



County of Fairfax, Virginia

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

May 12, 2010

Elizabeth D. Baker
Walsh, Colucci, Lubeley, Emrich and Walsh, PC
2200 Clarendon Boulevard, 13th Floor
Arlington, VA 22201

Re: Special Exception Application SE 2009-PR-027

Dear Ms. Baker:

At a regular meeting of the Board of Supervisors held on May 11, 2010, the Board approved Special Exception Application SE 2009-PR-027 in the name of TDC Owner, LLC. The subject property is located at 1761 Old Meadow Road on approximately 2.62 acres of land, zoned C-3 in the Providence District [Tax Map 29-4 ((6)) 106]. The Board's action permits a college/university and waiver of the open space requirement pursuant to Sections 4-304 and 9-612 of the Fairfax County Zoning Ordinance, 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 these conditions 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.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

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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. Irrespective of the tree preservation fencing narrative on Sheet 2 of the SE Plat, 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 or comparable parking restriction signage shall be posted near the ingress access points of Parcels 105 and 106.
11. A license agreement shall be executed by the owner of Parcels 105 and 106 [Tax Map 29-4 ((6)) 105 and 106] outlining the shared parking agreement and submitted with the site plan. This license shall also provide for interparcel access between Parcels 105 and 106 as generally shown on the SE Plat.

If in the future, it can be shown that the number of required parking spaces shown on the SE Plat is more than what is needed to support the combined uses, due to transit usage or other factors, a parking reduction may be requested to reduce the number of parking spaces required to be provided. Should such a reduction be approved, the license agreement shall be amended, if necessary, to reflect this reduced number of spaces.

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.

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

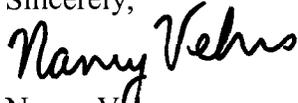
obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

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.

The Board also:

- Modified the peripheral parking lot landscaping requirements along the southern and western property lines, in favor of that shown on the SE Plat.
- Waived the open space requirement to that shown on the SE Plat.
- Waived the barrier requirement and modified the transitional screening requirement along the eastern boundary of the site in favor of that shown on the SE Plat.

Sincerely,



Nancy Vehrns
Clerk to the Board of Supervisors
NV/ph

Cc: Chairman Sharon Bulova
Supervisor Linda Smyth, Providence District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation Planning Division
Eric Teitelman, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation