



County of Fairfax, Virginia

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April 26, 2010

Timothy S. Sampson
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
200 Clarendon Blvd
Thirteenth Floor
Arlington, VA 22201-3359

Re: Interpretation for RZ 2008-PR-009 and SEA 80-P-078-15; INOVA Health Care Services: building footprint, building setback, internal circulation, retaining walls, transformers, building height.

Dear Mr. Sampson:

This is in response to your letters dated February 4, 2010, March 11, 2010, and March 24, 2010, requesting an interpretation of the proffers and Generalized Development Plan (GDP) accepted by the Board of Supervisors on July 13, 2009, in conjunction with the approval of RZ 2008-PR-009, and of the Special Exception Amendment (SEA) Plat and development conditions also approved by the Board of Supervisors on July 13, 2009, with SEA 80-P-078-15. As I understand it, there are several questions which will be addressed individually below. These determinations are based on your letters, an interpretation graphic entitled "Women's Hospital and South Patient Tower," prepared by Dewberry & Davis LLC and dated January 2010, and revised through March 17, 2010, and supplemental exhibits delineating the roundabout conversion, screening wall details and a tower base footprint comparison. Copies of your letters and supplemental exhibits are attached.

In a previous determination made October 20, 2008, a one-story temporary (modular) administrative office facility on the hospital campus was deemed to be in substantial conformance with SEA 80-P-078-14, provided that the structure and its gross floor area was included in applications RZ 2008-PR-009, SEA 80-P-078-15 and PCA 87-P-038-4, which were pending at the time of the interpretation request, and, that the existing transitional screening on the east side of the proposed structure was supplemented, if determined necessary by Urban Forest Management (UFM), DPWES, to ensure effective year-round screening is provided between the office structure and the Bedford Village apartments.

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You indicate that six modifications are proposed to the approved development. For reference purposes, the Initial Phase Alternate 2 option, approved by RZ 2008-PR-009, is referred to as the South Patient Tower (SPT) Phase 1 in this letter. References to the Women's Hospital Patient Tower (WHPT) are separate from the SPT, unless otherwise noted in this letter.

(1) Your first question is whether a minor adjustment to the building footprint and orientation of the approved WHPT would be in substantial conformance with the proffers, the GDP/SEA Plat and development conditions. As shown on your submitted exhibit, comparisons are provided of the base footprint of the approved WHPT with the proposed footprint adjustments. A slight increase of 2.7% in area would result in the footprint adjustments from 111,353 square feet to 114,428 square feet. The proposed building footprint adjustments would not result in material changes in the location of the WHPT relative to surrounding properties or exceed the maximum gross floor area of the WHPT. However, the proposed changes in the building footprint would result in minor changes to the configuration of the patient drop area of the WHPT, including the alignment of curbing along the adjoining private driveway.

It is my determination that the proposed adjustment to the footprint and orientation of the approved WHPT would be in substantial conformance with the proffers, the GDP/SEA Plat and development conditions, provided the approved maximum gross floor area is not exceeded.

(2) Your second question is whether a proposed five-foot reduction to the approved 140-foot minimum distance between the southwest corner of the approved WHPT and the property line adjacent to "The Condominiums at Woodburn" development would be in substantial conformance with the proffers, the GDP/SEA Plat, and development conditions. The reduction in the distance is the result of adjustments to the approved footprint and orientation of the WHPT as delineated on the interpretation graphic. A circular vestibule is proposed at the southwest corner of the WHPT with a maximum height of forty feet, and a total distance of 135 feet from the property line adjacent to "The Condominiums at Woodburn" development. The reduction in distance of the southwest corner of the WHPT would not result in a reduction in distance for the proposed SPT.

It is my determination that the proposed five foot reduction between the WHPT and the southwest property line would be in substantial conformance with the proffers, the GDP/SEA Plat and the development conditions.

(3) Your third question is whether minor adjustments to the approved private travelways in the vicinity of the WHPT, and the elimination of the traffic roundabout represented on the approved GDP/SEA Plat, would be in substantial conformance with the proffers, the GDP/SEA Plat and development conditions. According to your letters, INOVA has concluded that a four-way stop configuration on the interior of the hospital property at the intersection of the gray entrance and the new boulevard in the vicinity of the WHPT would be preferable to the traffic roundabout

shown on the approved GDP/SEA Plat for internal traffic operations. The proposed conversion of the roundabout to a four-way stop would require the realignment of curbing to ensure proper turning movements.

The proposed intersection has been reviewed with the Fairfax County Department of Transportation. It is my determination that the proposed conversion of the roundabout to a four-way stop would be in substantial conformance with the referenced approvals.

(4) Your fourth question is whether minor adjustments to retaining walls as proposed on the interpretation graphic would be in substantial conformance with the proffers, the GDP/SEA Plat and development conditions. The proposed retaining wall adjustments are limited to the eastern portion of the WHPT and would result in the realignment of one wall and the replacement of another ranging in height from eight to fifteen feet. The adjustments to the retaining walls are related to the realignment of the building footprint of the WHPT.

It is my determination that the proposed adjustments to the retaining walls would be in substantial conformance with the proffers, the GDP/SEA Plat and development conditions, provided that any displaced vegetation is replanted along portions of the retaining walls to ensure adequate buffering, as determined by Urban Forest Management, DPWES.

(5) Your fifth question is whether a proposed transformer pad adjacent to the western portion of the WHPT would be in substantial conformance with the proffers, the GDP/SEA Plat and development conditions. The interpretation graphic delineates a concrete pad area housing up to six transformers with a proposed height of eight feet. According to the interpretation graphic, the transformer pad would be buffered by a ten-foot high wall along the northern and western sides of the pad area. In addition, supplemental vegetation, walkways and a sitting area have also been proposed with this interpretation request to enhance the screening, visual aesthetics and walkability of the area adjacent to the proposed transformer pad.

It is my determination that the proposed transformer pad would be in substantial conformance with the proffers, the GDP/SEA Plat and development conditions, provided that the supplemental plantings, walkways and sitting areas shown on the interpretation graphic are provided at the time of construction of the transformer pad. Furthermore, the heights of the transformers to be located on the pad site shall not exceed the height of the screening wall proposed on the interpretation graphic.

(6) Your letters also include a request for concurrence as to whether the proposed heights of the WHPT and SPT are in substantial conformance with the approval of RZ 2008-PR-009 and SEA 80-P-078-15. According to your letters, the SPT is proposed at 12 stories, and the WHPT is proposed at 11 stories based on final design and grade determinations. The WHPT is shown on the approved GDP/SEA Plat as 11 stories and 165 feet (Option 1), and as 9 stories and 135 feet (Option 2). The number of stories and height of the SPT is not specifically called out on the

GDP/SEA Plat. However, development condition #5 as approved under SEA 80-P-078-15 allows for a maximum height of 165 feet for the WHPT, including the SPT, as shown on the GDP/SEA Plat. Furthermore, the maximum height allowance is also referenced under Proffers 3.C and 22.B, which allow for development options for initial phase developments and the WHPT.

Based on the information presented and the maximum building height permitted in the development conditions, the proffers, and as shown on the approved GDP/SEA Plat, it is my determination that the proposed number of stories for the WHPT and SPT are in substantial conformance with the proffers, the GDP/SEA Plat and development conditions, provided the subject buildings do not exceed 165 feet in height, and the approved gross floor area limitations are not exceeded.

These determinations have been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Christopher M. DeManche at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division

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Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth A. Lawrence, Planning Commissioner, Providence District
Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ
Ken Williams, Plan Control, Land Development Services, DPWES
Angela Rodeheaver, Section Chief for Site Analysis, DOT
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, ZED, DPZ
File: RZ 2008-PR-009, SEA 80-P-078-15, PI 1002 015, SEI 1002 003, Imaging, Reading File



Timothy S. Sampson
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WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

February 4, 2010

By Hand Delivery

Regina Coyle, Director
Zoning Evaluation Division, DPZ
12055 Government Center Parkway, 8th Floor
Fairfax VA 22035

RECEIVED
Department of Planning & Zoning
FEB 12 2010
Zoning Evaluation Division

Re: Request for Interpretation
Inova Fairfax Hospital Campus
RZ 2008-PR-009/SEA 80-P-078-15

Dear Ms. Coyle:

May this letter and enclosed graphic serve as a Request for Interpretation related to the above-referenced applications that were approved by the Board of Supervisors on July 13, 2009.

As you will conclude from a review of the enclosed Interpretation Graphic (2 copies), the Request for Interpretation concerns several minor adjustments (modifications) to the approved development program in the vicinity of the approved Women's Hospital Patient Tower (WHPT). More specifically, and in summary, the minor modifications include:

- A minor deviation to a 140' minimum distance dimension that is represented on the approved Generalized Development Plan (GDP) Special Exception Amendment (SEA) Plat between the corner of the approved Women's Hospital Patient Tower (WHPT) and the property line adjacent to The Condominiums at Woodburn development; and
- A minor adjustment to the footprint and orientation of the approved WHPT; and
- A minor adjustment to the approved private travelways in the vicinity of the WHPT with the elimination of the traffic roundabout that is represented on the approved GDP/SEA Plat; and
- A minor adjustment of the several proposed retaining/screening wall(s) in the vicinity of the proposed service area of the WHPT.

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In addition this Request for Interpretation seeks your concurrence that the proposed height of the WHPT is in substantial conformance with the approval of RZ 2008-PR-009/SEA 80-P-078-15.

All of the proposed minor modifications are the result of more refined architectural and engineering design efforts since the GDP/SEA was prepared and approved. They relate to the final design of both the Initial Phase (See Proffer 3.C.) and the ultimate footprint of the approved WHPT. It is to be noted that the Initial Phase Alternate 2 as represented on the approved GDP/SEA Plat is now being referred to as the South Patient Tower (SPT) Phase 1 on the site plan. It is further understood that the ultimate proposed building program is now being referred to as the Fairfax Women's Hospital and the South Patient Tower.

As noted above, one proposed minor modification relates to the proposed vehicular circulation plan that was represented on the GDP/SEA Plat. After more critical review during the preparation of the requisite site plan, it has been concluded that a four-way stop configuration on the interior of the Campus at the intersection of the gray entrance and the new boulevard in the vicinity of the WHPT would be preferable to the traffic roundabout shown on the GDP/SEA Plat for internal traffic operations. Accordingly, the traffic roundabout configuration shown on the GDP/SEA Plat is proposed to be eliminated.

In reference to the circular vestibule on the proposed SPT (again, the Initial Phase of the WHPT), it is noted that on the approved GDP/SEA Plat the corner of the WHPT was represented to be located $140' \pm$ from the nearest point on the common boundary between the Campus and the adjacent The Condominiums at Woodburn development. With the addition of the circular vestibule, the minimum distance will be $135' \pm$, which represents a modification of approximately 3.6%. To this point, it is noted that the nearest building in The Condominiums at Woodburn development will be located 260' from the circular vestibule, and the vestibule itself will have a maximum height of only $40 \pm$ feet. The tower component of the SPT will be located in excess of the $140' \pm$ distance that is represented on the GDP/SEA Plat.

The proposed minor adjustment to the footprint and orientation of the approved WHPT are reflected on the enclosed Interpretation Graphic. Again, this adjustment comes as a response to final design efforts. Overall, the footprint of the of the WHPT is reduced from that represented on the GDP/SEA Plat, and the slight re-orientation of the structure results in no material change in the location of the structure relative to surrounding properties.

Lastly the minor adjustments to the several proposed retaining/screening walls in the vicinity of the proposed service area of the WHPT are a result of more detailed architectural and engineering design that has been performed since the GDP/SEA Plat was prepared. Needless to say, they are proposed to help buffer/screen the service area and equipment that will be required for the proposed WHPT. It is to be noted that

retaining/screening walls adjacent to the proposed service area are represented on the GDP/SEA Plat, but they were not called out as such on the graphic.

With respect to building height, RZ 2008-PR-009/SEA 80-P-078-15 approves a maximum building height of 165 feet for both the WHPT and the SPT (again, the Initial Phase as described in Proffer 3.C.). This maximum height is referenced in both Proffer 3.C. and Proffer 22.B., and it is likewise reflected on the GDP/SEA Plat. The GDP/SEA Plat also makes reference to the design of the WHPT with regard to the anticipated number of stories. Specifically, the GDP/SEA Plat references 11 stories/165 feet on the Building Schedule for Option 1 on Sheet 5 and 9 stories/135 feet on the Building Schedule for Option 2 on Sheet 6. As a result of final design and grade determinations the SPT will contain a total of 12 stories, and the WHPT will contain a total of 11 stories. The building height of both towers, however, will be no more than the maximum allowable height of 165 feet. Again the Proffers regulate building height only in terms of maximum feet (not stories), and that is consistent with the measurement of building height in both the C-3 District generally and pursuant to the recommendations of the Comprehensive Plan for this property specifically. Accordingly, we request your concurrence that the building height of the proposed WHPT and SPT of no more than 165 feet is in substantial conformance with RZ 2008-PR-009/SEA 80-P-078-15, notwithstanding the final design of the SPT at 12 stories.

With these proposed minor modifications to the development program, it is to be understood that neither the maximum height of the WHPT; the maximum gross floor area for the WHPT; the maximum bed count for the hospital; nor the maximum gross floor area for the Initial Phase of the WHPT will be exceeded.

Given this background, it is our judgment that, individually and collectively, the proposed minor adjustments to the proposed development program are minor modifications that are in substantial conformance with the GDP/SEA Plat and related Proffers and Development Conditions that were approved by the Board of Supervisors on July 13, 2009. As previously noted, all of the minor modifications are in response to final design and vehicular circulation issues identified with subsequent, more detailed architectural and engineering design efforts.

To support our judgment, we note the proposed modifications will be in accordance with the provisions set forth in both Par. 4A of Sect. 9-004 and Par. 5A of Sect. 18-204 of the Zoning Ordinance. More specifically, the proposed modifications will not:

1. Change the amount of land area, permit a more intensive use, expand the hours of operation, increase the number of seats, students or employees from that approved pursuant to the Rezoning/Special Exception Amendment (RZ/SEA).
2. Result in an increased parking requirement beyond that approved pursuant to the RZ/SEA.

3. Permit uses other than those approved pursuant to the RZ/SEA.
4. Reduce the effectiveness of approved transitional screening, buffering, landscaping or open space; or
5. Permit changes to the bulk, mass, orientation or location which adversely impact the relationship of the development or part thereof to adjacent property; or
6. Result in an increase in the amount of clearing and/or grading for a stormwater management facility; or
7. Include the addition of any building or additions to buildings beyond those approved pursuant to the RZ/SEA.

Lastly, I have enclosed a check in the amount of \$500 made payable to the County of Fairfax for the requisite filing fee for this Request for Interpretation.

I trust that I have adequately presented this request, but should you have any questions or the need for elaboration, please let me know. A response at your early convenience will be appreciated.

Very truly yours,

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


Timothy S. Sampson

Enclosure

cc: Supervisor Linda Smyth
Mark Ehret
Joan Dannemann
David Sittler
Rick Sasaki
Berry Elkorek
Daniela Medek
Phil Yates



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& WALSH PC

March 11, 2010

By Hand Delivery

Christopher M. DeManche
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12055 Government Center Parkway, 8th Floor
Fairfax VA 22035

Re: Request for Interpretation
Inova Fairfax Hospital Campus
RZ 2008-PR-009/SEA 80-P-078-15

Dear Mr. DeManche:

This letter and the enclosed graphics respond to your request for additional information concerning the above-referenced Request for Interpretation that was submitted on February 4, 2010.

1. You asked for additional information to better understand the proposed four-way stop configuration. I have enclosed an excerpt from the Site Plan that depicts and dimensions that area.

2. You asked for additional detail on the screening wall. I have enclosed an illustrative detail of that.

3. You requested information to better understand the changes to the footprint of the building. I have enclosed an exhibit that provides a comparison of the approved and proposed building footprints. As you will see, the proposed adjustments to the footprint result in a minimal increase of 2.7% to the area of the approved footprint. This small adjustment is well within the 5% tolerance anticipated by Note 19 of the approved GDP/SEA Plat.

4. In response to your inquiry: The distance of the SPT tower to the common property line with The Condominiums at Woodburn is approximately 170 feet.

5. Finally, other than the adjustment to the drop-off driveway in front of the SPT, as shown on the interpretation graphic submitted on February 4, 2010, there have been no other internal roadway adjustments resulting from the proposed adjustments to the footprint.

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I trust this satisfactorily responds to your questions. A response at your early convenience will be appreciated.

Very truly yours,

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


Timothy S. Sampson

Enclosure

cc: Supervisor Linda Smyth
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David Sittler
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WALSH COLUCCI
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March 24, 2010

By E-Mail and Hand Delivery

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RECEIVED
Department of Planning & Zoning
MAR 24 2010
Zoning Evaluation Division

Re: Request for Interpretation
Inova Fairfax Hospital Campus
RZ 2008-PR-009/SEA 80-P-078-15

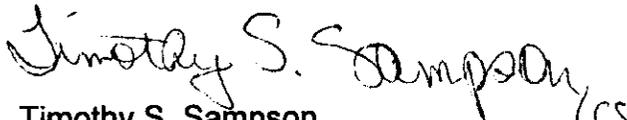
Dear Mr. DeManche:

This letter follows the March 18, 2010 transmittal to you from Phil Yates of a revised Interpretation Graphic responding to your request for additional information concerning the proposed transformer pad and its screening. As reflected on the Interpretation Graphic the concrete pad is intended to serve six (6) transformers. The pad would be screened by a combination of screen wall, approximately ten (10) feet in height, and landscaping, both as shown on the Interpretation Graphic. Given the need for access to the transformers and the constraints posed by underground utilities in the vicinity, the wall and landscaping shown on the Interpretation Graphic represents the fullest extent of the opportunity to screen the pad.

I trust this satisfactorily responds to your questions. A response at your early convenience will be appreciated.

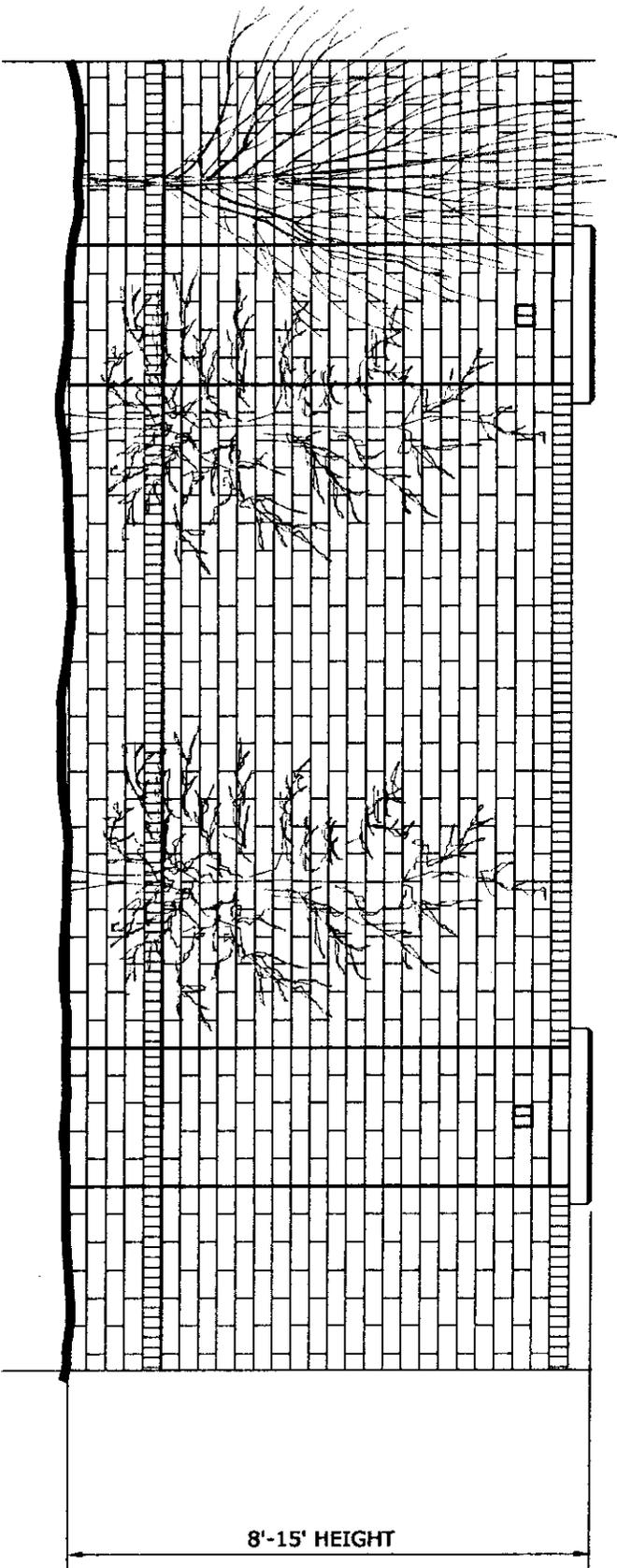
Very truly yours,

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


Timothy S. Sampson

Enclosure

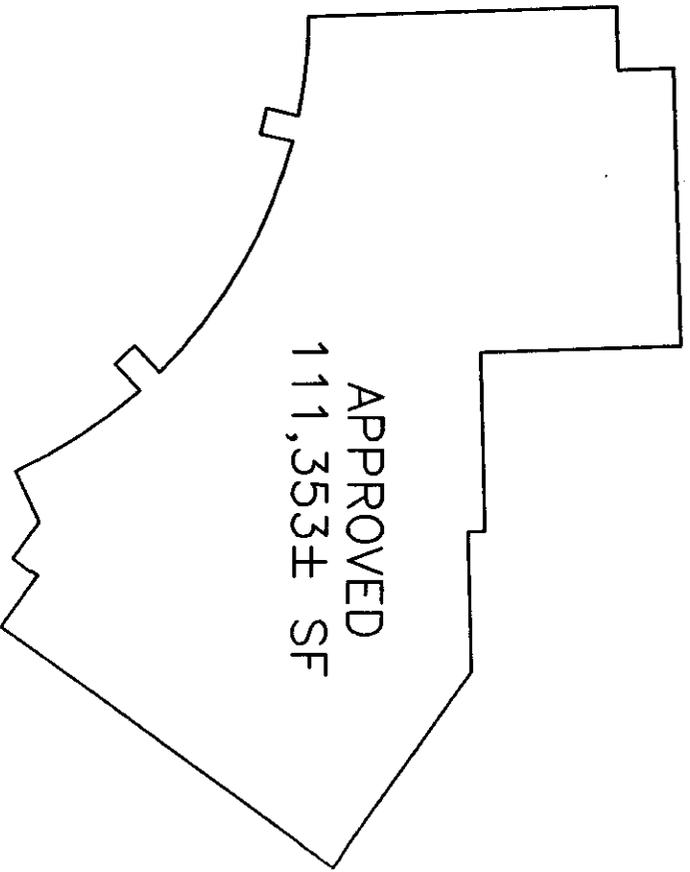
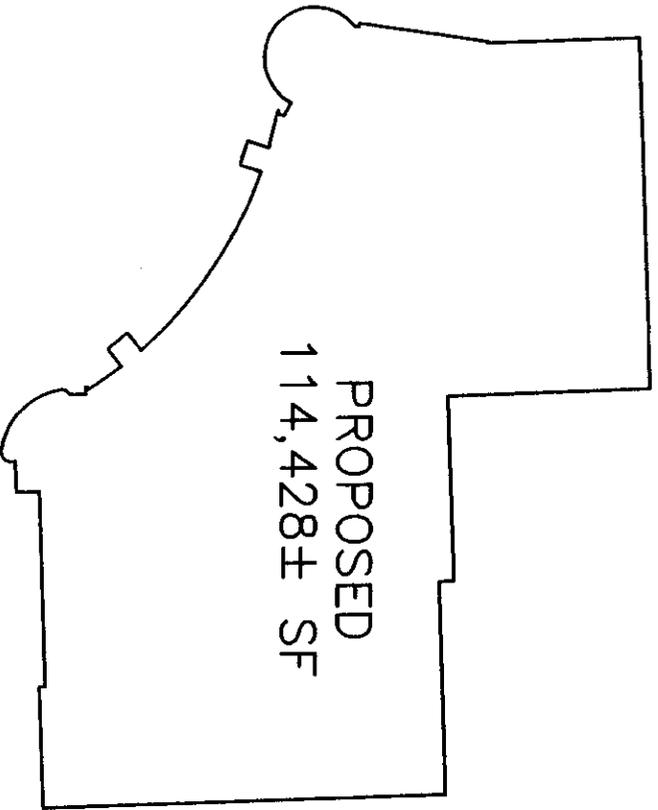
cc: Supervisor Linda Smyth
Joan Dannemann
Rick Sasaki
Daniela Medek
Mark Ehret
David Sittler
Berry Elkorek
Phil Yates



ILLUSTRATIVE DETAIL
OF
SERVICE AREA SCREENING WALL

Ranging from 8 Ft. to 15 Ft. in height





INOVA FAIRFAX HOSPITAL CAMPUS
WOMEN'S HOSPITAL AND SOUTH
PATIENT TOWER BASE FOOTPRINT
COMPARISON



