



County of Fairfax, Virginia

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

December 2, 2010

Timothy Sampson
Walsh Colucci Lubeley Emrich and Walsh PC
Courthouse Plaza
2200 Clarendon Blvd 13th Floor
Arlington, VA 22201

Re: Interpretation for Rezoning and Special Exception RZ 2008-PR-009/ SEA 80-P-078-15
INOVA Health Care Services, Tax Map 49-3 ((1)) 136C and 136C1; 059-2 ((1)) 1A pt., 1B,
1C, 1D, and 1E: Phasing and Site Modifications

Dear Mr. Sampson:

Your letter of September 24, 2010 requested an interpretation of proffer conditions and the Generalized Development Plan/ Special Exception Amendment Plat (GDP/ SEA Plat) accepted and approved by the Board of Supervisors in conjunction with the above-referenced applications. This determination is based on your letter and attachments, which include a design graphic entitled "South Patient Tower/ New Women's Hospital Floor Plans dated September 2, 2010" and prepared by Wilmot Sanz Architecture and Planning. Copies of your letter with relevant exhibits are enclosed.

On July 13, 2009, the Board of Supervisors approved RZ 2008-PR-009 and SEA 80-P-078-15 to rezone the INOVA Fairfax Hospital site and County parcels from the R-1 and R-12 Districts to the C-3 District to allow an increase in FAR from 0.7 to 0.8 to expand the existing medical care and human service facilities on site. The expansion includes construction of a new Women's Hospital & Patient Tower (WHPT), an expansion of an existing child care center, modifications to the existing helicopter pad locations with the addition of one helicopter pad site, deletion of a previously approved but not constructed Child Care Center # 2 (10,000 square feet) and resident student housing (99,500 square feet), and other associated modifications to the building and site design. The SEA application amended SE 80-P-078 previously approved for a medical care facility to allow an increase in the allowable height in a C-3 district from 90 feet to 165 feet, an increase in total number of beds in the medical care facility from 833 to 1026 beds and an increase in land area.

Two development options for a new Mid-County Community Services Center Building (which would replace the existing Woodburn Center for Community Mental Health on the site) were approved. Option 1 anticipated that additional land for Fairfax County would be acquired through a Public-Private Education Facilities and Infrastructure Act (PPEA) proposal and facilitate the

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potential relocation of the County facility to the INOVA Willow Oaks site subject to a companion PCA 87-P-038-04 application. Option 2 provided for development of the County facility on the subject property in its current location in the event that the additional land is not acquired, or in the interim, until it is acquired. Table 1 summarizes the development options approved in Proffer 3, 3A and 3B and shown on the GDP/ SEA Plat.

Table 1: Development Options

Development Options	Existing Development (Sq. Ft.)	Proposed Development (Sq. Ft.)	Total Existing and Proposed (Sq. Ft.)
Option 1: The existing Woodburn Mental Health Center building would remain temporarily and would be permanently relocated off site in association with a PPEA proposal.	1,476,482 SF (0.7 FAR), which includes: Hospital: 1,426,882 Woodburn Mental Health Center : 34,600 Woodburn Place: 15,000	821,661 WHPT 7,311 Child Care Expansion <u>4,620 Temp Office</u> 833,592 Total	1,476,482 <u>+ 833,592</u> 2,310,074 SF (0.80 FAR)
Option 2: The existing Woodburn Mental Health Center building would be demolished, the use would be temporarily relocated to a nearby location off-site, and a new facility would be constructed on the existing County Parcels on the Hospital campus site.	1,476,482 SF (0.7 FAR), which includes: Hospital: 1,426,882 Woodburn Mental Health Center : 34,600 Woodburn Place: 15,000	642,686 WHPT 188,500 Mid-County Center building. 7,311 Child Care 4,620 Temp Office 25,075 Woodburn Place Expansion 868,192 Total	1,476,482 <u>+868,192</u> <u>-34,600 (demolition)</u> 2,310,074 SF (0.80 FAR)

As shown in Table 1, the primary difference between the development options is the amount of gross floor area (GFA) available for the additional medical care facilities, primarily for the Women's Hospital and Patient Tower (WHPT). Under Option 1, the WHPT would contain up to 821,661 square feet of GFA in an 11-story (above grade) structure. Under Option 2, the WHPT would contain up to 642,686 square feet of GFA in a 9-story (above grade) structure.

In addition, due to the relatively large scale of the WHPT building (under either Development Option) and the current market conditions, an initial phase for expansion was approved in Proffer 3C and on Sheet 2 and 2A of the GDP/ SEA Plat. This initial phase included an expansion of one of the existing buildings on the hospital campus up to 200,000 square feet of GFA. The expansion could include a 4-story vertical expansion to the existing INOVA Heart and Vascular Institute (IHVI) building or an 11-story addition to the Existing Tower Building (ETB), and would not replace the proposed WHPT building. However, the initial phase would result in a reduction of the overall floor area for the WHPT building in either development

options. For example, Table 2 shows the remaining GFA for the WHPT building if the maximum of 200,000 square feet of GFA in the initial phase is implemented.

Table 2: Initial Phase

Development Option	Proposed GFA For WHPT Building (Sq. Ft.)	Initial Phase For ETB or IHVI Building (Sq. Ft.)	Remainder For WHPT Building (Sq. Ft.)
Option 1	821,661	200,000	621,661
Option 2	642,686	200,000	442,686

Sheets 2 and 2A of the GDP/ SEA Plat show a graphic depiction of the initial phase for the IHVI or ETB buildings, which are labeled Initial Phase – Alternate 1 for IHVI building and Initial Phase – Alternate 2 for the ETB building.

Proffers 6 through 12, 22, 23, and 26 commit to several specific improvements to roads, pedestrian circulation, crosswalks, bicycle facilities, bus services, building design, stormwater management, and parks related to the overall development. Proffer 6Gii, 6H, 8E, 8F, 8G, 9A, 12, 22, 23 and 26 include language associated with the Initial Phase that commits to portions of those improvements, which generally includes:

- 1) a formalized design of the Gallows Road improvements, the Gallows Road Bicycle Lanes, the Woodburn Road – Woodburn/Gallows Intersection improvements, and the I-495 Southbound Exit improvements,
- 2) the submission of all necessary site plan(s)/public improvement plan(s) for those improvements to DPWES, VDOT and/or FHWA, prior to the issuance of the first Non-RUP, exclusive of the core and shell permit, for any Initial Phase expansion, and
- 3) other internal vehicular and pedestrian circulation improvements on the site.

Proffer 14 includes a detailed Transportation Demand Management Strategy with goals to achieve a minimum 15% mode split for employee trips to and from the site under existing conditions during workday hours (generally between the hours of 6:00 am to 7:30 pm). Upon final occupancy of any Initial Phase expansion, the employee mode split goal shall increase to 18%. Upon final occupancy of the WHPT building phase, the employee mode split goal shall increase to 20%.

In a previous determination made on April 26, 2010, minor adjustments to the WHPT building footprint and orientation, the WHPT building footprint setback, the surrounding travel-way in the front of the WHPT building, the retaining walls located on the eastern side of the WHPT building, the transformer pad located on the western side of the WHPT building and the building heights of the South Patient Tower (SPT) Building were deemed to be in substantial conformance with the proffers, the GDP/ SEA Plat and development conditions. These adjustments included a slight increase of 2.7% in building footprint area from 111,353 square feet to 114,428 square feet, a 5-foot reduction to the approved 140-foot minimum distance between the southwest corner of the approved WHPT building and the property line adjacent to “The Condominiums at Woodburn” development, the conversion of a roundabout to a four-way stop, the realignment and replacement of a retaining walls ranging in height from eight to fifteen feet, the construction of a concrete pad area housing up

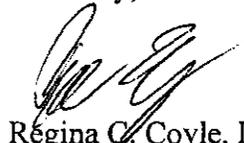
to six transformers with a proposed height of eight feet on the west side of the WHPT building, and the clarification of building heights shown on the GDP/ SEA Plat not to exceed 165 feet in height as specified in Development Condition 5 of SEA 80-P-078-15.

According to your letter, the property owner is now seeking a minor modification to the permitted GFA in the Initial Phase – Alternate 2 shown on the GDP/ SEA Plat. As shown on the GDP/ SEA Plat, the building footprints for the ETB building addition in the Initial Phase – Alternate 2 and the WHPT building are connected. Your letter now references this ETB building addition as the South Patient Tower (SPT) building and indicates that the tower components of both the SPT and WHPT buildings will be constructed atop the same 3-story base (ground, first and second floors) that connects the two buildings. Your letter also indicates that Final Design and Programmatic Requirements of the Woman's Hospital require the WHPT building to extend into the ground, first and second floors of the SPT building by 5,027 square feet of GFA, 4,220 GFA and 11,692 GFA respectively, for a total of 20,939 GFA. Proffer 3C limits the total amount of square footage in the initial phase to 200,000 GFA. Your letter indicates that when 20,939 GFA from the WHPT building program is added to the SPT building (Initial Phase – Alternate 2), the total gross square footage of the Initial Phase – Alternate 2 would increase to 210,088 square feet, which would be 10,088 gross square feet more than permitted in the proffers.

Given that these two buildings are shown to be connected in one overall footprint shown on the GDP/ SEA Plat in both development options, it is my determination that the proposed addition of 10,088 gross square feet to Initial Phase – Alternate 2 would be in substantial conformance with the proffers, the GDP/ SEA Plat and the development conditions, provided that no more than 200,000 square feet of GFA is occupied and issued a Non-Residential Use Permit in the SPT building (Initial Phase – Alternate 2). The additional square footage shall not be occupied until a Non-Residential Use Permit is issued for the WHPT building. In addition, the maximum number of licensed beds shall not increase nor decrease from 833 (the bed count approved by the Board of Supervisors since November 2000) in this initial phase as specified in Proffer 3C. The maximum heights for the buildings shall also not exceed 165 feet as specified in the development conditions and the maximum FAR on the subject property shall not exceed 0.8. Any modification of these conditions will require a PCA application.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and only addresses those questions described and discussed in this letter. If you have any questions regarding this interpretation, please feel free to contact William O'Donnell at (703) 324-1290.

Sincerely,



Regina C. Coyle, Director
Zoning Evaluation Division, DPZ

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Attachments: A/S

cc: Linda Smyth, Supervisor, Providence District
Ken 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, Applications Acceptance and Special Projects Branch
File: RZ 2008-PR-009/ SEA 80-P-078-15, PI 1009 092, Imaging



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WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

September 24, 2010

RECEIVED
Department of Planning & Zoning

SEP 24 2010

Zoning Evaluation Division

By Hand Delivery

Regina Coyle, Director
Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

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

Dear Ms. Coyle:

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

As you may recall, the July 2009 approval provides for construction of a new Women's Hospital and Patient Tower at the Inova Fairfax Hospital Campus. The approved proffers and GDP/SEA Plat anticipate that this construction would occur in two phases.

The first phase is referred to as the South Patient Tower, which is shown as the Initial Phase - Alternate 2 on the approved GDP/SEA Plat (and as subject to the minor modifications approved by your letter of determination dated April 26, 2010). Among other things, Proffer 3.C. limits the phase one gross floor area ("GFA") to 200,000 square feet.

The second phase is referred to the Women's Hospital, which comprises the balance of the hospital expansion.

As reflected on the approved GDP/SEA Plat and on the interpretation graphic submitted in support of the April 26, 2010 interpretation, the tower components of both the South Patient Tower and the Women's Hospital will be constructed atop a three story base (ground, first and second floors) that connects the two phases of the project.

Final design of the phase two Women's Hospital has revealed that the programmatic requirements of the Women's Hospital on each of the ground, first and second floors will extend into a portion of the South Patient Tower. These areas are shown on Exhibit 1 attached hereto. Specifically, on the ground floor level of the South

Patient Tower, an area of 5,027 square feet of GFA will ultimately be utilized to support the Women's Hospital program. On the first floor level of the South Patient Tower, an area of 4,220 square feet of GFA will ultimately be utilized to support the Women's Hospital program. And, on the second floor level of the South Patient Tower, an area of 11,692 square feet of GFA will ultimately be utilized to support the Women's Hospital program.

In total the program for the phase two Women's Hospital will utilize 20,939 square feet of GFA within the phase one South Patient Tower. While the program for the phase one South Patient Tower is well within the phase one 200,000 square foot limitation of Proffer 3.C., when the 20,939 square feet of the phase two Women's Hospital program is included with the phase one portion of the project, the result is a requirement for a phase one building of 210,088 square feet.

The purpose of this letter is to request your written determination that the phase one South Patient Tower may include a total of 210,088 square feet of GFA, provided that no more than 200,000 square feet of GFA may be occupied in phase one of the project. The additional phase two floor area that is provided in phase one would be occupied only upon or following the issuance of the first Non-Residential Use Permit, exclusive of the core and shell permit, for the Women's Hospital.

It is important to emphasize that this is not a request for a building addition or for additional density. Instead, this request is to advance construction of approved phase two floor area within phase one of the project with a commitment that no more than 200,000 square feet of GFA would be occupied in phase one. The request is necessitated by the fact that the two phases are approved to be constructed over a common building base. There is simply no way to later retrofit phase one to incorporate the phase two floor area at issue.

Further, this modification affects only the interior building program and will not result in any increase to the approved height, bulk, mass or orientation of either phase of the project. And, since the additional space would not be occupied until phase two is occupied, this modification would create no impact with respect to traffic generation, parking demand or any other such intensity-of-use related concern.

With this background, it is our judgment that this proposed adjustment represents a minor modification that is 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. In particular, I note that the proposed modification 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 modification 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.

Thank you, as always, for your attention to this matter. Please let me know if you have any questions or require additional information.

Very truly yours,

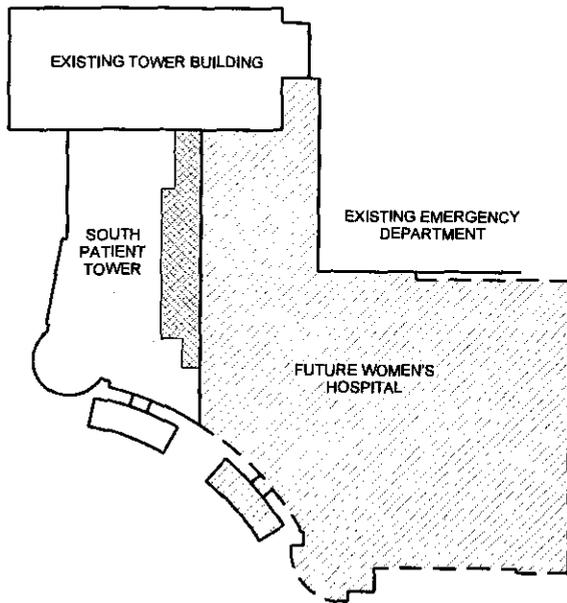
WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.



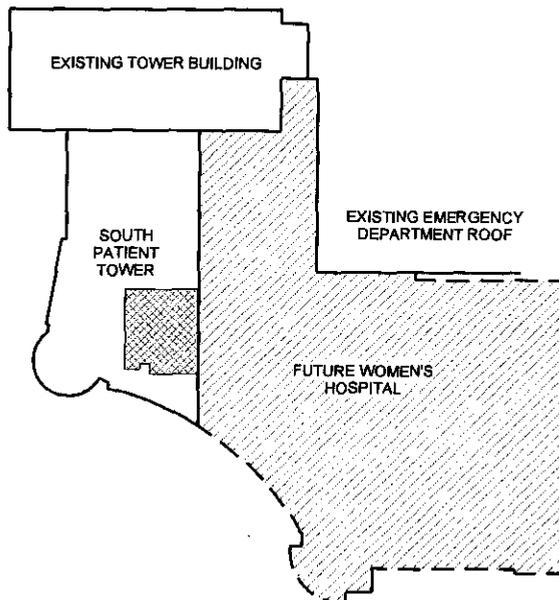
Timothy S. Sampson

Enclosures

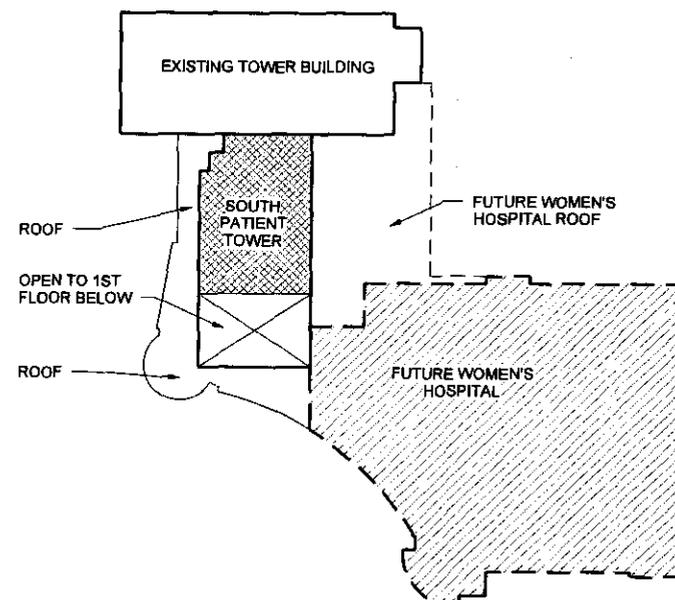
- cc: Supervisor Linda Smyth
Mark Ehret
Joan Dannemann
David Sittler
Jim Wilmot
Rick Sasaki
Phil Yates



1 GROUND FLOOR PLAN
SCALE: 1" = 100'-0"



2 FIRST FLOOR PLAN
SCALE: 1" = 100'-0"



3 SECOND FLOOR PLAN
SCALE: 1" = 100'-0"

LEGEND

-  SOUTH PATIENT TOWER
-  WOMEN'S HOSPITAL
-  WOMEN'S HOSPITAL PROGRAM WITHIN SOUTH PATIENT TOWER



SOUTH PATIENT TOWER / NEW WOMEN'S HOSPITAL

FLOOR PLANS
SEPTEMBER 2, 2010

WILMOT SANZ
ARCHITECTURE
PLANNING

