



County of Fairfax, Virginia

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

July 30, 2010

Mr. Michael Lee
Development Manager/Owner's Representative
Korean Central Presbyterian Church
MYL Development & Services, Inc.
13003 Henson Court
Herndon, VA 20171-2939

Re: Interpretation for SEA 2005-SU-007, Korean Central Presbyterian Church Trustees,
Tax Map 64-2 ((13)) 18; 64-2 ((5)) 1, 2, 3; Reforestation Planting, Parking

Dear Mr. Lee:

This is in response to your letter of June 4, 2010, requesting an interpretation of the Special Exception Amendment (SEA) Plat and development conditions approved by the Board of Supervisors in conjunction with the approval of SEA 2005-SU-007. As I understand it, you have several questions. Your questions concerning interim occupancy of the church facility and operationalization of the traffic signal at the church entrance have been addressed in a previous determination on June 25, 2010. Your question related to an easement for the service drive along Route 29 is being addressed in the current site plan submission with DPWES. Therefore, three questions remain which will be addressed individually below. A copy of your letter and relevant exhibits are attached.

1. Reforestation of Parcels 1, 2 and 3 on Compton Road. The first question is whether the planting of 3 – 4 foot trees instead of seedlings in the reforestation area would be in substantial conformance with the SEA Plat and development conditions.

Development Condition 29 states the following.

Prior to issuance of a Non-Residential Use Permit (Non-RUP), Tax Map Parcels 64-2 ((5)) 1, 2, 3, located on Compton Road, shall be planted with seedlings, to promote reforestation. Seedlings shall be a minimum of three different native tree species suitable for the proposed site conditions, and shall be planted by hand and spaced at appropriate intervals to maximize survival, per specifications included in PFM Section 12-08805.5. Appropriate measures to ensure survival, as recommended by UFM, (such

as seedling tubes) shall be provided. This shall be a one-time commitment; the expenditure on seedlings (exclusive of labor for planting and cost of survival measures/mechanisms) shall not be required to exceed \$2,000.

The explicit goal of Development Condition 29 was to ensure reforestation of the designated parcels. To achieve this environmental benefit, an approach was set forth in the condition to utilize seedlings. This approach is the most cost effective method for reforestation. For the benefit of the church, the condition limited the cost of the seedlings to \$2000. The proposed 3 - 4 foot plantings would result in a lesser number of plantings being provided if the cost limitation is to be maintained. Therefore, it is my determination that the use of 3 - 4 foot plantings in lieu of seedlings would not be in substantial conformance with the SEA Plat and development conditions. However, if the church wishes to enhance the subject parcels to be reforested beyond the required seedlings with additional landscaping for ornamental reasons, such enhancements would be in substantial conformance with the SEA Plat and development conditions, provided that they are placed to ensure survival consistent with the environmental goal of reforestation, as determined by UFM, DPWES. Such additional plantings are not subject to the cost limitation specified in the development condition for seedlings.

2. Timing of Planting in the Reforestation Areas. The second question is whether a delay in the planting of the reforestation areas until the next suitable planting season would be in substantial conformance with the SEA Plat and development conditions. Given that we are now in the peak of summer, it is my determination that a delay in the planting of the reforestation parcels until fall is in substantial conformance with the SEA Plat and development conditions, subject to the approval of UFM, DPWES, as to the appropriate time for such planting to occur.

3. Delay in Construction of Grasscrete Parking. The third question is whether a delay in the construction of 260 grasscrete parking spaces for a year would be in substantial conformance with the SEA Plat and development conditions. You have indicated that 939 parking spaces have been constructed on the site. The parking tabulation shown on the approved SEA Plat indicates that a total of 1180 parking spaces are to be provided for the approved uses. Of those total spaces, 198 are shown as overflow spaces. It is my determination that the delay in construction of the 260 grasscrete parking spaces until June 4, 2011, would be in substantial conformance with the SEA Plat and development conditions provided that the approved site plan is revised to reflect the resultant phasing of parking and it is demonstrated to DPWES that minimum parking requirements are met for the approved uses. Please note that in a determination on July 6, 2010, it was determined that the designation of the overflow parking/grasscrete spaces as "grass" was not in substantial conformance with the SEA Plat and development conditions. As such, these areas of the site should not be used for parking until the grasscrete surface is constructed.

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

Mr. Michael Lee
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Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division

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cc: Michael R. Frey, Supervisor, Sully District
John L. Litzenberger, Planning Commissioner, Sully District
Diane Johnson-Quinn, Deputy Zoning Administrator, Zoning Permit Review Branch, DPZ
Jack Weyant, Director, Environmental and Facilities Inspection Division, DPWES
Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES
Kevin Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: SEA 2005-SU-007, Imaging, Reading File



MYL Development & Services, Inc.
commercial real estate development advisors

June 4, 2010

Ms. Regina Coyle
Director of Zoning Evaluation Division
Department of Planning and Zoning
County of Fairfax
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035

RE: Korean Central Presbyterian Church (KCPC)
Special Exception Amendment: SEA2005-SU-007
Site Plan: 9630-SP-004-2

SUBJ: Amendment to the Letter of Interpretation dated April 28, 2010.

Ms. Coyle,

Pursuant to our meeting on June 2, 2010 with Michael Frey, Meaghan Kiefer, Mihcael Congleton, Diane Johnson-Qiunn, Tracy Strunk from Department of Zoning Evaluation (DPZ), and other persons from various departments of Fairfax County and VDOT, we respectfully submit this amendment to the Letter of Interpretation (LOI) dated April 28, 2010. The original LOI only addressed Development Condition #38. This amendment will address the other Development Conditions and issues discussed at our June 2, 2010 meeting for obtaining our Non-RUP prior to completing all work detailed in the approve permit plans.

Development Condition #29

In the interest of providing a more sustainable alternative, which was to plant 3-4 feet planting as opposed to the seedlings, we have missed the appropriate time for planting the required seedlings. We request approval for postponing the plantings to a more appropriate and recommended time period and not withhold the Non-RUP.

Development Condition #36

The easement for the service drive has been provided and recorded. See attached Exhibit A. If a dedication is required in lieu of an easement, then KCPC is ready and willing to provide to the County the needed area as future dedication. If the width of the easement requires enlargement, again, KCPC is ready and willing to accommodate the needs of the County.

With respect to the escrow amount, please forward us the amount DPWES deems necessary. We have not encountered any utility conflicts, and therefore, the escrow should be based on only the

construction of the service drive. Our estimate will be forthcoming only to provide some assistance to the County.

Development Condition #38

Our earlier Letter of Interpretation dated April 28, 2010 only addressed the signal lights. Based on our June 2, 2010, DPZ suggested that we address all outstanding road work and Development Conditions issues with specific emphasis on the second turn lane.

A. Schedule

In response to the suggestion, we have attached our revised schedule, Exhibit B, based on the extended hours suggested by VDOT at our June 2 meeting:

Northbound: 9:30 a.m. until dark
Southbound: 7 a.m. until 3 p.m.

This revised schedule details majority of the road work being completed by July 9, of course, weather depending. We will need an additional 4 weeks to complete the remainder of the work as summarized below:

Wood pedestrian bridge - Awaiting approval from the Zoning Department.

Wood Fencing – Once contractor is complete with road work the remaining 100 LF of wood fencing will be installed. (2 day duration)

Landscaping along Rt. 29 – Will be completed after road work. (1 week work duration)

Northwest Parking and Emergency Entrance – Currently used for equipment staging, it will be topped and paved during the final two weeks of road construction. (3 days duration)

Forbay Muck Out and Plant – Decision was made to postpone the completion of the storm water pond forbay until improved stabilization of site and at the end of construction traffic and debris. (3 days duration)

Trail Along Rt. 29 - Due to construction traffic, contractor shifted this work towards the last two week of road construction.

Street Lights – Payment was made to NOVEC. We anticipate lights installed prior July 9.

New 12' Driveway – As suggested, we will request confirmation from Mr. Yi and Mrs. Yi, property owners of TM#0641030017 adjacent property, of whether they intend to use the road and construct the necessary tie-in connection. If the property owner elects not to use the road and/or construct the connection, then we will submit a waiver request. If the property owner elects to use the road, we will construct the driveway per the approved plans, irrespective of the

decision concerning the allowance of one, two, or no direct access/curb cut to Route 29 for this adjacent property. In addition, we will formerly submit a request to provide one direct access/curb cut to Route 29 with or without the support of Mr. Yi and Mrs. Yi. Please note that Mr. Yi and Mrs. Yi have adamantly rejected any proposal that has less than two (2) curb cuts in the plans.

We request that the outstanding work listed above not preclude us from obtaining our Non-RUP since the existing performance bond will still be place to ensure the work is be completed.

B. Signal Lights

As of today, the signal light poles have been installed and we are awaiting power from NOVEC, which should be today or first part of next week. Based on the attached schedule, we anticipate installing the loop by the second week in July. Again, we request that the Non-RUP be issued prior to full operation of the signal lights.

C. Second Turn Lane

In response to the County's concerns with traffic during Sunday service hours, we have attached our Traffic Management Plan, Exhibit C, which details our approach to safely managing traffic during Sunday services. This plan was previously forwarded to VDOT and Michael Frey's office on May 11, 2010. Please note that our plan was based on studies and recommendations from our professional traffic consultant, Gorove Slade. The original traffic study is provided in Exhibit D for reference. Furthermore, in support of our Traffic Management Plan, we have gathered over 730 signatures from our church members committing to this plan. Signatures have been forwarded to Michael Frey's office and a copy is available upon request.

With the recommendations from our traffic professionals and the commitment from our church members, we are confident that the proposed plan provides a safe and manageable traffic environment without the second turn lane in place. Hence, we request that the Non-RUP be released prior to completing the second turn lane and prior to full operation of the signal lights.

D. Weekday Services

With respect to the weekday services, we have significantly reduced our programming to mitigate traffic concerns during the weekday, especially during rush hour traffic. A separate correspondence was sent directly to Michael Frey's office on June 4, 2010. See Exhibit E. We are also ready and willing to implement any other temporary traffic management measures necessary to satisfy the County and VDOT concerns.

Development Condition #41

Due to budgeting constraints, we request all 198 overflow grasscrete parking spaces to be postponed for a year from the date of this Amendment. Please note that the approved plans detail 62 grasscrete parking spaces and 198 future overflow grasscrete parking spaces for a total

of 260 grasscrete parking spaces. We also request that additional 62 grasscrete parking spaces detailed in the plans be either deleted or postponed similar to the 198 future overflow parking spaces. We also request that the County not withhold the Non-RUP due to this Development Condition.

We at KCPC are just as concerned, if not more, with the safe use of our facility as any other resident and County member. Our first impression to the community is absolutely vital to the church and we understand we only get one chance at this. Moreover, local community support and outreach was one of our core driving principals of building our facility at this location. However, given sensitivity and importance of safety and community relationships, we strongly feel that we have a plan that will allow us to safely conduct services until the designed and approved road improvements are complete. This is supported by professional traffic engineers and supported by professional off-duty police officers, which we will use to execute our plan. We therefore urgently request your support in releasing the Non-RUP for this project.

We hope we have sufficiently addressed all the issues is discussed at our June 2 meeting. Please do not hesitate to contact us should you have any questions or require additional information at (571) 643-8010.

Very truly yours,



Michael Lee
Development Manager/Owner's Representative
On behalf of Korean Central Presbyterian Church

Enclosure

cc: Michael Frey, Sully District Supervisor
Meaghan Kiefer, Sully District Supervisor
Tracy Strunk, DPZ
Michael Congleton, DPZ
Clinton Abernathy, ESRD
Dorothy Purvis, VDOT
T. S. Park, KCPC
Y. G. Kwon, KCPC