



County of Fairfax, Virginia

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

July 29, 2008

Antonio J. Calabrese
Cooley Godward Kronish LLP
Reston Town Center
One Freedom Square
11951 Freedom Drive
Reston, Virginia 20190

Re: Special Exception Application SE 2007-PR-014
(Concurrent with Proffered Condition Amendment Application PCA-C-597-04)

Dear Mr. Calabrese:

At a regular meeting of the Board of Supervisors held on July 21, 2008, the Board approved Special Exception Application SE 2007-PR-014 in the name of JBG/Tycon 3, L.L.C. c/o Kenneth F. Finkelstein. The subject property is located at 8229 Boone Boulevard on approximately 4.9 acres of land zoned C-3, HC, and SC in the Providence District [Tax Map 39-1 ((6)) 69A]. The Board's action permits a hotel and an increase in building height from 90 feet up to a maximum of 91 feet for an existing building known as Tycon III pursuant to Sections 4-304 and 9-607 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. 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 combined Generalized Development Plan/Special Exception Plat entitled Boone Boulevard Tycon II and Tycon III, prepared by Urban, Ltd. and dated February 26, 2007 as revised through March 10, 2008, 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.

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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 front yard requirement along Boone Boulevard, in accordance with Sect. 2-418 of the Zoning Ordinance.
- Approved Action Item 6 approving a thirteen percent (13%) parking reduction for 8.8 acres, [Tax Map 39-1 ((6)) 69A], subject to the development conditions specified in that Board Item amending condition number eight to include the following at the end of the sentence, "prior to the approval of a site plan or site plan revision that utilizes this parking reduction."

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

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Department of Planning & Zoning

AUG 04 2008

Zoning Evaluation Division

Cc: Chairman Gerald E. Connolly
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
Thomas Conry, Dept. Manager. – GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director – Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
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Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
José Comayagua, Director, Facilities Management
Denise James, Office of Capital Facilities/Fairfax County Public Schools
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation
John Friedman, Chief, Code Analysis, Land Development Services, DPWES