown on Sheet 4 of 9 of the GDP

4 *Notwithstanding timing indicated in "Transportation Phasing Schedule" (Exhibit A), Applicant shall dedicate right-of-way to the Board of Supervisors in fee simple and shall substantially construct the Colshire Meadow Drive two-lane roadway and associated bridge (as generally depicted on the GDP) by a date certain of four (4) years from the date of approval of these applications. Substantial Completion shall be defined as "open for traffic" as opposed to accepted by VDOT for maintenance. If the roadway and the bridge cannot be constructed to an "open for traffic" condition within four (4) years of the date of approval of these applications despite the Applicant's diligent efforts, only one new shell building permit not to exceed 200,000 new FAR square feet within the Old Meadow Road Land Bay shall be issued*

ntil road is "open for traffic" or this commitment is waived or modified by a subsequent PCA application.

5 Land necessary to construct and maintain one (1) additional outbound right hand turn lane from existing Old Springhouse Road onto Route 123

6 Land necessary to construct up to one (1) additional lane from Old Meadow Road onto Route 123

7 Land necessary to construct and maintain not more than two (2) additional outbound lanes from Colshire Drive onto Route 123.

The Applicant's agreement to convey fee simple title to the Board of Supervisors for the above mentioned rights-of-way is subject to all of the following conditions·

- Density credit for dedication in advance of construction shall be granted by the Board of Supervisors with the approval of RZ 92-P-001 pursuant to Article 2-308 of the ZO
- Density Credit for dedication may be utilized anywhere within the Gross Tract Area and shall not be limited to the site plan from which dedication is made.

8 The Applicant's obligation to convey fee simple title to the Board of Supervisors for rights of way for buildings indicated as "existing" on the GDP shall be conditioned on *a waiver granted* by the Board of Supervisors of *the* peripheral parking lot landscaping requirement Article 13-202, Paragraph 1, A and B of the ZO in lieu of Article 13-202, Paragraph 2, A and B for all dedications associated with those rights of way.

9 As a condition of the Applicant's obligation to make the dedications referred to in III C 2, the Board of Supervisors shall direct the Director of DPWES to grant pursuant to Article 11-102, Paragraph 8 of the ZO, a reduction in parking for up to 26 parking spaces and approve 181 spaces (current parking ordinance requirement) as opposed to existing 207 spaces (old ordinance requirement and spaces shown on existing site plan) for Building 15 in order to dedicate land and accomplish construction by others of the proposed Eastbound I-66/DAAR Ramp.

10 The dedication referred to in III C 4 shall be conditioned on the granting by the Park Authority of the necessary rights-of-way and easements to dedicate and construct Colshire Meadow Drive and bridge pursuant to Proffer IV.A herein.

11 Applicant agrees to dedicate *in fee simple* approximately 1 1392 acres of land to the County of Fairfax for ultimate dedication to the Commonwealth of Virginia along the I-495 right of way as generally shown on sheet 4A *and 4B* of 9 and identified as "VDOT Reserved Area" upon the earliest of the following events

a Approval of the first proposed (new) site plan *with predominately I-495 frontage within the Old Springhouse Road Land Bay* as generally shown on sheet 4A *and 4B* of 9, or

b Upon funding of the projects generally called Beltway Improvements a k a I-495 HOV Lane Study; or

c March 31, 2005.

Dedication of the land would be conditioned upon Applicant obtaining advance density credit pursuant to Sect 2-308 of the Zoning Ordinance.

Notwithstanding dedication commitments above, Applicant shall be permitted to encroach into the I-495 future right-of-way and grant temporary construction and grading easements and a permanent maintenance easement to utility companies prior to dedications cited in 11.a. above. Encroachments shall not exceed areas generally as shown on Exhibits F and G attached hereto. Minor deviations from these areas may be granted administratively by DOT.

12 Applicant agrees to dedicate *in fee simple* approximately 1.3794 acres of land to the County of Fairfax for ultimate dedication to WMATA or other "rail entity" along Rt 123 frontage as generally shown on sheet 4A *and 4B* of 9 and identified as "WMATA Reserved Area" for the purpose of installing rail similar to Metro Rail ("Rail") The Applicant shall dedicate right of way the earlier of the following events:

a Approval of the *first* proposed (new) site plan *with predominately Rt. 123 frontage within the Old Springhouse Road Land Bay as shown on sheets 4A and 4B of 9*; or

b Funding of a Rail project which connects this location to West Falls Church Metro Station, or

c March 31, 2005

Dedication of land would be conditioned upon attaining advance density credit pursuant to Sect 2-308 of the Zoning Ordinance

D Proposed Street Construction.

1 The Applicant shall construct Proposed Old Springhouse Road Extended as generally, but not specifically, depicted on Sheet 4 of 9 of the GDP per Exhibit A "Transportation Phasing Schedule" attached herein

2 The Applicant shall construct an outbound double right hand turn at the intersection of existing Old Springhouse Road and Route 123 per Exhibit A "Transportation Phasing Schedule" attached herein

3A The Applicant shall construct the improvements, referred to as Scenario W, X, Y or Z as described on sheets 5 and 6 of 9 of the GDP as may be selected by VDOT, to Old Meadow Road, Colshire Meadow Road, Colshire Drive, and related intersections with Route 123, provided all appropriate approvals are obtained from the County and VDOT pursuant to paragraphs 3B and 3C below

3B The Applicant shall, in writing and within 90 days of the approval of RZ 92-P-001 by the Board of Supervisors, petition VDOT for approval to construct the improvements to Old Meadow Road, Colshire Meadow Drive, Colshire Drive and related intersections with Route 123, as shown on sheets 5 and 6 of the GDP The Applicant acknowledges that the *Department* of Transportation's currently recommended alternative is Scenario W-P, and the Applicant further acknowledges that citizens in the vicinity of the application property have expressed a preference for Scenario Z. Said request shall be accompanied by the necessary traffic and engineering analyses of all four Scenarios, sufficient to enable VDOT to evaluate the relative performance of all four (4) of the alternatives on the safety and capacity of Route 123 between I-495 and the Dulles Airport Access Highway ("DAAR"). The Applicant further commits to provide any further supporting technical documentation, including, without limitation, studies using the Highway Critical Method, as may be required by

/DOT to evaluate these alternatives Copies of all submissions to and correspondence with VDOT relating to this paragraph shall be provided simultaneously to OT

3C In the event that VDOT approves the road improvements described as Scenario W within 330 days of the approval of RZ 92-P-001 by the Board of Supervisors, the Applicant shall construct the improvements comprising Scenario W in accordance with Exhibit A "Transportation Phasing Schedule" attached herein

4 In the event that VDOT approved the road improvements described as Scenario X or Y within 330 days of approval of RZ 92-P-001 by the Board of Supervisors, the Applicant shall construct the improvements comprising the selected Scenario in accordance with Exhibit A "Transportation Phasing Schedule" attached herein.

5 In the event that within 330 days of approval of RZ 92-P-001 by the Board of Supervisors VDOT approves Scenario Z, the Applicant shall:

a construct road improvements consistent with Scenario Z and in accordance with the timing outlined in Exhibit A "Transportation Phasing Schedule" attached herein

b construct a two (2) lane Colshire Meadow Drive and associated two (2) lane bridge across the Park consistent with Scenario Z and in accordance with the timing outlined in Exhibit A "Transportation Phasing Schedule" attached herein.

6 In the event VDOT does not respond in 330 days of approval of RZ 92-P-001 by the Board of Supervisors (which may be extended by mutual written consent of the Applicant, *DOT* and VDOT), the Applicant may proceed with the Applicant's choice of Scenario W or X or Y or Z on an intersection-by-intersection basis and to the extent VDOT right-of-way permits may be obtained for said construction Intersection improvements shall be constructed in accordance with timing outlined in Exhibit A "Transportation Phasing Schedule" attached herein In the event the Applicant cannot obtain VDOT right-of-way permits to construct the collective or individual intersections outlined in Scenario W or X or Y or Z after diligently pursuing permits and being denied by VDOT in writing, the Applicant may proceed with development square footage outlined in Exhibit A "Transportation Phasing Schedule" attached herein without an obligation to construct improved intersections

7a In the event the Applicant is unable to proceed with intersection improvements at Old Meadow Road and Route 123, pursuant to Proffer III D 7 herein, the Applicant shall contribute to Fairfax County $145,000.00, as increased by escalations to the Engineering News Record, Construction Cost Index from the date of approval of RZ 92-P-001, which represents the equivalent value of Staff recommended Scenario W Said funds shall be provided within the later of 60 days of the date of written VDOT disapproval of the specific improvement or prior to issuance of building permits for FAR in excess of 1,855,440 square feet and in accordance with the "Transportation Phasing Schedule" attached herein as Exhibit A

7b In the event the Applicant is unable to proceed with intersection improvements at Colshire Drive and Route 123, pursuant to Proffer III D 7 herein, the Applicant shall contribute to Fairfax County $140,000, as increased by escalations to the Virginia Highway Construction Bid Index from the date of approval of RZ 92-P-001, which represents the equivalent value of Staff recommended Scenario W Said funds shall be provided within the later of 60 days of the date of written VDOT disapproval of the specific improvement or prior to issuance of building permits for FAR in excess of 1,855,440 FAR square feet and in accordance with the "Transportation Phasing Schedule" attached herein as Exhibit A

Note: Minor deviations from Scenario W, X, Y and Z or combinations of Scenarios W, X, Y or Z described in Proffer III D 1 through 7a and 7b herein which are recommended by VDOT and reviewed and approved by the Director of the Office of Transportation, shall not constitute a requirement for a Proffer Condition Amendment by the Applicant.

8 Not withstanding Proffer III D 1 through 7 and the Transportation Phasing Schedule (Exhibit A) prior to issuance of building permits and non-residential use permits as detailed below for the next new FAR square footage in the Old Meadow Road Land Bay or Old Springhouse Road Land Bay, the Applicant shall construct and dedicate land as necessary *to the Board of Supervisors in fee simple*, subject to the approval of VDOT and the issuance of VDOT permits, for an additional lane on Old Meadow Road as it approaches Route 123 intersection, rendering an outbound left, a left and through, and a free right hand turn lane. The additional lane shall be approximately 300 feet long with an approximate 120 foot taper, but not to exceed the Grant Building (GDP No. 16) frontage on Old Meadow Road. In the event VDOT requires a

eceiving lane on Route 123 to accommodate the free right hand turn lane, the Applicant shall construct the receiving lane for a distance of approximately 237 feet, but not to exceed the Grant Building (GDP No 16) frontage on Route 123, including taper or transition into existing Route 123 through lane The relocation of the existing WMATA bus shelter at the corner of Old Meadow Road and Route 123 shall be done at the Applicant's expense Any cost of signalization associated with the additional lane shall be the responsibility of the Applicant. VDOT permits or VDOT letter denying permits shall be prerequisite to the issuance of the next building permit issued in the Old Meadow Road Land Bay If VDOT permits are issued, the additional construction shall be completed sufficient to be open for traffic (as opposed to accepted by VDOT for maintenance) as a prerequisite to the issuance of the shell non-residential use permit for the building If VDOT permits cannot be obtained and are denied in writing, the Applicant is relieved of this Proffer in its entirety The additional lane on Old Meadow Road is to be considered an interim improvement and in the event VDOT selects Scenario W or X, the Applicant acknowledges that the additional lane may be obsolete or possibly have to be removed, the right-of-way vacated and the area restored. If the Applicant constructs the additional lane and Proffer III D 7a is implemented, Proffer III D 7a obligations shall be reduced by $52,000 which is deemed the value of the additional Old Meadow Road lane constructed.

E Traffic Signals at Colshire Meadow Drive and Old Meadow Road and Colshire Meadow Drive and Colshire Drive At such time as signals are warranted as determined by VDOT, the Applicant shall provide the design, equipment, and installation of a traffic signal, or funds sufficient for same, at the intersections of Colshire Meadow Drive and Old Meadow Road and Colshire Meadow Drive and Colshire Drive

F Transportation Systems Management The Applicant agrees to enter into an Agreement with TYTRAN to implement a Transportation Demand Management Program ("Program") as generally described in Exhibit D. The Applicant's only obligation is to monitor the provisions of the Agreement for compliance with the Program and fund the Program per paragraph 4 of the Program. The Applicant may elect to terminate the Agreement with TYTRAN/*Regional Employer Services Program* (RESP) for noncompliance at any time during the term of this proffer pursuant to paragraph 5 of the Program and pay $30,000 a year to

'XCO/DOT/RESP for the remaining year(s) of the Program cited in paragraph 4 In this case, payment of $30,000 a year to the County for the remaining years of the Program shall be the Applicant's only obligation under this proffer This proffer shall terminate upon final payment of $30,000 on January 31, 2003 and notice provisions on continuation or cessation of the Program cited in paragraph 6 of the Program

G Bus Shelters and Bus Stop Pedestrian Access

1 The Applicant shall provide to Fairfax County, within 60 days of approval of RZ 92-P-001 by the Board of Supervisors, $30,000 for the design and construction of three (3) WMATA standard bus shelters to be located on either the north or the south side of Route 123 at existing bus stops between Old Springhouse Road and Anderson Road intersections or at other locations within the Gross Tract Area acceptable to the Applicant In the event that any or all of the three (3) bus shelters, valued at $10,000 each, are not constructed by December 22, 1997, any or all of the unspent $30,000 shall be paid by the County to TYTRAN as the Applicant's partial or full payment credit for the next TYTRAN Transportation Coordinator annual payment due per Proffer III F above

2. The Applicant shall make reasonable effort to construct temporary asphalt, concrete, or stone paths where practical to connect existing sidewalk along the north and south sides of Route 123 between Old Meadow Road and Anderson Road. Installation of temporary paths within VDOT right-of-way shall be contingent upon approval by VDOT and the issuance of VDOT permits, *whose approvals and permits the Applicant shall diligently pursue.* The Applicant shall make reasonable effort to keep temporary paths in good repair. The intent *of this proffer* is to provide *temporary,* safe, all weather access to transit stops from existing or future sidewalk The number, location, and design of the paths shall be at the sole discretion of the Applicant and shall be installed within 24 months of the approval of RZ 92-P-001 by the Board of Supervisors. This proffer is specifically not a prerequisite to any site plan nor building permit approval. *This proffer shall automatically extinguish with the construction of Rt. 123 and side street improvements as described in Exhibit A.*

H. Transportation Phasing Schedule. Applicant shall phase transportation improvements in accordance with the "Transportation Phasing Schedule" attached as Exhibit A

1 (EYE) West*Gate Transit Stop Applicant shall dedicate approximately 2 3496 acres of land at the southwest corner of Dolley Madison Boulevard (Rt 123) and Colshire Drive (Rt 6471) as generally shown on sheet 2 of 9 The dedication plat shall be submitted to the County within 60 days of the approval of *these* PCAs and recorded immediately upon approval of the Dedication Plat by the Director of DPWES Dedication of land to the Board of Supervisors, fee simple, shall be conditioned upon attaining advance density credit pursuant to 2-308 of the Zoning Ordinance.

IV. FAIRFAX COUNTY PARK AUTHORITY

A The Applicant shall provide the Park Authority with all items listed in Park Board Resolution approved September 17, 1991, as may be amended, and attached as Exhibit C, provided that

1 Rezoning application RZ 92-P-001 is approved; and

2 The Park Board grants all necessary right-of-way, construction easements, and permanent access and maintenance easements to the Applicant to construct and maintain asements to the Applicant to construct and maintain a public two (2), three (3) or four (4) lane roadway and bridge across the Scotts Run Stream Valley Park in the location shown on Sheets 2 and 3 of 9 of the GDP and in general conformance with Public Improvement Plan 8293-PI-01-1 (as may be amended)

B The Applicant shall provide screening along approximately 400 linear feet of chain link fence between The Colonies and the Park entrance road and parking lot. The planting strip between the edge of the parking lot and fence varies between 3' and 5' in width. Columnar evergreens, either shrubs or small trees, planted 4' - 5' on center, will provide screening and some noise attenuation between the parking lot and The Colonies residences. The Applicant shall plant approximately 50 trees, shrubs or plants within 18 months of the date of approval of RZ 92-P-001 at a cost to the Applicant not to exceed $3,000 Final species selection and planting plan shall be subject to review and approval of Fairfax County Park Authority Staff. The Applicant shall have no maintenance responsibility nor warranty beyond any planting warranty that may be provided by nursery or nurseryman

C The Applicant shall provide Virginia registered civil engineering services to develop a plan for remediation of the erosion problem at terminus of existing rip--rap ditch at low end of parking lot The remediation may include, but not be limited to, the installation of velocity brakes, flaring rip-rap and grouting rip-rap as may be determined by civil engineer The Applicant shall repair the erosion problem based on civil engineer's recommendation and the Park Authority concurrence with recommendation at a total cost of civil engineering and construction combined not to exceed $10,000 The Applicant shall complete engineering and construction within one (1) year of the date of approval of RZ 92-P-001 The Applicant shall not be required to obtain a bond or permit for construction nor provide post construction maintenance or repair

V. LAND BAY A-1 AND PEDESTRIAN CONNECTIONS TO THE FUTURE METRO RAIL STATION AND LAND PLATFORM.

*Special Exception Amendment SEA 98-P-051 is concurrently processing with PCA 92-P-001-2 and PCA 1998-PR-052. The Special Exception Plat associated with SEA 98-P-051 (plat entitled "West*Gate - portion of Old Springhouse Road Land Bay" (sheets 1 through 16) prepared by Huntley Nyce & Associates, Ltd., dated May 18, 1998 and as revised through October 6, 2000) is incorporated herein by reference (the "Special Exception Plat"). The Owner(s) of Land Bay A-1, its successors and assigns ("Owner(s)" for purposes of this Proffer V), agrees to construct the above-grade pedestrian connection by the later of December 31, 2015 or the issuance of the shell Non-Residential Use Permit for the fourth/last building, subject to the following conditions.*

1 *Subject to the approval of the location and design of the Owner(s) proposed pedestrian connections to the future Metro Rail Station by WMATA and Fairfax County, as applicable, the Owner(s) shall construct at grade and an above-grade connection to the Metro Station as provided herein, at the Owner(s) cost.*

2 *The Owner(s) responsibility for constructing the above-grade connection is subject to (a) securing WMATA's approval at no cost to the Owner(s), other than the normally required application and permit fees and the costs of constructing the pedestrian connection, (b) the location of the Metro Rail Station remaining within the WMATA reserved area as reflected on the Special Exception Plat and with the elevated pedestrian*

connection and the associated facilities remaining out of the RPA and wetlands located in the northeast corner of this site, (c) WMATA providing design data for the platform as referenced in paragraph 3 below and (d) WMATA having either (1) commenced construction of the Metro Rail Station or (2) WMATA and the Owner(s) providing the other a mutually acceptable construction phasing schedule that ensures the Rail Station and the elevated pedestrian connection will be completed concurrently

3 *The Owner(s) shall cooperate, diligently pursue and request in writing that WMATA provide, no later than December 31, 2010, design data for the platform. Design data shall include schematic design, the general location, and elevation of the platform, the vertical and horizontal location of the platform, and the tie-in point for the pedestrian connection.*

4. *The Owner(s) shall provide all civil and foundation engineering data for the above-grade pedestrian connection and structural drawings to DPWES for review and approval.*

5. *If WMATA is unable to provide the data as noted in paragraph 3 above by December 31, 2010, the proffer shall become null and void in its entirety.*

6. *The Owner(s) shall construct, up to the edge of its Property line, at grade pedestrian connection(s) to the Metro Rail Station right-of-way in order to foster and encourage access to the Metro Rail Station. Said construction shall be governed by and phased according to the conditions of SEA 98-P-051.*

7. *Should SEA 98-P-051 be denied or withdrawn, this entire Proffer V shall be rendered null and void and have no further force or effect. Furthermore, should the Option 1 site layout as shown on SEA 98-P-051 not be elected for pursuit at the time of site plan review and approval, this entire Proffer V shall be rendered null and void and have no further force or effect.*

8. *Should the Owner(s) of Land Bay A-1 seek a Proffer Condition Amendment in the future to amend this Proffer V, the Owner(s) may do so without the joinder, consent or permission of any other owner or property except for any owner(s) or property within Land Bay A-1, as said Land Bay is defined by PCA 92-P-001-2 and PCA 1998-PR-052; it being specifically acknowledged that the Owner(s) will not need the consent or joinder*

of Fairfax County, The Commonwealth of Virginia and/or WMATA (or any other governmental agencies), any of which may become an owner of a portion of Land Bay A-1 as a result of conveyance and/or dedication of land from Land Bay A-1 (necessary for the widening of Route 123 or 495 and/or construction of the future Metro Rail Station

9. *Should the current or any future Owner(s) sell or transfer all or any portion of Land Bay A-1, the Owner(s) shall notify the purchaser(s) (initial and/or subsequent purchaser(s)) in writing of this Proffer V and provide a copy of this entire Proffer Statement and all associated exhibits to the purchaser(s). In addition to such written disclosure, the Owner(s) shall complete a specific agreement with any said purchaser(s) allocating the costs and responsibilities for fulfilling these Proffer V commitments. The Owner(s) shall notify the following agencies of Fairfax County, in writing, of any such agreement, providing these agencies with a general description of the allocation of costs and responsibilities of the parties for the fulfillment of this Proffer V: DPWES, Fairfax County Office of Transportation, the Department of Planning and Zoning and the Providence District Supervisor's Office.*

VI. *COUNTERPARTS. To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.*

WEST*GROUP PROPERTIES LLC (Land Bays A-1, A-2, B-2, B-3, B-4, B-5, B-6 and C)

By G. T. Halpin

G T Halpin, President

THE MITRE CORPORATION (Land Bay B-1)

By: _____

Lewis Fincke, Vice President, Chief Financial Officer and Treasurer

Fairfax County Board of Supervisors (Portion of public rights-of-way for Old Springhouse Road)

By: _____

Anthony H. Griffin, County Executive

Capital One Financial Corporation (Contingent Contract Purchaser – Land Bay A-1)

By: _____

Barry L. Mark

VEST*GROUP PROPERTIES LLC (Land Bays A-1, A-2, B-2, B-3, B-4, B-5, B-6 and C)

By _____

G. T Halpin, President

THE MITRE CORPORATION (Land Bay B-1)

By: _____

Lewis Fincke, Vice President, Chief Financial Officer and Treasurer

Fairfax County Board of Supervisors (Portion of public rights-of-way for Old Springhouse Road)

By. _____

Anthony H. Griffin, County Executive

Capital One Financial Corporation (Contingent Contract Purchaser – Land Bay A-1)

By: _____

Barry L. Mark

VEST*GROUP PROPERTIES LLC (Land Bays A-1, A-2, B-2, B-3, B-4, B-5, B-6 and C)

By _____

G. T Halpin, President

THE MITRE CORPORATION (Land Bay B-1)

By. _____

Lewis Fincke, Vice President, Chief Financial Officer and Treasurer

Fairfax County Board of Supervisors (Portion of public rights-of-way for Old Springhouse Road)

By _____

Anthony H. Griffin, County Executive

Capital One Financial Corporation (Contingent Contract Purchaser – Land Bay A-1)

By: _____

Barry L. Mark

WEST*GROUP PROPERTIES LLC (Land Bays A-1, A-2, B-2, B-3, B-4, B-5, B-6 and C)

By _____

G. T 'Halpin, President

THE MITRE CORPORATION (Land Bay B-1)

By: _____

Lewis Fincke, Vice President, Chief Financial Officer and Treasurer

Fairfax County Board of Supervisors (Portion of public rights-of-way for Old Springhouse Road)

By: _____

Anthony H. Griffin, County Executive

Capital One Financial Corporation (Contingent Contract Purchaser – Land Bay A-1)

By: Barry L Mark

Barry L. Mark

EXHIBIT A
TRANSPORTATION PHASING SCHEDULE

FAR PERMITTED Applicant shall be permitted to obtain building permits for:	IMPROVEMENTS REQUIRED
o 349,514 FAR sf	No Improvements.
o An additional 565,023 new FAR sf	o $110,000 for design Eastbound I-66/DAAR Ramp & Loop per Proffer III.B.1 o Design Route 123 widening per Proffer III.B.2 o $30,000 payment per year to TYTRAN for Transportation Coordinator per Proffer III.E starting no later than 6 months after the approval of RZ 92-P-001 by BOS
A. An additional 387,648 new FAR sf at Applicant's option, Improvements 1,2,3 or 4	1. Old Springhouse Road Extended per Proffer III.D.1.
B. An additional 297,255 new FAR sf at Applicant's option, one of the remaining Improvements 1,2,3 or 4	2. Two outbound right turn lanes from Route 3543 (existing Old Springhouse Road) onto Route 123 per Proffer III.D.2.
C. An additional 256,000 new FAR sf at Applicant's option, one of the remaining Improvements 1,2,3 or 4	3. Double left or triple left turn lanes onto Route 123 from Route 6471 (Colshire Drive). Two or three lanes to be determined by VDOT per scenario selection referenced in Proffer III.D.3A-C.
D. An additional 430,903 new FAR sf at Applicant's option, one of the remaining Improvements 1,2,3 or 4	4. Intersection Scenario W,X,Y or Z at Old Meadow Road and Route 123 per VDOT determination or opt out option per Proffer III.D.7a and 7b.

EXHIBIT A
TRANSPORTATION PHASING SCHEDULE

Notes:

- The total new FAR allowed after completion of all improvement phases is 2,286,343 FAR square feet.

- The total FAR for the Gross Tract Area is 3,491,841 FAR square feet.

- The difference of 1,205,498 FAR is shown as existing "to remain" on the GDP. This 1,205,498 FAR may be replaced building by building with buildings of equal FAR without requiring improvements listed in "Improvements Required" column above. This applies to GDP Buildings 1,2,7,10,11,13,14,15,16,17,18,19,21,22,25 and 26.

- Any Phase may be implemented independently from any other Phase and FAR square feet permitted in any Phase may occur in any Land Bay or any Building Site within the entire Gross Tract Area.

- Plan approval, bonding, County or VDOT permits for Improvements 1-4 shall be obtained prior to issuance of a building permit for new FAR square feet A-D. Improvements 1-4 shall be completed prior to issuance of non-rup for last FAR square foot increment A-D.

EXHIBIT B

SCOPE OF WORK

ROUTE 123 WIDENING TO SIX (6) THROUGH LANES

I. SURVEYS.

A. Establish base control traverse in accordance with County criteria.

B. Run level circuit and set elevation bench marks.

C. Set panels, obtain aerial photography and map project limits using photogrammetric methods. Mapping to be prepared at a scale of 1" = 50' with 2' contour, in accordance with National Map Accuracy Standards.

D. Enhance photogrammetric mapping where required using conventional field methods. Profile and section the proposed a. ment, intersecting roadways, entrances, driveways and other critical features, where more precise definition is needed.

E. Tie property lines and property corners as required in order to prepare plats for right-of-way and/or temporary and permanent easements.

F. Compile locations of underground utilities from available records, input from utility companies, and field surveys of visible features. Obtain storm and sanitary sewer structure and invert elevations. Any test pits required to locate critical underground utilities will be arranged for by the County.

G. Prepare comprehensive survey plots and draft base topographic mapping.

II. RELIMINARY DESIGN.

A. Prepare design criteria and establish roadway Typical Sections.

B. Prepare preliminary Plans and Profile Study (on roll drawings).

Particular emphasis will be given to:

1. Development of a roadway profile and alignment that minimizes impacts and right-of-way acquisition on commercial and industrial buildings and properties currently fronting existing Route 123.

2. Design compatible with horizontal and vertical options for intersections outlined in Proffer III.B for Old Meadow Road, Colshire Drive and Old Springhouse Road Extended and Anderson Road.

3. Coordination of horizontal and vertical alignment with existing I-495/Route 123 ramps and approaches and proposed I-66/DAAR Eastbound Ramp and Loop.

C. Develop preliminary traffic control plan.

F. Prepare exhibits for informational meetings as required.

G. Assist the County in resolving design and right-of-way issues raised during review process.

H. Prepare Preliminary Design Study Report, incorporate comments and publish final report.

II. <u>FINAL PRELIMINARY DESIGN REPORT.</u> To be initiated upon written notice from County of approval of Design Report.

A. Incorporate review comments.

B. Compute final horizontal and vertical alignment.

Whereas, the Fairfax County Comprehensive Plan identifies the Tyson's Cor- -r area as the only Urban Center of Fairfax County, and it is ore unique, and

Whereas, Scott's Run Stream Valley Park lies within the confines of the Tyson's Corner Urban Center, as does West*Gate, an commercial development, and

Whereas, Policy 100 of the Fairfax County Park Authority (FCPA) states that the FCPA shall resist by all means any attempt by any entity to encroach upon any park, and the FCPA in March 1991 denied a request by West*Gate to build a road through Scott's Run Stream Valley Park which included the Director sending a letter to West*Gate stating that the FCPA did not want to set a precedent by approving such a road, and

Whereas, West*Gate corporation has requested from the FCPA an aerial easement for a bridge to connect to a road which the Fairfax Couty Office of Transportation and Virginia Department of Highways have stated is needed to relieve traffic congestion in a future redevelopment of the West*Gate properties, and

Whereas, the West*Gate easement request is in compliance with the FCPA Policy 301 concerning easements, and

Whereas, the deed conveying the property for Scott's Run Stream Valley Park to the FCPA contains a clause which would cause the entire property to revert back to the original trustees upon any part of the park heir- provided in fee simple ownership to any other entity, and said eas t would not convey title to any land within the park, and

Whereas, the Environmental Services Section of the FCPA Conservation Division has analysed the easement request and have reported that there would be no significant environmental degradation if a bridge was built,

Be it, therefore, resolved that the Fairfax County Park Authority (FCPA) shall grant to West*Gate, it successors and assigns (the Developer), a permanent aerial easement and any temporary construction easements for the construction of a bridge over Scott's Run Stream Valley Park (the park) south of Route 123, to connect to the proposed Colshire Meadow Drive, as shown in Public Improvement Plan. 8293-P-01-1, and that the Developer shall compensate the FCPA for such easements by meeting the following provisions and conditions:

- The deed of this section of the park, parcel 29-4-((1))-31, must be changed to allow the granting of temporary and permanent easements to the developer to construct and use said bridge, and this deed must be approved by the Fairfax County Attorney.

- The Developer shall deed to the FCPA four (4) parcels of land (designated parcels A, B, C, and D) totalling approximately one (1) acre containing hardwood forest vegetation, as shown on Attachment 1, a plat dated September 17, 1991, and said deed shall include a clause serving the density of the parcels to the Developer for the future zoning, persuant to Section 2-308 of the Fairfax County Zoning Ordinance.

GTM

3. The Developer shall submit the bridge design, which must be of an nvironmentally sensitive nature, to the FCPA staff for review.

4. .he Developer shall only make improvements to the existing natural waterway of Scott's Run which are in conformance with the Fairfax County Public Facilities Manual, and those actions shall be review by the FCPA Trails Coordinator and the FCPA Conservation Division staff.

5. The Developer agrees to provide a trail system from the north end the park through to southwest end of Scott's Run at a length of approximately 2,500 linear feet, constructed to the satisfactory review of the FCPA Trails Coordinator and in conformance with the Fairfax County Public Facilities Manual.

6. The Developer shall provide a twelve (12) foot wide trail easement through parcel 29-4-((6))-107 and construct a trail section on the easement, similar to that described above, which shall connect wit footbridge across Scott's Run which shall connect with the trail mentioned in number 5, above.

7. The Developer shall construct a chain link fence where none curren exists, in conformance with FCPA standards, of approximately 1,300. feet along the perimeter between the park and the Colonies Condominiums on the Colonies side of the property line, persuant t an agreement between the Colonies Co-Owners Association and the FC

. he Developer shall address all wetlands, if any, in conformance w plicable federal, state, and county regulations.

. The Developer shall file application with the Fairfax County Healt Department to particpate in the "Adopt-a-Stream" program in order help protect the section of Scott's Run within the boundaries of t park.

0. The Developer shall be responsible for all fees, permits, etc.

1. The FCPA Conservation Division staff shall work with Westgate Scho to develop a natural area and flower meadow within the Scott's Run Stream Valley/Westgate parks.

Be it further resolved, that this easement, plus compensation for ich and all conditions mentioned above, shall be granted contingent up pproval of a future rezoning of the West*Gate properties which shall a idress the proposed Colshire Meadow Drive, the bridge over Scott's Run d its related traffic movement and environmental issues.

Be it further resolved that nothing in this resolution shall be nstrued to exclude the FCPA from participating in any proffer or revi rocess persuant to any future rezoning of the West*Gate properties.

s. ion approved by the Fairfax County Park Authority by a vote 6-1 on September 17, 1991

PCA 92-P-001
Exhibit D

Transportation Demand Management Program between Applicant and TYTRAN

March 17, 1999

The Tysons Corner Urban Center Plan establishes an overall 20% mode split goal for HOV trips to and from the Tysons Corner area through Transportation Demand Management (hereinafter called "TDM") efforts and major improvements in the transit system. TYTRAN agrees to implement and operate a TDM program on behalf of the Applicant as follows:

1. The Applicant, at the initial signing of a lease or renewal of existing leases(s), shall advise each tenant with 100 employees or more that a private TDM program exists and a public TDM program exists and encourage them to participate. The "advice" shall be in the form of a paragraph which will be included in the transmittal of a signed lease or a separate letter and read as follows:

"In an attempt to reduce single occupancy vehicles in the Washington Metropolitan area, and more specifically in the Tysons Corner area, you may wish to participate in a Transportation Demand Management (TDM) program which provides your employees with a variety of transportation and commuting programs. We encourage you to contact the following organizations and participate in one of the TDM programs available to you.:

1.	TYTRAN	2.	Fairfax County Department of Transportation
	Phone:		Phone:
	Contact Person:		Contact Person:"

Note: A copy of the letter shall be sent to both public and private program managers. There is no obligation for the Applicant to send advisory letters after December 31, 2003; however, the Applicant may continue to do so on a volunteer basis.

2. The private TDM program shall be operated by TYTRAN, its employees, contractors or agents, in the Tysons Corner area, and the program shall be consistent with the Council of Governments (hereinafter called "COG") Regional Employer Services Program (hereinafter called "RESP"), Level I at a minimum, as defined by COG and hereinafter referred to as TYTRAN/RESP. The TYTRAN/RESP will be provided to existing TYTRAN members with 100 or more employees and to other companies with 100 employees or more as they become members of TYTRAN.

3. The public TDM program may be operated by the Fairfax County Department of Transportation, its employees, contractors or agents and the program shall be consistent with the County Employer Services Program, hereinafter referred to as FXCO/DOT/ESP.

4 The Applicant shall pay TYTRAN $30,000 a year for four (4) years commencing January 31, 2000 and ending January 31, 2003, providing TYTRAN implements and operates their TYTRAN/RESP generally described as follows:

A. Commencing on January 31, 2000 and for each of the four (4) remaining years of the programs, TYTRAN/RESP shall provide FXCO/DOT/ESP information on employers with 100 or more employees participating in each program, including information relating to companies with 100 or more employees added to or deleted from each program in the prior year. Copies of this information shall be provided to the Applicant.

B. TYTRAN/RESP shall report TDM program activities to COG, with copies to FXCO/DOT/ESP and the Applicant, utilizing the ACT Software Program, or substitute or replacement software as may be approved by DOT and/or COG.

C TYTRAN will attempt to schedule periodic meetings with appropriate parties at FXCO/DOT to discuss their programs and share mutually beneficial information. The Applicant shall be advised of the dates and times of scheduled meetings and receive a copy of meeting minutes within 10 days of the meeting.

D Within 90 days of the approval of this Application by the Board of Supervisors, but no later than July 31, 1999, TYTRAN/RESP shall perform a mandatory initial survey (hereinafter called "Initial Survey") of employers with 100 or more employees located within the Subject Property, as well as all TYTRAN member companies with 100 or more employees, utilizing the Commuter Connection Regional Employer Services Program Survey. TYTRAN/RESP may supplement or add to the survey; however, no deletions shall be made. The results of the Initial Survey shall be provided to COG, with a copy to FXCO/DOT/ESP and the Applicant within 60 days of the completion of the Initial Survey, but no later than October 31, 1999. The Applicant shall reimburse TYTRAN/RESP for the printing and distribution cost of the Initial Survey, not to exceed $5,000.

E. TYTRAN/RESP may elect to perform a voluntary Follow-up Survey three (3) years from the date of the Initial Survey described above, but no later that December 31, 2003. The Follow-up Survey will be undertaken using generally the same survey form used in the Initial Survey described above. The results of the Follow-up Survey will be sent to COG, FXCO/DOT/ESP and the Applicant within 90 days of the completion of the survey. The Applicant shall reimburse TYTRAN/RESP for the cost of printing and distributing the Follow-up Survey, not to exceed $5,000.

No-Fault Comparison of Initial and Follow-up Survey. Any comparison between the two surveys shall be solely for the purpose of obtaining valuable statistical data and measuring TDM trends and forecasts. The data may be used by both the public and private programs to evaluate the effectiveness of their programs and evaluate any modifications to their programs that would improve results: however, under no circumstance shall the comparison of the two surveys be used

to determine compliance with this proffer.

5 Non Compliance Provision. The Applicant, at its sole discretion may terminate the Agreement with TYTRAN/RESP for their failure to implement and operate a TDM program as prescribed herein and more specifically for failure to meet reporting requirements of Paragraphs A, B, C and D above. In the event the Agreement is terminated for non-compliance, the Applicant will:

- Notify FXCO/DOT/ESP of termination and transfer relevant records in Applicant's possession, if any;
- Pay $30,000 a year to FXCO/DOT/ESP for unpaid years remaining pursuant to paragraph 4, above;
- Agree that the County may assume all authority and responsibility for TDM activities associated with any firm that had previously participated in the TYTRAN/RESP program.

5. Continuance or Cessation Provision. The Applicant and TYTRAN/RESP may agree that TYTRAN/RESP may continue to operate the TDM Program prescribed herein after December 31, 2003; however, the following conditions will be met:

a. TYTRAN/RESP shall notify the Applicant of its desire to continue the TDM program at levels meeting or exceeding previous year levels; and

b The Applicant must accept terms; and

c. The Agreement to extend must be ratified pursuant to paragraph 7 below.

In the event, the Applicant and TYTRAN/RESP agree to cease the TDM program prescribed herein after December 31, 2003, the Applicant shall notify FXCO/DOT in writing by November 30, 2003 that the Private TDM Program shall cease effective December 31, 2003. TYTRAN shall provide the Applicant with all relevant records associated with TYTRAN/RESP and the Applicant shall in turn provide copies of the records to FXCO/DOT.

In the event of cessation of the Private TDM Program by TYTRAN/RESP, the Applicant does not object to the County assuming authority and responsibilities for TDM activities for previous TYTRAN/RESP participating employers, if said employers elect to participate in the County Public Program.

7. This TDM program may be extended or modified with the consent of the Applicant, TYTRAN and the FXCO/DOT and any extention or modification shall be in writing and signed by all three parties as evidence of conset. Any extension or modification of the TDM program shall not constitute a change to a proffer.

FAIRFAX COUNTY
VIRGINIA

EXHIBIT E
Department of Environmental Management
Division of Design Review
12055 Government Center Parkway
Fairfax, Virginia 22035-5503

TELEPHONE (703) 324-1720

January 12, 1994

Mitra A. Kamrani
Huntley, Nyce and Associates
7202 Poplar Street, Unit E
Annandale, Virginia 22003

Subject: Westgate, Rezoning No. RZ 92-P-001, Tax Map: 30-3-001 and 29-4-006, Providence District

Reference: Waiver No. 014040 - Chesapeake Bay Preservation Exception

Dear Mrs. Kamrani:

An exception to allow proffered Stormwater Management/Best Management Practices (BMP) Facilities to satisfy the requirements of Section 118-3-2-F and to allow development within a mapped resource protection area is hereby approved with the following conditions:

1. All site plans subject to RZ 92-P-001 shall provide on-site BMP's or drain to an approved facility which provides BMP's.

2. The disturbed area within the RPA which is currently undisturbed shall minimized to the extent possible as determined by the Department of Environmental Management.

This approval does not exempt this site from any other Federal, State or County ordinance and regulations.

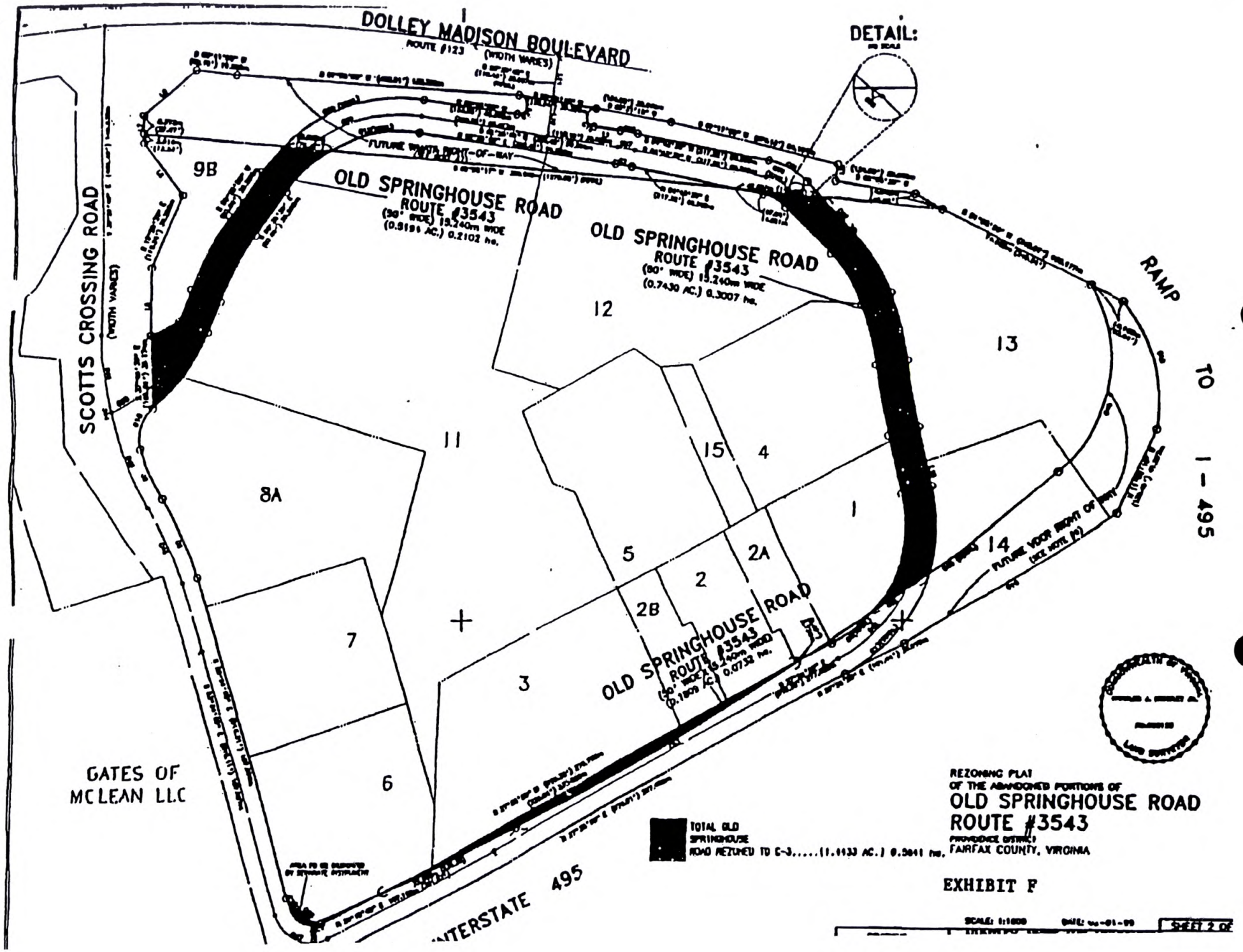
Should you have any questions or require additional information, please contact Charlie Kilpatrick, Assistant Chief, Site Review at 324-1720.

Sincerely,

Bruce Nassimbeni, Chief
Site Review Branch

BGN/CK/rtk

cc: Monica Mongoven, Permits Branch, DEM
John Friedman, Special Projects Branch, DEM
Bonds and Agreements Branch, DEM
Waiver File


DOLLEY MADISON BOULEVARD
ROUTE #123
(WIDTH VARIES)
DETAIL:
SCOTTS CROSSING ROAD
(WIDTH VARIES)
OLD SPRINGHOUSE ROAD
ROUTE #3543
(90' WIDE) 15.240m WIDE
(0.9191 AC.) 0.2102 ha.
OLD SPRINGHOUSE ROAD
ROUTE #3543
(90' WIDE) 15.240m WIDE
(0.7430 AC.) 0.3007 ha.
OLD SPRINGHOUSE ROAD
ROUTE #3543
(90' WIDE) 15.240m WIDE
(0.1870 AC.) 0.0752 ha.
FUTURE WIDTH RIGHT-OF-WAY
FUTURE WIDTH RIGHT OF WAY
(SEE NOTE #2)
RAMP TO I-495
9B
8A
7
6
11
12
13
14
15
4
1
5
2A
2
2B
3
GATES OF
MCLEAN LLC
INTERSTATE 495
TOTAL OLD
SPRINGHOUSE
ROAD REZONED TO C-3.....(1.1133 AC.) 0.3041 ha.
REZONING PLAT
OF THE ABANDONED PORTIONS OF
OLD SPRINGHOUSE ROAD
ROUTE #3543
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA
EXHIBIT F
SCALE: 1:1800
SHEET 2 OF

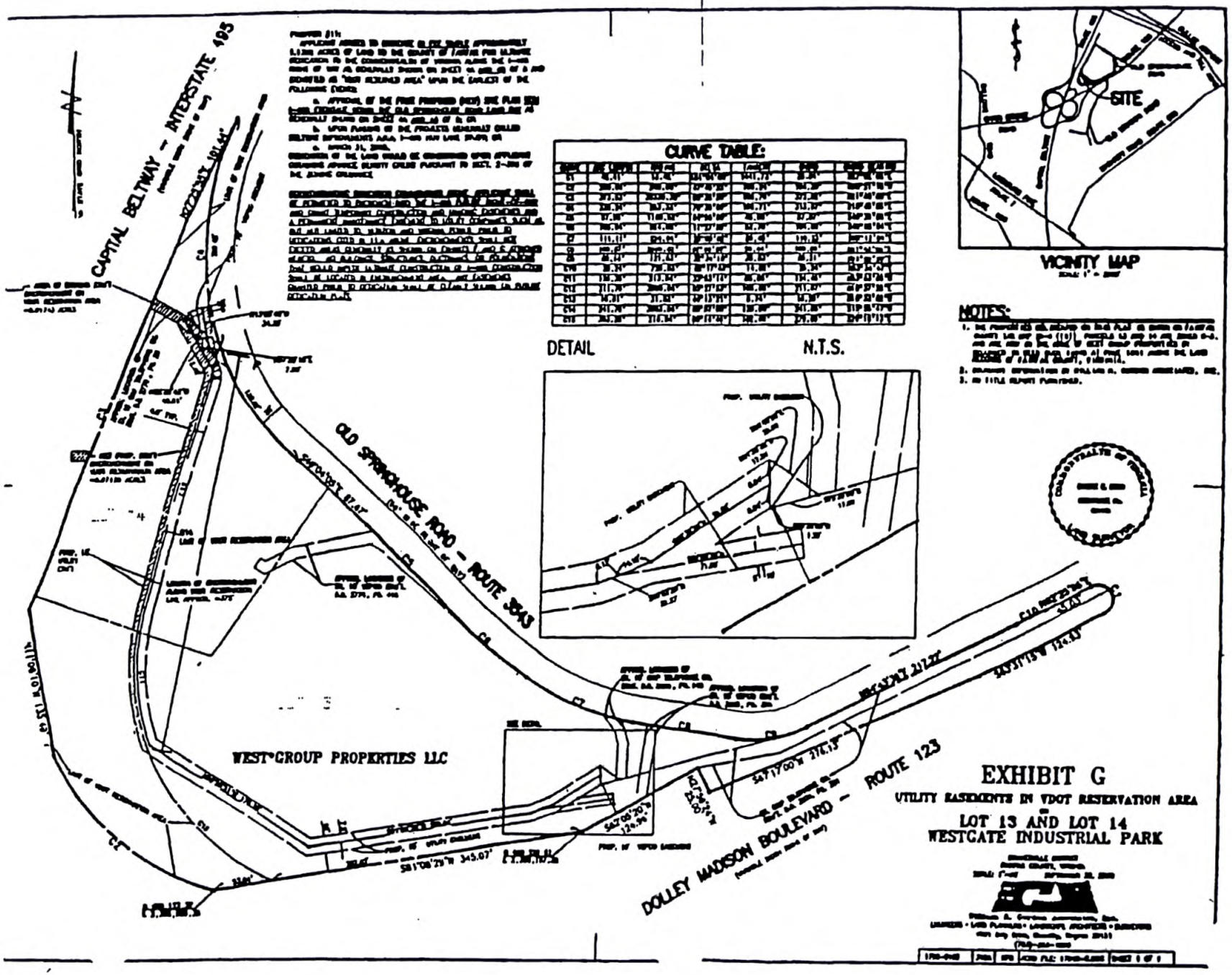

CAPITAL BELTWAY – INTERSTATE 495
OLD SPRINGHOUSE ROAD – ROUTE 309
DOLLEY MADISON BOULEVARD – ROUTE 123
WEST*GROUP PROPERTIES LLC
CURVE TABLE:
DETAIL
N.T.S.
VICINITY MAP
SITE
NOTES:
EXHIBIT G
UTILITY EASEMENTS IN VDOT RESERVATION AREA
LOT 13 AND LOT 14
WESTGATE INDUSTRIAL PARK

Exhibit H
PCA 92-P-001-2 and PCA 1998-PR-052
GROSS FLOOR AREAS OF
EXISTING WEST*GATE BUILDINGS
as of Approval date of June 22, 1992 for RZ 92-P-001

LAND BAY A - OLD SPRINGHOUSE ROAD

Existing Building		Gross Floor Area
1	Washington	51,435
2	Wilson	88,344
3	Childcare – 7711	12,022*
4-7	Commonwealth/Filmore/Hunter/HSR	42,328*
8	Jefferson (2 addressed)	30,792*
9	Madison	30,502*
10	Jackson	31,375*
11	Monroe (2 addresses)	26,800*
12	Adams	26,260*
13.	Cleveland	129,226

LAND BAY B – COLSHIRE DRIVE AREA

Existing Building		Gross Floor Area
1	Westgate Building and addition	43,749
2.	TRW 1 (Johnson I)	100,000
3	TRW II (Johnson II)	50,000*
4	Garfield	60,024
5	Van Buren	33,155
6	Hayes	255,752

LAND BAY C – OLD MEADOW ROAD AREA

Existing Building		Gross Floor Area
1	Grant	69,276
2.	Roosevelt	62,492
3	Tyler	55,254
4	Buchanan	50,000
5	Honeywell	19,154
6.	Harrison (Old)	33,822
7	Polk	72,349
8.	Polk Addition	43,120
9.	Lincoln	72,168

* Gross Floor Area verified by Engineer's Certification

HUNTLEY, NYCE & ASSOCIATES, LTD.
SURVEYING - CIVIL ENGINEERING - LAND PLANNING
7202 Poplar Street, Unit E
Annandale, Virginia 22003
Local (703) 750-3490, Fax (703) 642-5936

DIRECTORS
CHAIRMAN OF THE BOARD
CHARLES J HUNTLEY
PRESIDENT
LESTER O NYCE P E
VICE PRESIDENT
ROBERT L SPROLES P E

September 21, 2000

Barbara A. Byron, Division Director
Zoning Evaluation Division
Department of Planning and Zoning
12055 Government Center Parkway
Fairfax, Virginia 22035

RE: PCA 92-P-001-2
PCA 1998-PR-052

Dear Ms. Byron:

It is my understanding that you have requested certification of Gross Floor Area ("GFA") for several of the Old Springhouse Road area buildings constructed circa 1959 – 1964 and not listed on heet 8 of 9 of the original GDP dated 5/6/92. The GFA listed on Exhibit A, attached hereto, was derived from either original site plans; a measurement from an ALTA/ACSM Land Title Survey, or, in some cases where the age of the site plan used "employees" as a measurement of number of required parking spaces as opposed to actual Gross Floor Area, a combination of site plan and architectural drawings.

We therefore certify to WEST*GROUP PROPERTIES LLC, Capital One Corporation, and the County of Fairfax that the FAR for each building listed on Exhibit A is correct based on such investigations as we deemed necessary for the purposes of making this certification.

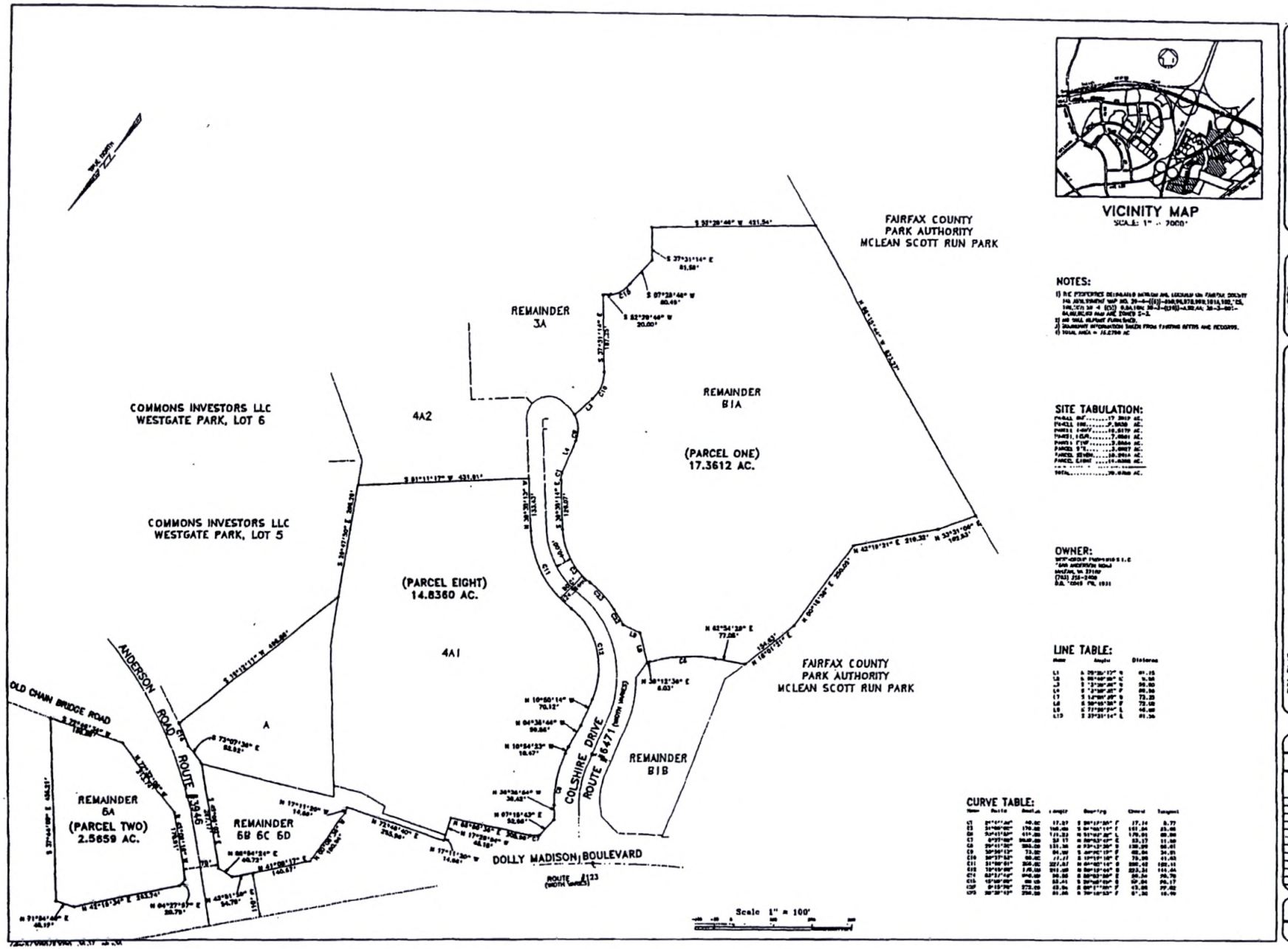
Very truly yours,

Charles J. Huntley,
Huntley, Nyce & Associates, Ltd.

COMMONWEALTH OF VIRGINIA
CHARLES J HUNTLEY
CERTIFICATE NO.
9688
9-21-00
LAND SURVEYOR

EXHIBIT A

GDP Reference	Building	Site Plan	Gross Floor Area	Source
OSHR Land Bay Building No				
3	Buick/7711/Childcare	SP925	12,022	Site Plan
4-7	Commonwealth/Filmore/ Hunter/HSR	SP283/283A	42,328	SP/ALTA dd 8 15 00
8	Jefferson (2 addressed)	SP776	30,792	Site Plan
9	Madison	SP521	30,502	Site Plan
10	Jackson	SP340A	31,375	SP/ALTA dd 8.15 00
11	Monroe	SP776	26,800	Site Plan
12	Adams	No SP	26,260	A/ALTA dd 8 15 00
Colshire Drive Land Bay Building No.				
2	Johnson II	SP1446	50,000	SP/ALTA dd 10 15 98



VICINITY MAP
SCALE: 1" = 2000'

NOTES:

1) THE PROPERTIES DESIGNATED WITHIN THIS LOCATED IN FAIRFAX COUNTY
2) NO WALL OR FOOT FUNCTIONS.
3) SUBSURFACE INFORMATION TAKEN FROM FAIRFAX RETTIS AND RECORDS.
4) TOTAL AREA = 35.2798 AC

SITE TABULATION:

PARCEL ONE	17.3612 AC.
PARCEL TWO	2.5659 AC.
PARCEL 3-A	10.6179 AC.
PARCEL 4A1	7.8361 AC.
PARCEL 4A2	3.0000 AC.
PARCEL 5-A	3.0017 AC.
PARCEL 6B/6C	10.9916 AC.
PARCEL 6-BNC	19.6088 AC.
TOTAL	35.2798 AC.

OWNER:

WEST*GROUP PROPERTIES L.C
7600 ANDERSON ROAD
MCLEAN, VA 22101
(703) 356-2900
D.B. 12049 PG. 1931

LINE TABLE:

Name	Angle	Distance
L1	N 26°26'17" E	41.15
L2	N 88°48'06" E	3.56
L3	S 73°26'25" E	59.00
L4	S 73°26'25" E	88.34
L5	S 14°00'25" E	73.23
L6	S 88°00'35" E	72.18
L7	S 77°00'24" E	46.48
L10	S 37°31'14" E	81.36

CURVE TABLE:

Name	Delta	Radius	Length	Bearing	Chord	Tangent
C1	24°47'46"	40.00	17.31	S 38°17'35" E	17.16	8.77
C2	31°46'00"	170.00	188.00	S 84°00'14" E	185.54	83.66
C3	52°41'00"	211.00	193.83	N 51°41'27" E	170.93	104.84
C4	6°27'00"	360.00	40.57	N 38°43'57" E	40.53	20.30
C5	29°41'00"	300.00	155.36	N 53°12'00" E	153.60	79.51
C6	29°30'12"	73.00	34.30	N 53°12'00" E	33.96	17.51
C10	39°23'52"	80.00	77.17	S 19°19'16" E	75.68	41.03
C11	31°46'00"	300.00	227.07	S 84°00'14" E	222.12	118.11
C12	19°19'00"	170.00	291.20	S 59°19'00" E	253.33	153.04
C13	62°31'14"	240.00	26.18	S 31°15'36" E	24.84	14.79
C14	15°00'00"	30.00	15.71	S 29°00'00" E	15.54	7.97
C15	15°00'00"	30.00	15.71	S 29°00'00" E	15.54	7.97
C16	8°19'00"	172.00	25.24	S 29°00'00" E	25.22	12.64
C17	29°30'12"	230.00	23.24	S 29°00'00" E	23.21	11.64

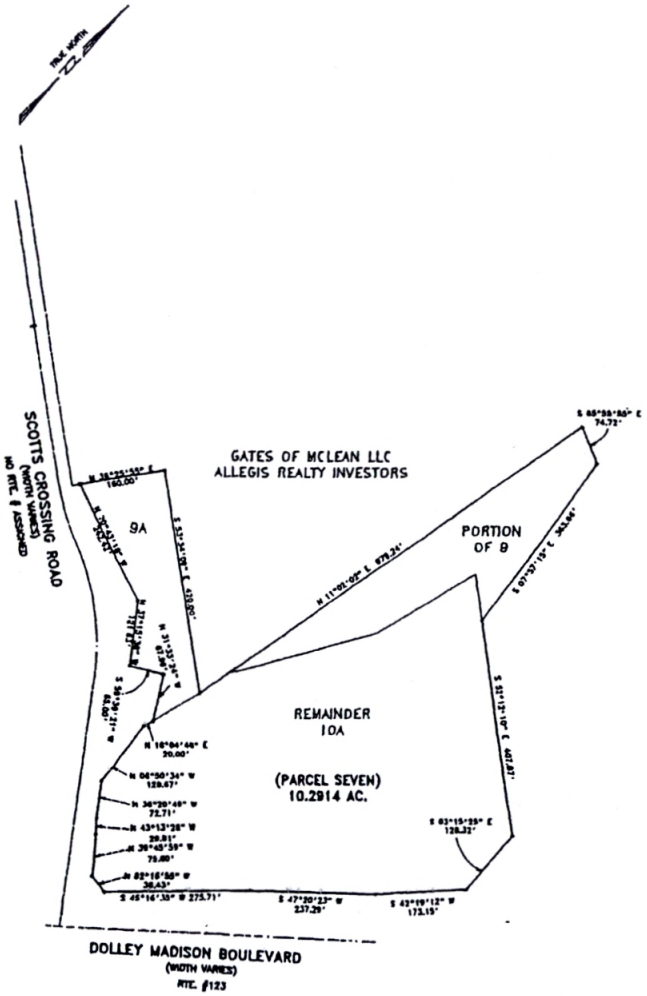
Huntley, Nyce & Associates, Ltd.
ENGINEERS • CIVIL ENGINEERS • LAND PLANNERS
7700 OFFICE PLAZA
SPRINGFIELD, VIRGINIA 22150
703-569-1400

PCA PLAT
OF THE LANDS OF
WEST*GROUP PROPERTIES LLC
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

PCA-92-P-001-4

SCALE: 1" = 100'
DATE: 06-29-98
REVISIONS:
FEB. 05,1999
JAN. 09,2000
APR. 07,2000
AUG. 10,2001

SHEET 1 of 3
FILE NO. PL - 3060



Scale 1" = 100'

/dsk4/dsk/data/3089/3089 48.47 pk.s45

Hunley, Nyce & Associates, Ltd.

DEVELOPMENT PLAN
OF THE LANDS OF
WEST GROUP PROPERTIES LLC
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

PCA-92-P-001-4

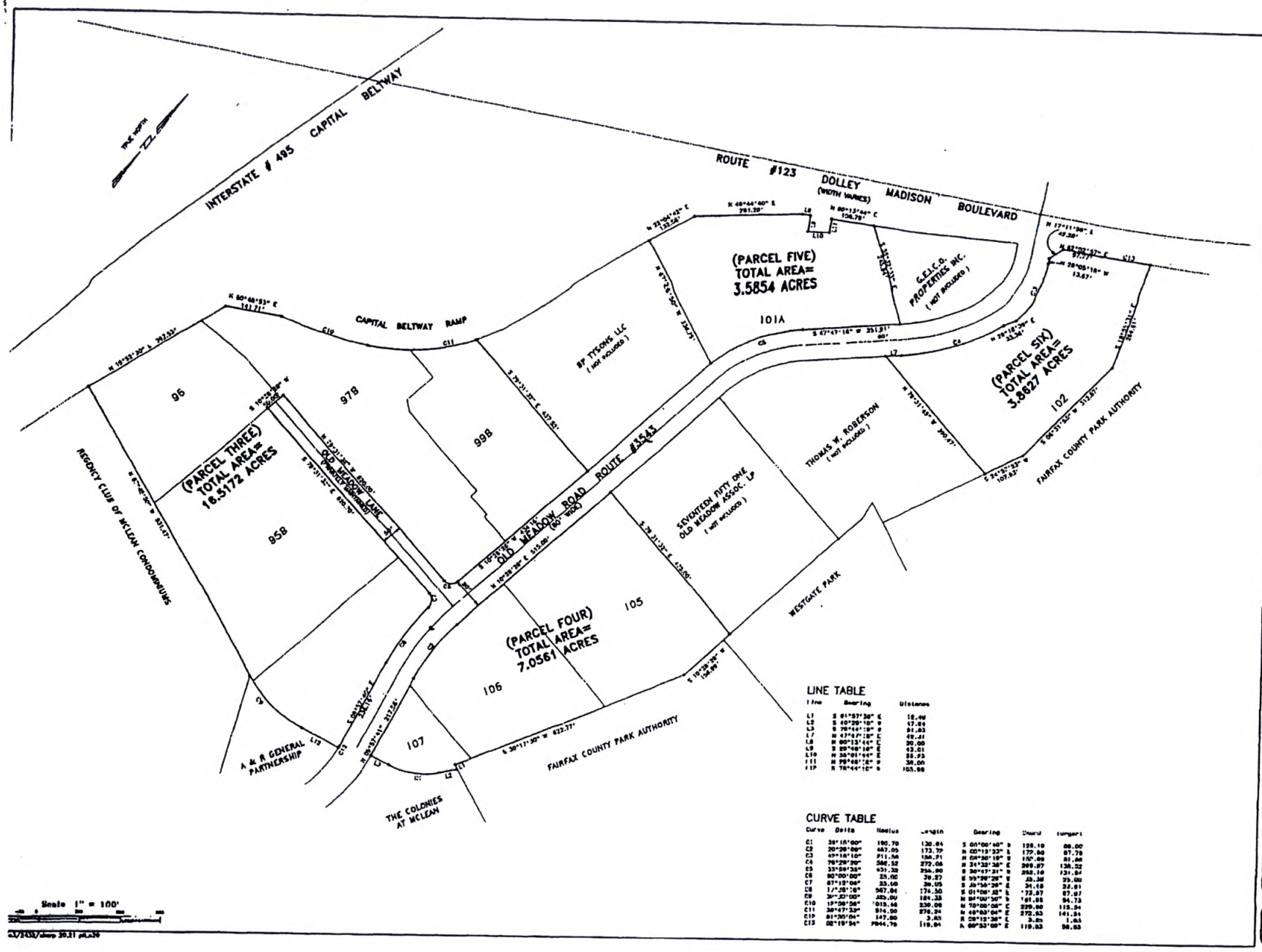
SCALE: 1" = 100'

DATE: 09-29-98

REVISIONS:
FEB. 05, 1999
JAN. 08, 2000
APRIL 07, 2000
MAR. 10, 2001

SHEET 2 of 3

FILE NO. PL - 3090



LINE TABLE

Line	Bearing	Distance
L1	S 01°57'30" E	18.49
L2	S 40°29'10" W	57.64
L3	S 79°44'19" W	91.83
L7	N 47°47'16" E	42.21
L8	S 60°13'11" E	20.00
L9	S 29°46'16" E	12.01
L10	N 39°01'44" E	33.73
L11	N 79°46'16" W	34.00
L12	N 78°44'16" W	103.98

CURVE TABLE

Curve	Delta	Radius	Length	Bearing	Chord	Tangent
C1	38°15'00"	190.70	130.84	S 00°00'40" W	128.10	68.00
C2	20°28'09"	467.05	173.79	N 00°13'23" E	172.80	87.79
C3	49°18'10"	211.54	182.21	N 04°30'19" W	176.69	96.84
C4	79°29'20"	382.52	272.04	N 34°32'38" E	250.87	158.02
C5	33°59'33"	431.38	256.00	S 30°47'31" W	252.16	131.84
C6	90°00'00"	25.00	39.27	S 55°28'28" W	35.36	25.00
C7	87°13'04"	23.60	36.05	S 38°54'38" E	32.68	22.91
C8	17°38'18"	567.04	174.50	S 01°08'38" E	173.87	87.87
C9	34°30'00"	285.00	184.38	N 84°00'30" E	181.55	94.73
C10	17°56'26"	1013.46	330.08	N 78°00'06" E	329.00	115.54
C11	38°47'33"	816.00	276.24	N 46°53'04" E	272.53	141.54
C12	81°30'04"	147.00	3.83	S 08°15'38" E	3.83	1.83
C13	02°19'34"	2944.79	119.04	N 06°33'08" E	119.03	59.53

Huntley, Nyce & Associates, Ltd.

PCA PLAT
OF THE LANDS OF
WESTGROUP PROPERTIES LLC
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

PCA-92-P-001-4

SCALE: 1" = 100'
DATE: 06-29-00
REVISIONS:
FEB. 08,1999
JAN. 04,2000
APRIL 07,2000
AUG. 16, 2021

SHEET 3 OF 3
FILE NO. PL - 3000

PROFFERS
PCA 92-P-001-4
November 14, 2001

Pursuant to 15.2-2203A of the Code of Virginia 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA""), the Applicant, WEST*GROUP PROPERTIES LLC, its successors and assigns reaffirm Proffers dated April 5, 2001, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended as follows:.

I. **GENERALIZED DEVELOPMENT PLAN ("GDP")**. The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999 and September 12, 2000, *for Sheets 2, 3, 4, 4A, 5, 6, 6A, 7, and 9, and as amended through September 26, 2001 for Sheets 1 and 8,* shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered.

A. Floor Area Ratios ("FAR"). No change.

B. Building Height. No change.

C. Landscaping. No change.

D. Transitional Screening and Barrier. No change.

E. Pedestrian Access System. No change.

F. Storm Water Management and Best Management Practices. No change.

G. Environmental Quality Corridor ("EQC") and 100 Year Flood Plain ("Flood Plain"). No change.

H. Limits of Clearing and Grading. No change.

I(EYE). Compensatory Landscaping. No change.

II. **COUNTERPARTS**. To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

WEST*GROUP PROPERTIES LLC

By: G.T. Halpin

G. T. Halpin, President

Colshire Drive Associates, LLC (Contingent Contract Purchaser, Tax Map 30-3-((28))-B2 (Part))

By: The Connell Company

By: _____

Duane Connell, Executive Vice President

EXHIBIT A

PROFFERS
PCA 92-P-001-3
April 5, 2001

Pursuant to 15 2-2203A of the Code of Virginia 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA""), the Applicant, WEST*GROUP PROPERTIES LLC, its successors and assigns reaffirm Proffers dated October 6, 2000, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended as follows

1. GENERALIZED DEVELOPMENT PLAN ("GDP") The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999, September 12, 2000 and *March 30, 2001* shall be considered for illustrative purposes only Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered

A Floor Area Ratios ("FAR") The total FAR on the approximately 131 acre Gross Tract Area (as defined below) for office uses, accessory uses and all other uses permitted in the C-3 Zoning District shall not exceed a 0 65 FAR However

1 Individual Building Sites (as defined below) within the Old Springhouse Road Area Land Bay (as defined below) may individually exceed a 1 0 FAR, but the total FAR of the Old Springhouse Road Area Land Bay shall not exceed a 1 0 FAR

2 Individual Building Sites (as defined below) within the Colshire Drive Area Land Bay (as defined below) may individually exceed a 1 0 FAR, but the total FAR of the Colshire Drive Area Land Bay shall not exceed a 1 0 FAR

3 Individual Building Sites (as defined below) within the Old Meadow Road Area Land Bay (as defined below) may individually exceed a 1 0 FAR, but the total FAR for the Old Meadow Road Land Bay shall not exceed a 0 7 FAR

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
ACTING COMMISSIONER

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

March 29, 2010

To: Ms. Regina Coyle
Director, Zoning Evaluation Division

From: Kevin Nelson
Virginia Department of Transportation – Land Development Section
703-383-2424

Subject: SE 2009-PR-027 TDC Owner, LLC
Tax Map # 29-4((06))0106

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the above plan submitted on March 15, 2010, and received March 17, 2010. I have no further comments on this submittal. It is my understanding the applicant may be modifying the entrances to provide One Way entering and exiting movements.

cc: Ms. Angela Rodeheaver
fairfaxspex2009-PR-027se3TDCOwnerLLC3-29-10RC

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
ACTING COMMISSIONER

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

February 26, 2010

To: Ms. Regina Coyle
Director, Zoning Evaluation Division

From: Kevin Nelson
Virginia Department of Transportation – Land Development Section
703-383-2424

Subject: SE 2009-PR-027 TDC Owner, LLC
Tax Map # 29-4((06))0106

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the above plan submitted on February 16, 2009, and received February 19, 2009. The following comments are offered:

1. Since the southern entrances will be signed as One Way drive aisles, they will need to meet the entrance requirements for One Way entrances and have a maximum width of 20'. The radii should also be increased with these adjustments.

2. Sidewalks should be upgraded to meet ADA requirements.

cc: Ms. Angela Rodeheaver
fairfaxspex2009-PR-027se2TDCOwnerLLC2-26-10RC

COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY
ACTING COMMISSIONER

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

January 22, 2010

To: Ms. Regina Coyle
Director, Zoning Evaluation Division

From: Kevin Nelson
Virginia Department of Transportation – Land Development Section
703-383-2424

Subject: SE 2009-SP-027 TDC Owner, LLC
Tax Map # 29-4((06))0106

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the above plan submitted on December 28, 2009, and received December 29, 2009. The following comment is offered:

1. The southern entrances should either be consolidated or signed as One Way drive aisles.

cc: Ms. Angela Rodeheaver
fairfaxspex2009-PR-106se1TDCOwnerLLC1-22-10RC

County of Fairfax, Virginia

MEMORANDUM

March 26, 2010

TO: Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Westgate Industrial Park Lot 106; SE 2009-PR-027

RE: Request for assistance dated March 15, 2010

This review is based upon the Special Exception application SE 2009-PR-027 stamped "Received, Department of Planning and Zoning, March 12, 2010." A site visit was conducted on March 2, 2010, as part of a review of the SE stamped "Received, Department of Planning and Zoning, February 16, 2010."

1. **Comment:** Trees 2403 and 2404 appear to be in poor condition and are identified as 'hazard potential and could be considered for removal', however, these trees are labeled 'to be preserved'.

   Recommendation: Trees 2403 and 2404 should be labeled as 'to be removed' due to their poor condition and hazard potential. The tree inventory and poor condition analysis should be adjusted to show this change.

2. **Comment:** The 'Additional RPA Buffer Planting Area – See Sheet 2' note is unclear as the total square footage of the disturbed area of the RPA has not been provided and it is unclear if the proposed landscaping is sufficient.

   Recommendation: A landscape plan should be provided that includes the total square footage of the RPA Buffer Planting Area, all plants required for the RPA Buffer Planting Area, and all other required elements of a landscape plan as described in the PFM 12-0515.4

3. **Comment:** A modification of the peripheral parking lot landscaping along the southern property boundary has been requested as part of this SE submission. There appears to be sufficient space along the southern property boundary to accommodate the peripheral parking lot landscaping requirements.

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

Recommendation: Peripheral parking lot landscaping should be provided along the southern property line in accordance with ZO 13-203.

4. **Comment:** It appears several evergreen trees are proposed to be used towards the interior parking lot landscaping requirements. Only those deciduous trees that provide shade directly to a portion of the area to be counted shall be credited toward meeting the required interior parking lot landscaping.

   Recommendation: The existing evergreen trees should be removed from the interior parking lot landscaping calculations and replaced with deciduous plant material. In addition, revised interior parking lot landscaping calculations and a revised landscape plan should be provided.

5. **Comment:** It appears an additional canopy credit of 1.25 was used for the existing trees proposed for preservation located inside the RPA. Areas of tree canopy located within a RPA shall be calculated using a canopy credit of 1.0.

   Recommendation: Lines C3 and C8 of the 10-Year Tree Canopy Calculation Worksheet should be revised to account for the 1.0 canopy credit for the existing trees proposed for preservation inside the RPA.

6. **Comment:** Given the nature of the existing tree cover along the eastern property boundary and adjacent to the area to be saw-cut and removed, a development condition on tree protection fencing will be instrumental in assuring adequate tree preservation and protection throughout the development process.

   Recommendation: Recommend the following development condition language to ensure effective tree preservation:

   Tree Preservation Fencing: "All trees proposed for preservation shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets.

   All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the direct supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been

installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 148401

cc: RA File
DPZ File

County of Fairfax, Virginia

MEMORANDUM

March 3, 2010

TO: Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Westgate Industrial Park Lot 106; SE 2009-PR-027

RE: Request for assistance dated February 18, 2010

This review is based upon the Special Exception application SE 2009-PR-027 stamped "Received, Department of Planning and Zoning, February 16, 2010." A site visit was conducted on March 2, 2010.

1. **Comment:** There are several existing trees along the northern and eastern property boundaries labeled as "existing trees to provide overall site tree canopy coverage" and "existing trees to provide overall tree canopy coverage as well as parking lot tree canopy coverage" that appear to be either dead or in poor condition. Trees that do not meet pre-development standards for structural integrity and health shall not be afforded tree canopy cover credits for purposes of meeting 10-year tree canopy requirements.

   Recommendation: Provisional Tree Conservation Elements including the Tree Inventory and Condition Analysis (PFM 12-0502.1A) should be provided for the existing trees along the northern and eastern property boundaries to determine if they meet the pre-development standards for structural integrity and health and if they can be used to meet the 10-year tree canopy requirements. In addition, revised preliminary 10-year tree canopy calculations in accordance with PFM 12-0510 and PFM Table 12.12, interior parking lot landscaping in accordance with PFM 12-0513 and ZO 13-202, and peripheral parking lot landscaping in accordance with ZO 13-203, should be provided on the SE demonstrating how Article 13, 10-year tree canopy requirements will be met.

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 148401

cc: RA File
DPZ File

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

County of Fairfax, Virginia

MEMORANDUM

January 27, 2010

TO: Brenda J. Cho, Planner II
Zoning Evaluation Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Westgate Industrial Park Lot 106; SE 2009-PR-027

RE: Request for assistance dated January 6, 2010

This review is based upon the Special Exception application SE 2009-PR-027 stamped "Received, Department of Planning and Zoning, December 15, 2009." A site visit was conducted on January 25, 2010.

Site Description: This site is developed with an existing two-story brick office building and a large surface asphalt parking lot. There is existing vegetation along the western side of the building consisting of three mature willow oak trees and eight crape myrtles. There is also existing vegetation along the northern property line consisting primarily of a row of eastern red cedar, two red maples, and a willow oak. There does not appear to be any additional existing trees or vegetation elsewhere on the property.

1. **Comment:** An existing vegetation map in conformance with Zoning Ordinance Chapter 112, Article 20 and PFM 12-0505, has not been provided.

   Recommendation: An EVM that depicts the location of any of the cover types identified in PFM Table 12.2 and one that meets the requirements of Zoning Ordinance Chapter 112, Article 20 and PFM 12-0505 should be provided. The EVM submitted with the SE must accurately delineate all areas of the cover types, and include all other required elements of the Zoning Ordinance and Public Facilities Manual.

2. **Comment:** Article 13, 10-year tree canopy requirements have not been provided and it is unclear how the 10% 10-year tree canopy, interior parking lot landscaping, and peripheral parking lot landscaping requirements for this site will be met.

   Recommendation: Information included in the EVM should be utilized to provide a Tree Preservation Target level in accordance with PFM 12-0507. Tree Preservation Target Calculations and Statement should be provided as shown in PFM Table 12.3. In addition,

Department of Public Works and Environmental Services
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preliminary 10-year tree canopy calculations in accordance with PFM 12-0510 and PFM Table 12.12, interior parking lot landscaping in accordance with PFM 12-0513 and ZO 13-202, and peripheral parking lot landscaping in accordance with ZO 13-203, should be provided on the SE demonstrating how Article 13, 10-year tree canopy requirements will be met.

Please contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 148401

cc: RA File
DPZ File

County of Fairfax, Virginia

MEMORANDUM

DATE: April 12, 2010

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer BY
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SE 2009-PR-027, Westgate Industrial Park, Special Exception Plat dated March 29, 2010, LDS Project #7788-ZONAV-001-B-1, Tax Map #29-4-06-0106, Providence District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)
There is Resource Protection Area (RPA) on this site. A site-specific RPA delineation was approved on February 10, 2006, #7788-RPA-002-1.

A water quality control waiver request for this project, #7788-WBMP-001-1, has been received by DPWES. Provided that the site area of the concurrent Minor Site Plan, #7788-MSP-001, is changed to include the limits of disturbance, this request will not be needed. The water quality control requirements can be met by the pavement removal alone.

Pavement outside the RPA buffer has been proposed to be removed. The original submission showed pavement removal within the RPA as well. Pavement removal within the RPA is the most beneficial and would further increase the open space on the parcel. An approved Water Quality Impact Assessment would be required for pavement removal within the RPA prior to minor site plan approval (CBPO 118-3-3(a)).

Floodplain
There are regulated floodplains on the southeastern corner of the property. No disturbance in the floodplain has been proposed.

Downstream Drainage Complaints
There are no downstream drainage complaints on file.

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
12055 Government Center Parkway, Suite 535
Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359

Stormwater Detention

Since a decrease in impervious surface has been proposed, the detention requirement will be met once adequate outfall is demonstrated.

Site Outfall

The outfall narrative and graphic provided describes the path of the stormwater runoff to an area 100 times the site's area. The narrative does not describe the condition (i.e., adequacy and stability) of the outfall (ZO 9-011 paragraph 2.J(2)(c)). The minor site plan submission will be required to provide calculations and/or a narrative description demonstrating adequate outfall meeting the PFM requirements (PFM 6-0203 & 6-0204).

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Thakur Dhakal, Site Review Engineer, ESRD East, DPWES
Waiver File
Zoning Application File

County of Fairfax, Virginia

MEMORANDUM

DATE: March 17, 2010

TO: Brenda Cho, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer BG
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: Special Exception Application #SE 2009-PR-027, Westgate Industrial Park, Special Exception Plat dated March 12, 2010, LDS Project #7788-ZONAV-001-A-1, Tax Map #29-4-06-0106, Providence District

We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)
There is Resource Protection Area (RPA) on this site. A site-specific RPA delineation was approved on February 10, 2006, #7788-RPA-002-1. Pavement within the RPA buffer has been proposed to be removed. An approved Water Quality Impact Assessment will be required for this work before the minor site plan can be approved (CBPO 118-3-3(a)).

Water quality controls or an approved waiver are required for this development (PFM 6-0401.2A). A waiver request for this project, #7788-WBMP-001-1, has been received by DPWES. The request is likely to be approved provided that an additional ±1100 square feet of asphalt is removed along the eastern boundary of the property.

Floodplain
There are regulated floodplains on the southeastern corner of the property. No disturbance in the floodplain has been proposed.

Downstream Drainage Complaints
There are no downstream drainage complaints on file.

Stormwater Detention
Since a decrease in impervious surfaces has been proposed, the detention requirement will be met once adequate outfall is demonstrated.

Department of Public Works and Environmental Services
Land Development Services, Environmental and Site Review Division
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Fairfax, Virginia 22035-5503
Phone 703-324-1720 • TTY 711 • FAX 703-324-8359

Site Outfall

A description of the outfall to 100 times the site's area has not been provided (Paragraph 10.F(2)(c) of ZO 18-202). The minor site plan submission will be required to provide calculations and/or a narrative description demonstrating adequate outfall meeting the PFM requirements (PFM 6-0203 & 6-0204).

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: Craig Carinci, Director, Stormwater Planning Division
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Thakur Dhakal, Site Review Engineer, ESRD East, DPWES
Zoning Application File

Appendix 9

FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

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

FROM: Sandy Stallman, Manager
Park Planning Branch, PDD

DATE: March 5, 2010 - REVISED

SUBJECT: SE 2009-PR-027, Westgate
Tax map 29-4 ((6)) 106

This memo is a revision to previous Park Authority comments dated February 9, 2010. The Park Authority staff has reviewed the proposed Special Exception Plat dated November 19, 2009, as revised through February 12, 2010 for the above referenced application. Our comments include the following guiding Comprehensive Plan citations, analysis, and recommendations.

BACKGROUND

The proposed application seeks to permit the relocation of Sanford-Brown College to an existing office building located at 1761 Old Meadow Road, McLean, Virginia. The application seeks approval for a Category 3 (Quasi-Public Use) Special Exception with minimal change to the existing building and site. If approved, approximately three quarters of the building's 52,692 square feet of gross floor area would be dedicated to the college/university with one quarter remaining as office use. Projected enrollment indicates 50 faculty and 1,000 students. It is expected that due to scheduling, only 250 students will be on site at any one time. The application proposes a shared-parking agreement with the adjacent parcel 29-4 ((6)) 105 to accommodate the increase in parking demand.

COMPREHENSIVE PLAN CITATIONS

1. **Resource Protection** (The Policy Plan, Parks and Recreation Objective 2, pp. 5-6)

   "Objective 2: Protect appropriate land areas in a natural state to ensure preservation of significant and sensitive natural resources."

   "Policy c: Manage vegetative resources, including invasive species, through appropriate inventories, monitoring, education, planning, management and restoration to protect and improve the ecosystem function including increasing native species biodiversity."

ANALYSIS AND RECOMMENDATIONS

The revised Special Exception Plat includes provision of supplemental landscaping which was not reflected on the prior submission. As the subject property directly abuts Scotts Run Stream Valley Park, it is recommended that the final plant material selection include only native, non-invasive plant species. To the greatest extent possible, select plant species native to Fairfax County. Some useful resources for plant material selection include the Virginia Division of Natural Heritage, the Mid-Atlantic Exotic Pest Plant Council and the United States Department of Agriculture as well as the Digital Atlas of Virginia Flora at http://www.biol.vt.edu/digital_atlas. Natural Resource Management Protection Staff will be pleased to provide additional references as well.

FCPA Reviewer: Gayle Hooper
DPZ Coordinator: Brenda Cho

Copy: Cindy Walsh, Director, Resource Management Division
Liz Cronauer, Trail Program Manager, Special Projects Branch
Chron Binder
File Copy

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FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M

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

FROM: Sandy Stallman, Manager
Park Planning Branch, PDD

DATE: February 9, 2009

SUBJECT: SE 2009-PR-027, Westgate
Tax map 29-4 ((6)) 106

BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated November 19, 2009, for the above referenced application and provides the following park related Comprehensive Plan citations, analysis and recommendations. The proposed application seeks to permit the relocation of Sanford-Brown College to an existing office building located at 1761 Old Meadow Road, McLean, Virginia. The application seeks approval for a Category 3 (Quasi-Public Use) Special Exception with no proposed change to the existing building or site. If approved, approximately three quarters of the building's 52,692 square feet of gross floor area would be dedicated to the college/university with one quarter remaining as office use. Projected enrollment indicates 50 faculty and 1,000 students. It is expected that due to scheduling, only 250 students will be on site at any one time. The application proposed a shared-parking agreement with the adjacent parcel 29-4 ((6)) 105 to accommodate the increase in parking demand.

COMPREHENSIVE PLAN CITATIONS

1. **Facility Service** (The Policy Plan, Parks and Recreation Objective 1, pp. 4-5)

"Objective 1: Identify and serve current and future park and recreation needs through an integrated park system that provides open space, recreational services and facilities, and stewardship of natural and cultural resources."

"Policy l: Work cooperatively with private and public landowners to develop and provide trail connections to parkland from existing and planned trails and encourage non-motorized access to parks."

ANALYSIS AND RECOMMENDATIONS

Although there are several local parks within a one-mile radius of the subject property, most notably, the site is bounded on the east by ScottS Run Stream Valley Park. The southern and eastern portions of the site are within the RPA associated with Scotts Run.

If the current application is approved with the associated increase in visitors to the site, a reasonable contribution to the continuation of the stream valley trail network through Scotts Run Stream Valley Park is recommended in keeping with Comprehensive Plan Policy. This trail system is indicated on the Comprehensive Plan Trails Map and will enhance connectivity to the future Metro rail station at Route 123 that is currently under construction. As the existing trails within the vicinity of the subject property currently offer limited connectivity, it is recommended that the applicant dedicate funds to Fairfax County Park Authority in lieu of physical construction of an eight-foot wide asphalt trail within the park. Assuming a standard contribution of $130.00 per linear feet of eight-foot wide asphalt trail and the approximate 365 feet of property line adjacent to park property, an appropriate contribution would be $47,450.00. These funds shall be provided within 90 days of the Special Exception Permit approval.

FCPA Reviewer: Gayle Hooper
DPZ Coordinator: Brenda Cho

Copy: Cindy Walsh, Director, Resource Management Division
Liz Cronauer, Trail Program Manager, Special Projects Branch
Chron Binder
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County of Fairfax, Virginia

MEMORANDUM

DATE: January 25, 2010

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

FROM: Lana Tran (Tel: 703 324-5008)
Wastewater Planning & Monitoring Division
Department of Public Works & Environmental Services

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. SE2009—PR-027

Tax Map No. 029-4/06/ /0106

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Scott Run (E1) watershed. It would be sewered into the Blue Plains Treatment Plant.

2. Based upon current and committed flow, there is excess capacity in the Blue Plain Treatment Plant at this time. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.

3. An existing 8" inch line located in the street is adequate for the proposed use at this time.

4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

	Existing Use +Application		Existing Use + Application Previous Rezonings		Existing Use + Application + Comp Plan	
Sewer Network	Adeq.	Inadeq.	Adeq.	Inadeq.	Adeq.	Inadeq.
Collector	X		X		X	
Submain	X		X		X	
Main/Trunk	X		X		X	
Interceptor						
Outfall						

5. Other pertinent information or comments:

Department of Public Works and Environmental Services
Wastewater Planning & Monitoring Division
12000 Government Center Parkway, Suite 358
Fairfax, VA 22035-0052
Phone: 703-324-5030, Fax: 703-324-3946

APPLICABLE ZONING ORDINANCE PROVISIONS

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.

2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.

3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.

4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.

5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is s submission requirement for rezoning to the PRC District. A GENERALIZED DEVELOPMENT PLAN (GDP) is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A CONCEPTUAL DEVELOPMENT PLAN (CDP) is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A FINAL DEVELOPMENT PLAN (FDP) is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may be 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 staggared 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
ADU	Affordable Dwelling Unit
ARB	Architectural Review Board
BMP	Best Management Practices
BOS	Board of Supervisors
BZA	Board of Zoning Appeals
COG	Council of Governments
CBC	Community Business Center
CDP	Conceptual Development Plan
CRD	Commercial Revitalization District
DOT	Department of Transportation
DP	Development Plan
DPWES	Department of Public Works and Environmental Services
DPZ	Department of Planning and Zoning
DU/AC	Dwelling Units Per Acre
EQC	Environmental Quality Corridor
FAR	Floor Area Ratio
FDP	Final Development Plan
GDP	Generalized Development Plan
GFA	Gross Floor Area
HC	Highway Corridor Overlay District
HCD	Housing and Community Development
LOS	Level of Service
Non-RUP	Non-Residential Use Permit
OSDS	Office of Site Development Services, DPWES
PCA	Proffered Condition Amendment
PD	Planning Division
PDC	Planned Development Commercial
PDH	Planned Development Housing
PFM	Public Facilities Manual
PRC	Planned Residential Community
RC	Residential-Conservation
RE	Residential Estate
RMA	Resource Management Area
RPA	Resource Protection Area
RUP	Residential Use Permit
RZ	Rezoning
SE	Special Exception
SEA	Special Exception Amendment
SP	Special Permit
TDM	Transportation Demand Management
TMA	Transportation Management Association
TSA	Transit Station Area
TSM	Transportation System Management
UP & DD	Utilities Planning and Design Division, DPWES
VC	Variance
VDOT	Virginia Dept. of Transportation
VPD	Vehicles Per Day
VPH	Vehicles per Hour
WMATA	Washington Metropolitan Area Transit Authority
WS	Water Supply Protection Overlay District
ZAD	Zoning Administration Division, DPZ
ZED	Zoning Evaluation Division, DPZ
ZPRB	Zoning Permit Review Branch