



APPLICATION ACCEPTED: April 13, 2011  
PLANNING COMMISSION: July 7, 2011  
BOARD OF SUPERVISORS: July 26, 2011 @4:00 p.m.

# County of Fairfax, Virginia

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June 22, 2011

## STAFF REPORT

APPLICATION SE 2011-PR-003

### PROVIDENCE DISTRICT

**APPLICANT:** Grant 1651 Old Meadow Road LLC

**PRESENT ZONING:** C-3 and HC

**LOCATION:** 1651 Old Meadow Road

**PARCEL:** 29-4 ((6)) 102

**SITE AREA:** 3.35 acres

**FLOOR AREA RATIO (FAR):** 0.48

**PLAN MAP:** Transit Station Mixed Use

**SPECIAL EXCEPTION CATEGORY:** Category 3: Colleges, Universities

**PROPOSAL:** To permit a college/university with a maximum enrollment of 36 students within an existing office building

**WAIVERS & MODIFICATIONS:**

- Modification of transitional screening and barrier along the eastern property line
- Modification of the loading space requirement
- Waiver of the interior and peripheral parking lot landscaping requirement
- Modification of the tree cover requirement.

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Nick Rogers

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703-324-1290 FAX 703-324-3924  
[www.fairfaxcounty.gov/dpz](http://www.fairfaxcounty.gov/dpz)



## STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2011-PR-003, subject to the development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of transitional screening and a waiver of the barrier requirements along the eastern property line in favor of maintaining the existing conditions.

Staff recommends approval of the modification of the interior and peripheral parking lot landscaping requirements in favor of the existing landscaping shown on the SE plat.

Staff recommends approval of a modification of the tree cover requirements.

Staff recommends approval of a waiver of interior parking lot landscaping in favor of maintaining the existing amount of parking lot landscaping shown on the SE plat.

Staff recommends approval of the modification of the off-street loading requirements in favor of the existing loading space that serves the office building.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

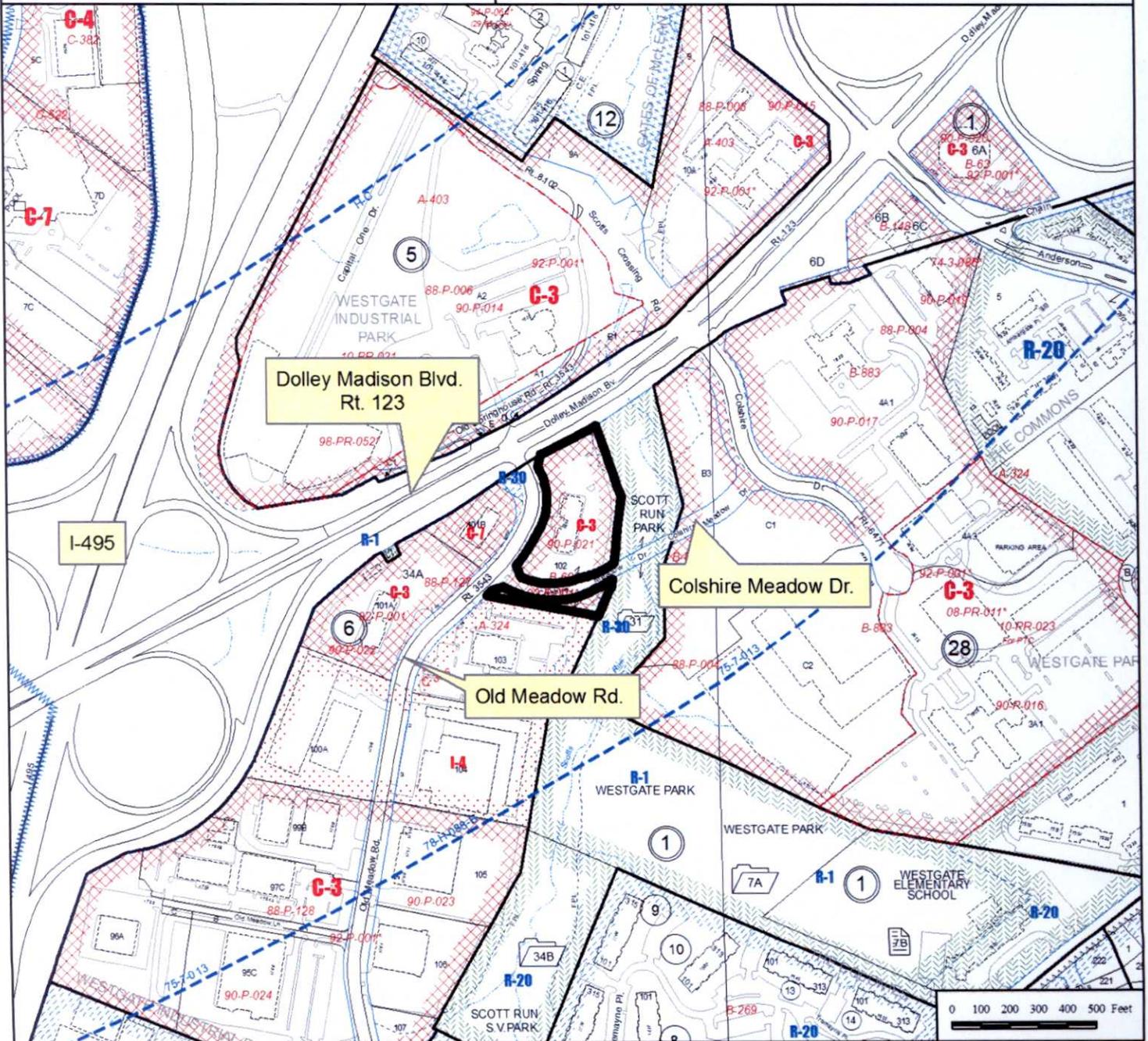
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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**Special Exception**  
**SE 2011-PR-003**

Applicant: GRANT 1651 OLD MEADOW ROAD LLC  
 Accepted: 04/13/2011  
 Proposed: COLLEGE/UNIVERSITY  
 Area: 3.35 AC OF LAND; DISTRICT - PROVIDENCE  
 Zoning Dist Sect: 04-0304  
 Art 9 Group and Use: 3-01  
 Located: 1651 OLD MEADOW ROAD  
 Zoning: C-3  
 Plan Area: 2  
 Overlay Dist: HC  
 Map Ref Num: 029-4 /06/ /0102  
 Staff Coordinator: Nick Rogers  
 Pre-staffing: 5/9/2011  
 Staffing: 5/26/2011  
 PC Hearing: 7/7/2011      BOS Hearing: 7/7/2011



# ■ WESTGATE GRANT LOT 102 ■

PROVIDENCE DISTRICT  
FAIRFAX COUNTY, VA

## SPECIAL EXCEPTION PLAT

SE 2011-PR-0062

JUNE 16, 2011

**APPLICANT/OWNER**

CITYLINE PARTNERS  
1651 OLD MEADOW RD, SUITE 650  
MCLEAN, VIRGINIA 22030  
CONTACT: KEITH TURNER  
703.556.3774

**ATTORNEY**

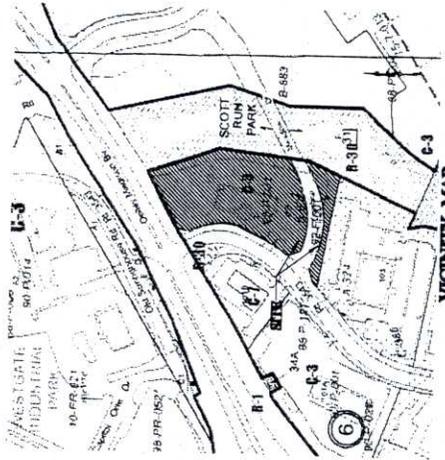
WALSH, COLUCCI, LUBELEY, EMRICH, & WALSH  
2200 CLARENDON BLVD., 13TH FLOOR  
ARLINGTON VIRGINIA, 22201  
CONTACT: SARA V. MARISKA, ESQ.  
(703) 528-4700

**ENGINEER/LANDSCAPE ARCHITECT**

VTKA INC.  
8180 GREENSBORO DRIVE, SUITE 200  
MCLEAN, VIRGINIA 22102  
CONTACT: BRYNE RILEY, ASLA & JOHN AMATITTI, PE.  
(703) 442-7800

**SHEET INDEX**

1. COVER SHEET
2. SPECIAL EXCEPTION PLAT/EXISTING CONDITIONS PLAN



TM NO. 29-4-006-0102

- SOURCE NOTES:**
1. THE SUBJECT PROPERTY SHOWN HEREON IS IDENTIFIED ON FAIRFAX COUNTY TAX MAP AS TM# 29-4-006-0102.
  2. THE SUBJECT PROPERTY WAS ACQUIRED AS FOLLOWS:  
GRANT TRUST OLD MEADOW ROAD, LLC DEED BOOK 21146, PAGE 106  
GRANT TRUST OLD MEADOW ROAD, LLC DEED BOOK 21146, PAGE 106  
GRANT TRUST OLD MEADOW ROAD, LLC DEED BOOK 21146, PAGE 106
  3. THE HORIZONTAL DATA SHOWN HEREON, VIRGINIA COORDINATE SYSTEM 83, IS BASED ON A 1983 SURVEY OF THE SUBJECT PROPERTY BY VTKA INC. AND ASSOCIATES.
  4. THE BOUNDARY INFORMATION SHOWN HEREON WAS OBTAINED FROM A SURVEY AND TITLE SURVEY BY VTKA INC. AND ASSOCIATES, DATED JULY 18, 2011.
  5. THE BOUNDARY INFORMATION SHOWN HEREON WAS OBTAINED FROM A SURVEY AND TITLE SURVEY BY VTKA INC. AND ASSOCIATES, DATED JULY 18, 2011.
  6. THE BOUNDARY INFORMATION SHOWN HEREON WAS OBTAINED FROM INSTRUMENTS OF RECORD, PREVIOUS SURVEYS AND SITE PLANS BY OTHERS, INCLUDING INSTRUMENTS OF RECORD, PREVIOUS SURVEYS AND SITE PLANS BY OTHERS, INCLUDING INSTRUMENTS OF RECORD, PREVIOUS SURVEYS AND SITE PLANS BY OTHERS, INCLUDING INSTRUMENTS OF RECORD, PREVIOUS SURVEYS AND SITE PLANS BY OTHERS.
  7. THE BOUNDARY INFORMATION SHOWN IS FOR EFFECTIVE FROM PANEL # 5086C DRISSE WITH AN EFFECTIVE DATE OF SEPTEMBER 17, 2010.



**A GLOSSARY OF TERMS FREQUENTLY  
USED IN STAFF REPORTS WILL BE  
FOUND AT THE BACK OF THIS REPORT**

**DESCRIPTION OF THE APPLICATION**

**Proposal:**

The applicant, Grant 1651 Old Meadow Road LLC, is seeking a Special Exception to permit a College/University use within an existing office building in the West\*Gate office park. No land disturbance, site improvements, or exterior changes to the building are proposed with this application.

**Students:** Average number of students on site at any one time:  
15-25 students  
Maximum total daily enrollment: 36 students

**Parking:** 247 spaces (existing)

**Hours:** Office: 9:00am-5:00pm, Monday through Friday  
Classes: Various times between 9:00am-10:00pm, Monday through Friday, and 9:00am-5:00pm on Saturday

**Employees:** 4 faculty members, 5 full-time staff members, and up to 3 part-time staff members for a total of 12 employees

**Waivers and Modifications:**

The applicant is requesting a modification of the transitional screening and a waiver of the barrier requirements listed at the end of Article 13 in the Zoning Ordinance. As stated in the site's governing proffers, the applicant would use the existing wooded conditions as the transitional screening and barrier between the subject property and the Scotts Run stream valley.

The applicant is also requesting a modification of the interior and peripheral parking lot landscaping requirements listed in Article 13, Sections 202 and 203 of the Zoning Ordinance. The applicant's request is to maintain the existing conditions along all property boundaries that face streets and in the parking lot.

A modification has been requested of the off-street loading space requirement listed in Article 11, Section 203 of the Zoning Ordinance. The applicant proposes to retain one existing space that serves the building in lieu of the four required.

**LOCATION AND CHARACTER**

**Site Description:**

The subject property is bounded by Dolley Madison Boulevard (Route 123) on the north, Old Meadow Drive on the west, Colshire Meadow Drive on the south, and the Scotts Run stream valley on the east. The property is 3.35 acres, zoned C-3 and within a Highway Corridor (HC) overlay district. A 69,276 square foot, 6-story building that was constructed in 1970 is centrally located on the property, surrounded by 247 parking spaces. Sidewalks bound the property on the north, west and south, with two vehicular access points along Old Meadow Road. Moreover, the site is within close proximity to the new Tysons East Metro Station that is scheduled to be operational in 2013.

**Surrounding Area Description:**

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office and Metro Station (under construction)	C-3	Mixed Use Transit Station
South	Office	C-3	Transit Station Mixed Use
East	Open Space (stream valley)	R-30	Park / Open Space
West	Office	C-3	Transit Station Mixed Use



Aerial photo of 1651 Old Meadow Road and the surrounding vicinity Source: Google Maps

## BACKGROUND

### Site History:

The subject property is part of the West\*Gate office park, whose owners have submitted four applications to rezone much of the original project area of 128.63 acres from C-3 to Planned Tysons Corner Urban District (PTC), retaining the HC overlay. In particular, the Scotts Run Station South proposal (**RZ 2011-PR-010**) was accepted for review on May 20, 2011 and envisions a large scale, mixed use redevelopment of the site. This rezoning application, in the early stages of review, does not propose retention of the office building associated with this SE application at buildout. The college/university use proposed with this SE application would operate within the existing building on an interim basis.

An as-built site plan and building location survey for the existing office building was approved by the Fairfax County Division of Design Review on November 12, 1970. The plan shows the property boundaries, the 100-year flood plain limits, the building location, and a layout for 274 parking spaces. Twenty-seven of these parking spaces were eliminated with the construction of Colshire Meadow Drive in 2005.

As for past zoning actions, on June 22, 1992 the Board of Supervisors (BOS) approved **RZ 92-P-001** to rezone 128.63 acres, which comprised land located east of I-495 and bisected by Route 123. The acreage, collectively known as West\*Gate, was rezoned from I-3, I-4, C-2, C-7, R-1 and Highway Corridor (HC) Districts to the C-3 and HC Districts and subject to proffers dated June 19, 1992. Under the proffers for **RZ 92-P-001**, a maximum FAR of 0.6232 was established for the subject 128.63 acres. These proffers also created three land bays, known as the Old Springhouse Road, Colshire Drive, and Old Meadow Road Land Bays (Land Bays A, B, and C, respectively).

The subject property where the proposed college/university would be located is in the Old Meadow Road Land Bay. It is referred to as the Grant building on the accompanying general development plan (GDP), found on Sheet 3. Several sheets from the GDP have been included for orientation purposes as an appendix with this staff report (Appendix 4). While the building sizes, locations, and footprints were not proffered as a part of the GDP, the proffers did address broader land use impacts such as maximum density across the entire office park's acreage, maximum building heights, limits of clearing/grading, and sidewalks and trails.

On March 22, 1999, the Board of Supervisors (BOS) approved **PCA 92-P-001**. Under this proffered condition amendment (PCA) application, the approved proffers were amended in order to:

- (1) Decrease the overall allowable density for the subject site from 0.6232 to 0.60 FAR;

- (2) Increase the height of the McKinley, Pierce and Taylor buildings (Colshire Land Bay) to a maximum of 105 feet and the Washington, Adams, Madison and Jefferson buildings (Old Springhouse Road Land Bay) to a maximum of 150 feet;
- (3) Dedicate a 2.35 acre parcel within the Colshire Drive Land Bay for public use (it was, and still is, expected that this use will be a bus transfer station);
- (4) Reserve and dedicate land within the Old Springhouse Road Land Bay for future Capital Beltway (I-495) widening and the future Metrorail extension;
- (5) Create a new Transportation Demand Management (TDM) program within the Tysons Corner Urban Center;
- (6) Provide the Fairfax County Park Authority (FCPA) with \$250,000 for the acquisition, development or maintenance of park and recreation facilities in the Providence District in lieu of a previously-approved proffer to dedicate four parcels of land, totaling one (1) acre in size;
- (7) Permit a proposed parking structure to encroach into the Scott's Run EQC; and,
- (8) Provide stormwater management and best management practices (SWM/BMP) facilities which meet current Public Facility Manual (PFM) standards.

On October 16, 2000, the Board of Supervisors (BOS) approved **PCA 92-P-001-2 and PCA 1998-PR-052**. Under these concurrent applications, the approved proffers were amended in order to increase the overall maximum allowable density for West\*Gate from 0.60 to 0.65 FAR (an increase of 300,521 square feet). Under the approved proffers, the additional 300,521 square feet was not assigned to a particular land bay; rather, it can be used anywhere within the subject site.

On December 3, 2001, the Board approved **PCA 92-P-001-4**, a partial PCA to amend proffers for portions of the property subject to RZ 92-P-001 in order to reallocate density between land bays within West\*Gate. This PCA did not change the overall density, uses, or other proffered commitments for West\*Gate.

On September 26, 2007, the Board approved **PCA 92-P-001-06** which created new land bays in West\*gate, specifically C-1, C-2, and C-3, but included no new square footage and maintained a limit of 0.65 FAR for the entire West\*Gate office park development.

**COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	Area II – Tysons Corner Urban Center
<b>Planning District:</b>	Tysons East District Old Meadow Subdistrict
<b>Plan Map:</b>	Transit Station Mixed Use
<b>Base Plan Text:</b>	<i>The Old Meadow Subdistrict is developed and planned for office and light industrial uses up to an average .65 FAR.</i>

The Plan provides a redevelopment option that would convert this area of Tysons Corner into an “urban residential neighborhood”. The applicant is pursuing this option with separate rezoning applications that are unrelated to this SE application.

**SPECIAL EXCEPTION PLAT** (copy at front of staff report)

<b>Title of SE Plat:</b>	West*Gate Grant Lot 102
<b>Prepared by:</b>	John Amatetti, PE – VIKA Incorporated
<b>Original and Revision Dates:</b>	March 3, 2011 as revised through May 25, 2011
<b>Plat Description:</b>	The plat consists of two sheets - <ul style="list-style-type: none"> <li>• Sheet 1 lists the applicant, agent, civil consultant, and displays a vicinity map of the subject property</li> <li>• Sheet 2 displays a plan view perspective of the subject property and the immediate surroundings. The existing six-story office building, identified as the Grant Building, is centrally located on the property and surrounded by 247 parking spaces. Sidewalks are located on the north, west, and south frontages. The notes sections list the waivers and modifications, SE notes, floodplain notes, and general information about the property and parking. Vehicles enter the site from two entrances on Old Meadow Road. The property has a forested buffer along the eastern property line, with an additional three street trees on Old Meadow Road and trees at the corners of the building.</li> </ul>

No site changes are proposed with this application, and no exterior changes are proposed for the existing building.

## **ANALYSIS**

### **Land Use Analysis**

Staff finds that a college/university use within the existing office building at this location is compatible with the proposed uses in the base plan text as well as the redevelopment option text. No changes are proposed to the building's exterior, which was built below the maximum FAR listed for this district. The proposed use is consistent with the recommendations of the Comprehensive Plan.

The proposed use would be located in an existing building that is largely vacant and proposed for future demolition as a part of the applicant's long-term redevelopment plans. Continued occupancy helps ensure that the building is being maintained and used, reducing the likelihood that the building would fall into disrepair. There would be no adverse effects related to a college/university use at this location, nor would the proposed use impact the achievement of the Tysons Corner plan's long-range objectives.

### **Transportation Analysis**

The proposed use would not adversely impact traffic circulation, parking congestion, or access to and from the site.

#### **Issue: Transportation Demand Management**

The recent update to the Comprehensive Plan that focused on Tysons Corner placed great emphasis on the use of mass transit and carpooling. In order to reduce the amount of single occupancy vehicle trips to the site, the applicant should provide transit information to the employees, students, and other visitors of the proposed college/university to ensure the usage of transit and carpooling.

#### **Resolution:**

Staff has proposed a development condition that would make information related to alternative transportation modes available on site and on the college/university's web page.

### **Urban Forest Management Division (UFMD) Analysis**

#### **Issue: Landscaping**

The UFMD analysis of the subject property shows two 12-inch diameter willow oak trees and a 26-inch diameter sycamore tree along Old Meadow Drive. Crape myrtle can be found along the property's northern boundary with Route 123. Finally, the eastern boundary is wooded with primarily silver maple, tulip,

and red maple trees. The limited vegetation on site does not conform to the Zoning Ordinance's requirements for interior and peripheral parking lot landscaping; moreover, the existing trees on the eastern boundary do not conform to the transitional screening and barrier requirements. While likely, it is not definitive whether the site meets the minimum tree canopy percentage of 10% for the property.

**Resolution:**

Staff supports a modification of the landscaping requirements of the zoning ordinance and PFM as necessary in this case due to the limited scope of this application which does not propose any exterior modifications to the site. The provision of landscaping and screening will be evaluated by staff as a part of the review on the applicant's PTC rezoning, as the applicant intends to demolish the existing building and fully redevelop the property.

**Fairfax County Park Authority (FCPA) Analysis**

**Issue: Impacts to Park Land**

The Policy Plan of the Comprehensive Plan includes objectives for mitigating the adverse impacts to park and recreation facilities due to growth and land development. The Scotts Run stream valley is immediately adjacent to the subject property, and the channel has experienced erosion due to the development of the surrounding acreage over past decades. The existing conditions of the subject property, do not conform to the county's current stormwater management and BMP regulations.

**Resolution:**

Since this SE application proposes the use of an existing structure with no land disturbance activity, no best management practices (BMPs) were proposed with this application. FCPA staff has suggested a number of BMPs for implementation at such time as the site redevelops to supplement the periodic trash removal and parking lot sweeps currently performed by the applicant. It is expected that the applicant will incorporate these or similar measures into the redevelopment scenarios proposed with the pending PTC rezoning application.

## ZONING ORDINANCE PROVISIONS

Bulk Standards for C-3 Zoning		
Standard	Required	Provided
Lot Size	Minimum 20,000 sq. ft.	145,700 sq. ft. (3.34 acres)
Lot Width	Minimum 100 ft.	218 ft.
Maximum Building Height	Maximum 90 ft.	73 ft.
Front Yard	25 degree angle of bulk plane, but no less than 40 feet.	≈155 ft. (Dolley Madison Blvd.) ≈48 ft. (Old Meadow Rd.) ≈91 ft. (Colshire Meadow Dr.)
Side Yard	None required	128 ft.
Rear Yard	20 degree angle of bulk plane, but no less than 25 feet.	N/A
Maximum FAR	1.00	0.48
Minimum Open Space	15% of gross area	30%
Parking Spaces (Office)	Office - <b>191</b> spaces <sup>1</sup> College/University - <b>34</b> spaces <sup>2</sup>	<b>247</b> total spaces
Loading Spaces	4 spaces for the office + 1 space for the college/university = <b>5</b> total	<b>1</b> space <sup>3</sup>
Peripheral Parking Lot Landscaping	A <b>10-foot wide</b> landscaping strip between the parking lot and the property line with <b>1 tree per 40 feet</b>	North – 17' strip, 0 trees West – 7-13' strip, 3 trees South – 7-13' strip, 0 trees East – 20-30' strip, forested <sup>4</sup>
Interior Parking Lot Landscaping	5% of the total parking lot area	None <sup>5</sup>
<b>Transitional Screening</b>		
North (Route 123 and Metro line)	N/A	Grasses with an approximately 17 foot width with crape myrtles
South (Office)	N/A	Grasses with an approximately 7-13 foot width
East (Stream valley)	Transitional Screen 1 <sup>6</sup>	Natural vegetation sloping toward the flood plain and creek below <sup>7</sup>
West (Office)	N/A	Grasses with an approximately 7-13 foot width
<b>Barrier</b>		
North (Route 123 and Metro line)	N/A	None
South (Office)	N/A	None
East (Stream valley)	Barrier D <sup>8</sup> , E <sup>9</sup> or F <sup>10</sup>	None <sup>11</sup>
West (Office)	N/A	None

- 1) Parking rate is three (3) spaces per 1,000 square feet of gross floor area
- 2) Based on the Director's review, but no less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time.
- 3) Modification requested with this SE application.
- 4) Modification requested with this SE application.
- 5) Modification required with this SE application.
- 6) An unbroken strip of open space a minimum of twenty-five (25) feet wide and planted with all of the following:

- a) A mixture of large and medium evergreen trees and large deciduous trees that achieve a minimum ten (10) year tree canopy of seventy-five (75) percent or greater;
  - b) A mixture of trees consisting of at least seventy (70) percent evergreen trees, and consisting of no more than thirty-five (35) percent of any single species of evergreen or deciduous tree; and,
  - c) A mixture of predominately medium evergreen shrubs at a rate of three (3) shrubs for every ten (10) linear feet for the length of the transition yard area. The shrubs shall generally be located away from the barrier and staggered along the outer boundary of the transition yard.
- 7) Modification requested with this SE application.
  - 8) Barrier D shall consist of a 42-48 inch chain link fence, and may be required by the Director to have inserts in the fence fabric, to be coated, or to be supplemented by trees and/or shrubs.
  - 9) Barrier E shall consist of a 6 foot wall, brick or architectural block faces on the side facing the existing use and may be required to be so faced on both sides as determined by the Director.
  - 10) Barrier F shall consist of a 6 foot high solid wood or otherwise architecturally solid fence.
  - 11) Modification requested with this SE application.

### **Waivers and Modifications:**

- **Transitional screening and barrier requirements**

The Zoning Ordinance requires a 25-foot wide landscaped buffer to be planted between office uses and high-density residential uses, along with 1 of 3 different barriers. Despite the stream valley to the east being undeveloped, its R-30 zoning triggers this requirement. The SE plat indicates that this area is forested, but the buffer is below 25 feet in some places. While the existing vegetation does not conform to the zoning requirements, the existing conditions are sufficient given the minimal scale and impacts of the proposed application..

Section 13-305 of the Zoning Ordinance gives the ability to waive or modify transitional screening and barriers. Staff supports a modification of these requirements because the Comprehensive Plan calls for the stream valley to remain as a park and/or open space, which would not require transitional screening or a buffer from an office use. Furthermore, the adjoining stream valley serves a public purpose by filtering storm water from the subject property and increasing the water quality of the stream.

- **Peripheral parking lot landscaping**

The applicant included a request to modify the peripheral parking lot landscaping requirements in favor of maintaining the existing site conditions. Full compliance with this section of the ordinance would be complicated by the presence of a power easement along the northern property line in the vicinity of where the required landscaping would need to be placed. Additional street trees would be needed along the property's northern, western, and southern boundaries to conform to the requirement.

The applicant intends for the proposed use to operate on an interim basis; furthermore, the applicant's submission of a PTC rezoning application which includes the subject site proposes a full redevelopment to the current landscaping standards. An approved waiver of peripheral parking lot landscaping at this time would not have deleterious effect on the existing or planned development of this property or the adjacent properties. Staff recommends approval of the requested modification.

- **Interior parking lot landscaping**

As listed in the Bulk Standards chart above, the Zoning Ordinance requires 5% of the interior parking lot to be landscaped. The site has a few small trees along its Old Meadow Road frontage, but very few in the interior parking field because such planting was not required at the time of the original site plan's approval.

Given that this application for an interim use proposes no land disturbance, the rationale behind this support of a waiver is identical to that offered above for the peripheral landscaping. An approved waiver of the 5% requirement for interior parking lot landscaping would not have any deleterious effect on the existing or planned development of this property or the adjacent properties. Staff recommends approval of the requested modification.

- **Loading spaces**

The applicant has requested a modification of the off street loading space requirement for the proposed use. In lieu of providing the required five loading spaces, the applicant's request is to maintain the single loading space currently used at the subject property. Given the relatively minimal impact that the use will have on the property, the ample amount of parking available on site, and the use's minimal need for loading, staff supports of the applicant's request for a reduction.

## **OTHER ZONING ORDINANCE REQUIREMENTS:**

### **General Special Exception Standards (Sect. 9-006)**

All special exception uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

Based on an analysis of the Comprehensive Plan text, the proposed use at this location would be harmonious with the adopted Plan.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The purpose and intent of the C-3 zone is to provide for "non-retail commercial uses...such as office and financial institutions". A college/university use would be harmonious with these and related uses.

3. *The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and*

*landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

Based on the negligible impacts that this use will have on the surrounding properties and buildings, the proposed use would be harmonious with the neighboring properties. The development and use of nearby land and buildings would not be hindered or discouraged, as the impacts associated with a college/university of this size would be minimal compared to many of the by-right uses on adjacent properties.

4. *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

The proposed use would be located on a property with sidewalks along all major roads and in close proximity to a future Metro station, with ample access to major arterial roads. The pedestrian and vehicular traffic associated with a college/university would not be hazardous or conflict with the existing and anticipated traffic in this neighborhood.

5. *In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.*

The applicant has proposed no additional landscaping or screening with request for the proposed use. To comply with this general standard, the applicant will need to obtain modifications and waivers of the required landscaping sections in Article 13 in which the site does not comply, or modify the SE plat. Given the limited scope of this proposal to replace vacant office space with an interim college/university use that will require no land disturbance, staff supports the landscaping and screening waivers and modifications.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The C-3 district requires a minimum of 15% of the gross area be landscaped open space. The applicant has indicated on the SE plat that this requirement has been satisfied with 29.8% open space, or 43,576 square feet.

7. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.*

No site changes are proposed that would impact the existing utility or drainage facilities approved at the time the existing building was constructed. The site has adequate parking and loading for the proposed use.

8. *Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.*

The applicant has not incorporated any requests related to signs with this special exception application. All signs related to the proposed use shall be regulated by the provisions of the Zoning Ordinance's Article 12.

### **Standards for All Category 3 Uses (Sect. 9-304)**

Category 3 special exception uses shall satisfy the following standards:

1. *For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.*

The proposed use would not be a public use rendering governmental services; as such, this standard is not applicable.

2. *Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.*

The proposed use would comply with the C-3 zone's lot size requirements.

3. *Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.*

The proposed use would be located in an existing building that complies with the C-3 district bulk regulations.

4. *All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.*

The proposed use would be required to comply with all performance standards listed in Article 14 of the Zoning Ordinance.

5. *Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.*

The proposed use would not trigger the submission requirements for a site plan as the use would occupy an existing office space on a site with no proposed improvements or exterior building changes; thus, this standard is not applicable.

## **Highway Corridor Standards**

The subject property is located in a Highway Corridor Overlay District. The proposed use of a college/university is not subject to the provisions of this overlay district.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

Staff finds that the proposed application is in harmony with the Comprehensive Plan, and, with the requested waivers and modifications, will conform with all applicable Zoning Ordinance Provisions.

### **Recommendation**

Staff recommends approval of SE 2011-PR-003, subject to the development conditions consistent with those contained in Appendix 1.

Staff recommends approval of a modification of transitional screening and a waiver of the barrier requirements along the eastern property line in favor of maintaining the existing conditions.

Staff recommends approval of the modification of the interior and peripheral parking lot landscaping requirements in favor of the existing landscaping shown on the SE plat.

Staff recommends approval of a modification of the tree cover requirements.

Staff recommends approval of a waiver of interior parking lot landscaping in favor of maintaining the existing amount of parking lot landscaping shown on the SE plat.

Staff recommends approval of the modification of the off-street loading requirements in favor of the existing loading space that serves the office building.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

## **APPENDICES**

1. Proposed Special Exception Development Conditions
2. Special Exception Affidavit
3. Statement of Justification
4. Selected sheets from the GDP of PCA 92-P-001-6
5. Previously approved Proffers (PCA 92-P-001-6)
6. FCDOT Analysis
7. VDOT Analysis
8. DPWES - UFMD Analysis
9. Fairfax County Park Authority Analysis
10. DPWES - Wastewater Planning & Monitoring Analysis
11. DPWES – Environmental and Site Review Division Analysis
12. Glossary of Terms

**DEVELOPMENT CONDITIONS**

**SE 2011-PR-003**

**June 22, 2011**

If it is the intent of the Board of Supervisors to approve SE 2011-PR-003 located at Tax Map 29-4 ((6)), 1651 Old Meadow Road, for use as a college/university within the existing office building pursuant to Sect. 4-304 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval 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 Special Permit Plat prepared by VIKA Incorporated, dated April 6, 2011, revised through June 16, 2011, consisting of 2 sheets 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.
4. The amount of gross floor area devoted to the college/university use within the building shall be limited to 6,000 square feet.
5. There shall be no dormitories in association with the college/university use.
6. The maximum number of students on-site at any one time shall be limited to 36 students.
7. Transit use and other non-single occupancy vehicle modes of transportation such as carpooling and biking among students, faculty, employees, and visitors of the university shall be promoted by the applicant as follows:
  - a. Information related to the availability of public transportation services and biking shall be made readily available to the students in a prominent location at the college/university and on the college/university's website.

- b. The transit information/literature shall include, at a minimum but not be limited to, information related to Metrobus, Fairfax Connector, Metrorail and other transit options.
- c. Biking literature shall include informational booklets and other materials available from FCDOT.
- d. Carpooling shall be promoted by methods such as a bulletin board, a matching effort supported by university staff and/or an electronic bulletin board.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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 as evidenced by the issuance of a Non-RUP for the college/university use. 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.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: June 1, 2011  
 (enter date affidavit is notarized)

I, Sara V. Mariska, attorney/agent, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)             applicant  
                               applicant's authorized agent listed in Par. 1(a) below

1117854

in Application No.(s): SE 2011-PR-003  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Grant 1651 Old Meadow LLC  Agents: Keith S. Turner Tasso N. Flocos Thomas D. Fleury Michael R. Pedulla	1651 Old Meadow Road, Suite 650 McLean, Virginia 22102	Applicant/Title Owner of Tax Map 29-4 ((6)) 102/ Lessor of Tax Map 29-4 ((6)) 102 pt.
Reformed Theological Seminary  Agent: Hugh C. Wheelchel	12500 Fair Lakes Circle, #325 Fairfax, Virginia 22033	Lessee of Tax Map 29-4 ((6)) 102 pt.

(check if applicable)             There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**Special Exception Attachment to Par. 1(a)**DATE: June 1, 2011  
(enter date affidavit is notarized)

1117854

for Application No. (s): SE 2011-PR-003  
(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
VIKA, Incorporated  Agents: John F. Amatetti Jeffrey A. Kreps Bryne D. Riley	8180 Greensboro Drive, Suite 200 McLean, VA 22102	Engineers/Agent for the Applicant
VIKA Virginia, LLC  Agents: John F. Amatetti Jeffrey A. Kreps Bryne D. Riley	8180 Greensboro Drive, Suite 200 McLean, VA 22102	Engineers/Agent for the Applicant
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  Agents: Martin D. Walsh Lynne J. Strobel Timothy S. Sampson M. Catharine Puskar Sara V. Mariska G. Evan Pritchard Elizabeth D. Baker Inda E. Staggs Kara M. W. Bowyer Elizabeth A. McKeeby	2200 Clarendon Boulevard 13th Floor Arlington, Virginia 22201	Attorneys/Planners/Agent for the Applicant

(check if applicable)

 There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 1, 2011
(enter date affidavit is notarized)

1117856

for Application No. (s): SE 2011-PR-003
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) Grant 1651 Old Meadow LLC
1616 Anderson Road
McLean, Virginia 22102

DESCRIPTION OF CORPORATION: (check one statement)

- [x] There are 10 or less shareholders, and all of the shareholders are listed below.
[ ] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[ ] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

RECP IV WG Land Investors LLC

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**

DATE: June 1, 2011  
(enter date affidavit is notarized)

1117856

for Application No. (s): SE 2011-PR-003  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

RECP IV WG Land Investors LLC  
590 Madison Avenue, 8th Floor  
New York, NY 10022

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

RECP IV Tysons Land Investor Holdco  
LLC, Sole Member

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

RECP IV Tysons Land Investor Holdco LLC  
590 Madison Avenue, 8th Floor  
New York, NY 10022

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

RECP IV Co-Investors A, LP (owns less than 10% of Grant 1651 Old Meadow Road LLC) DLJ Real Estate Capital Partners IV, L.P.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: June 1, 2011  
(enter date affidavit is notarized)

1117850

for Application No. (s): SE 2011-PR-003  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13th Floor  
Arlington, Virginia 22201

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

David J. Bomgardner, E. Andrew Burcher,	Michael D. Lubeley, J. Randall Minchew,
Thomas J. Colucci, Peter M. Dolan, Jr., Jay	M. Catharine Puskar, John E. Rinaldi,
du Von, Jerry K. Emrich, William A.	Lynne J. Strobel, Garth M. Wainman,
Fogarty, John H. Foote, H. Mark	Nan E. Walsh, Martin D. Walsh
Goetzman, Bryan H Guidash,	

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Reformed Theological Seminary  
12500 Fair Lakes Circle, #325  
Fairfax, Virginia 22033

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

A non-profit organization with no shareholders.

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: June 1, 2011  
(enter date affidavit is notarized)

1117856

for Application No. (s): SE 2011-PR-003  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

VIKA, Incorporated  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

John F. Amatetti, Charles A. Irish, Jr.,  
Harry L. Jenkins, Robert R. Cochran,  
Mark G. Morelock, Jeffrey B. Amateau,  
Kyle U. Oliver, Philip C. Champagne

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

VIKA Virginia, LLC  
8180 Greensboro Drive, Suite 200  
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

John F. Amatetti, Charles A. Irish, Jr.,  
Harry L. Jenkins, Robert R. Cochran,  
Mark G. Morelock, Jeffrey B. Amateau,  
Kyle U. Oliver, Philip C. Champagne

(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

**Special Exception Attachment to Par. 1(b)**

DATE: June 1, 2011  
(enter date affidavit is notarized)

111 7850

for Application No. (s): SE 2011-PR-003  
(enter County-assigned application number (s))

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Credit Suisse Group AG  
Paradeplatz 8  
Zurich, 8070  
Switzerland

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

Publicly traded in Switzerland (SIX) and as  
American Depositary Shares (CS) in New  
York (NYSE)

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

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(check if applicable)  There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 1, 2011
(enter date affidavit is notarized)

1117856

for Application No. (s): SE 2011-PR-003
(enter County-assigned application number(s))

1(c). The following constitutes a listing\*\*\* of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
DLJ Real Estate Capital Partners IV, L.P.
590 Madison Avenue, 8th Floor
New York, NY 10022

(check if applicable) [ ] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

General Partners:
DLJ Real Estate Capital IV, LLC (owns less than 10% of Grant 1651 Old Meadow Road LLC)
DLJ RECP Management, L.P. (owns less than 10% of Grant 1651 Old Meadow Road LLC)

Limited Partners:
Commonwealth of Pennsylvania Public School Employees' Retirement System (there are thousands of members in this pension fund, none of whom own 10% or more of Grant 1651 Old Meadow Road LLC)

Credit Suisse Group AG

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: June 1, 2011  
(enter date affidavit is notarized)

1117856

for Application No. (s): SE 2011-PR-003  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

[ ] In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

[✓] Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) [ ] There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

**SPECIAL EXCEPTION AFFIDAVIT**

1117856

DATE: June 1, 2011  
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

Within the twelve-month period prior to the public hearing, Chairman Sharon Bulova, Friends of Michael Frey and Gerry Hyland for Supervisor received in excess of \$100 from Cityline Partners LLC, which is not a party to this application; however, some of its members/managers/agents are the same as those listed for Grant 1651 Old Meadow LLC, the Applicant/Title Owner.

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

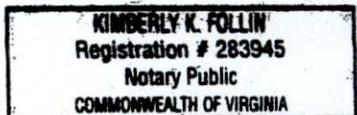
(check one) Sara V. Mariska  
 Applicant  Applicant's Authorized Agent

Sara V. Mariska, attorney/agent  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 1 day of June 2011, in the State/Comm. of Virginia, County/City of Arlington.

Kimberly K. Follin  
Notary Public

My commission expires: 11/30/2011





Sara V. Mariska  
 (703) 528-4700 Ext. 5419  
[smariska@arl.thelandlawyers.com](mailto:smariska@arl.thelandlawyers.com)

WALSH COLUCCI  
 LUBELEY EMRICH  
 & WALSH PC

Revised  
 April 11, 2011

RECEIVED  
 Department of Planning & Zoning  
 APR 11 2011  
 Zoning Evaluation Division

Via Hand Delivery

Barbara C. Berlin, Director  
 Fairfax County Department of Planning & Zoning  
 Zoning Evaluation Division  
 12055 Government Center Parkway, Suite 801  
 Fairfax, Virginia 22035

Re: Proposed Special Exception Application  
 Fairfax County Tax Map Reference: 29-4 ((6)) 102 (the "Subject Property")  
 Applicant: Grant 1651 Old Meadow Road LLC

Dear Ms. Berlin:

Please accept the following as a statement of justification for a special exception application to permit a college/university use within an existing office building.

The Applicant is the owner of an existing office building located in the southeast quadrant of the intersection of Dolley Madison Boulevard (Rt. 123) and Old Meadow Road (Rt. 3543). The Subject Property is part of an office park known as West\*Gate that originally contained over eighty (80) acres of industrially zoned property. Initially zoned to the I-4 District, West\*Gate was developed in phases in accordance with the Fairfax County Zoning Ordinance that permitted office and industrial uses. A rezoning in 1990 resulted in the Subject Property's current C-3 District zoning designation and the adoption of proffers. The Applicant proposes no changes to the approved proffers, no building additions, no increase in intensity, and no site modifications. A rezoning application that includes the Subject Property was recently filed by Cityline Partners and this application simply proposes a college/university use as an interim use in the existing office building prior to future redevelopment of the Subject Property.

The Applicant proposes to lease approximately 5,838 square feet of the existing building to the Reformed Theological Seminary (RTS). RTS is a theological institute that offers Christian education classes. RTS will utilize a portion of the existing building to allow office space, a library, and classroom space. The majority of the leased space will be used to provide office space for staff and professors. The library will be used by students, staff, and faculty. The library will primarily allow students to check out books and will offer space for a few students to study in the library. RTS will have one (1) classroom within the building to accommodate up to thirty-six (36) students. The purpose of RTS's program is to enhance knowledge of the Christian religion. While some students will only take a single class, others will engage in a more formal course of study, which leads to a master's degree in religion.

The Subject Property is currently improved with an approximately 69,276 square foot building. This building requires a total of 208 parking spaces, when the entire building is devoted to office use. With the change of approximately 5,838 square feet from office to college/university use, the office space requires 206 parking spaces. The college/university use requires one (1) space per faculty member and full-time employee, plus a sufficient number of spaces to accommodate the students and visitors that will drive to the site at any one time. RTS expects to have up to five (5) full-time employees and up to four (4) faculty members. Class size is typically up to twenty-five (25) students. RTS will require a maximum of thirty-four (34) spaces at any one time. Accordingly, a total of 240 parking spaces are required under the Zoning Ordinance. As there are 247 spaces on the Subject Property, there is sufficient parking to accommodate the parking required by RTS plus the parking required for the office space. The parking tabulation on the enclosed plat has been revised to account for the addition of the college/university use within the office building.

The Subject Property is located in the Tysons Corner Urban Center of the Area II section of the Fairfax County Comprehensive Plan (the "Plan"). More specifically, it is located within the Tysons East area, within the Old Meadow Subdistrict. The Old Meadow Subdistrict is developed and planned for office and light industrial uses up to an average of 0.65 FAR. The Plan ultimately envisions this area as a Transit Station Mixed Use development; however, it will take a number of years to achieve the Plan's vision for the Subject Property. In the interim, the Applicant proposes to use a portion of the existing office building for a small amount of college/university use. The Plan for the Tysons East area states that this district is a good location for institutional and public uses, such as educational facilities. The proposed college/university use is compatible with the Plan text and is in keeping with the goals of providing educational facilities in this area.

In accordance with the requirements of Section 9-011 of the Fairfax County Zoning Ordinance, please accept the following information:

- Type of Operation: The type of operation proposed is a college/university that will operate within an existing building.
- Hours of Operation: The hours of operation for the office will be 9:00 a.m. to 5:00 p.m., Monday through Friday. Classes will be held at various times, Monday through Saturday. Some classes are held during office hours, some on weeknights ending by 10:00 p.m., and other classes are held on Saturdays between 9:00 a.m. and 5:00 p.m.
- Estimated Number of Students: The classroom has been designed to accommodate up to thirty-six (36) students. The typical class size is approximately fifteen (15) to twenty-five (25) students.
- Proposed Number of Faculty/Employees: RTS anticipates having four (4) faculty members. RTS proposes to have up to five (5) full-time staff members and up to three (3) part-time staff members.

- Estimate of Traffic Impact: Wells & Associates conducted a trip generation analysis of the proposed use. Given the nature and characteristics associated with RTS, the proposed college/university generates approximately 7 AM peak hour and 9 PM peak hour trip. According to Wells & Associates, the proposed use is not considered to substantially affect the transportation network.
- Vicinity or General Area to be Served by the Use: The primary vicinity or general area to be served by the Applicant is Fairfax County with some students living in Maryland and the District of Columbia.
- Description of Building Façade and Architecture: There are no buildings, or additions to buildings, proposed with this application.
- Hazardous/Toxic Wastes on Subject Property: The Applicant is unaware of any hazardous or toxic substances located on the Subject Property.
- The proposed use conforms with the provisions of all applicable ordinances, regulations, adopted standards and applicable conditions except as noted on the SE plat and noted herein:
  - The Applicant requests a modification of the peripheral parking lot landscaping requirement on the south and west property lines pursuant to Section 13-203(3) of the Zoning Ordinance. This application simply requests conversion of a small amount of space from office use to a college/university use. No site modifications will be made that will render the existing, longstanding peripheral parking lot landscaping ineffective.
  - The Applicant requests a reaffirmation of the waiver of the transitional screening and barrier requirement pursuant to Section 13-305 of the Zoning Ordinance. Proffer 1.D(2) approved in conjunction with PCA 92-P-001-2 and PCA 1998-PR-052 provides that the limits of the floodplain on the eastern side of the Subject Property shall be left undisturbed in lieu of the transitional screening and barrier requirements outlined in the Zoning Ordinance. The Applicant is not proposing to modify this proffer nor does the Applicant propose any site modifications that would necessitate modification of the existing screening and barriers.
  - The Applicant requests a waiver of the trail requirement. Proffer 1.E that was adopted in conjunction with PCA 92-P-001-2 and PCA 1998-PR-052 provides that the sidewalk system on the Subject Property shall be provided in lieu of any trails shown on the County-wide Trails Plan. The Applicant proposes no modification to this proffer and no site modifications that would necessitate modification of the existing sidewalk system that serves the Subject Property.

- The Applicant requests a modification of the off-street loading requirements pursuant to Section 11-203 of the Zoning Ordinance. The conversion of a small amount of square footage from office to college/university use will not necessitate any additional loading spaces on the Subject Property. Currently, the Subject Property has one (1) loading space that serves the existing building. The Applicant requests a modification to allow the single loading space to serve the building in lieu of the seven (7) spaces that would be required under the Zoning Ordinance.

In sum, the Applicant proposes to allow a small amount of college/university use within an existing office building. The Applicant proposes no changes to the existing building footprint or site design, nor does it propose an increase in building size. This special exception simply seeks approval for a college/educational use to allow RTS to serve its students within the Washington, DC area. Given the Subject Property's convenient location on Rt. 123, in proximity to the Dulles Airport Access Road, I-495, and the future Metro expansion, approval of a special exception for the Subject Property will allow RTS to provide office, classroom, and library space in a convenient location. The proposal allows for the continued use of the existing office building as the Subject Property is reviewed in conjunction with the pending rezoning application that includes the Subject Property.

Should you have any questions regarding this proposal, or require additional information, please do not hesitate to let me know. I would appreciate the acceptance of this application and the scheduling of a public hearing before the Planning Commission at your earliest convenience.

Very truly yours,

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



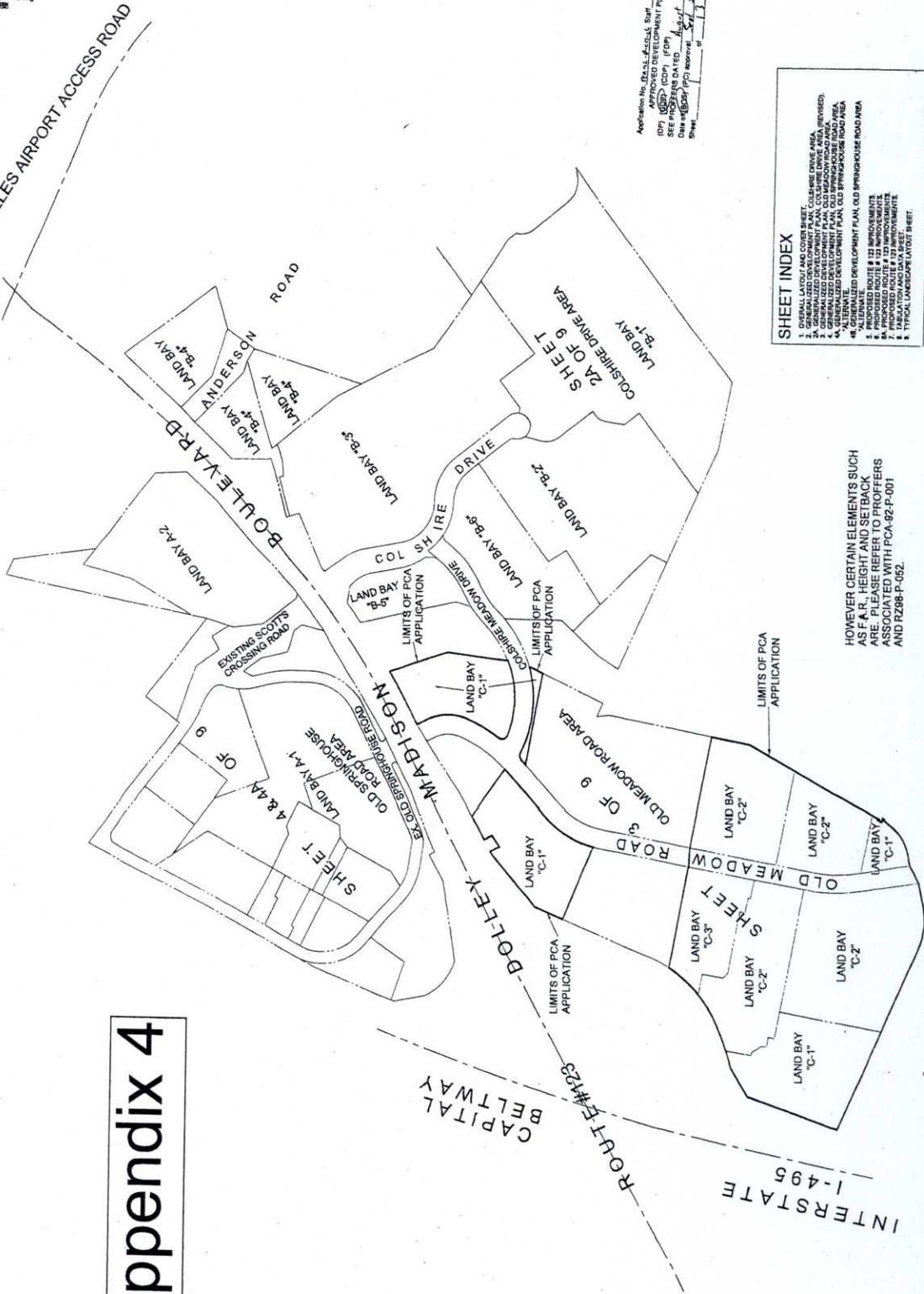
Sara V. Mariska

cc: Keith Turner  
Tom Fleury  
John Amatetti  
Bryne Riley  
Lynne J. Strobel  
Martin D. Walsh

{A0218618.DOC / 1 Revised Statement of Justification - RTS SE 007079 000004}

**GENERALIZED DEVELOPMENT PLAN FOR THE PROPERTIES OF  
WEST\*GROUP PROPERTIES LLC,  
TDC OWNER, LLC & TIAA STAFFORD-HARRISON LLC**

**Appendix 4**



**SHEET INDEX**

1. OVERALL LAYOUT AND COVER SHEET.
2. GENERALIZED DEVELOPMENT PLAN, COLSHIRE DRIVE AREA.
3. GENERALIZED DEVELOPMENT PLAN, COLSHIRE DRIVE AREA.
4. GENERALIZED DEVELOPMENT PLAN, OLD MEADOW ROAD AREA.
5. GENERALIZED DEVELOPMENT PLAN, OLD MEADOW ROAD AREA.
6. GENERALIZED DEVELOPMENT PLAN, OLD SPRINGHOUSE ROAD AREA.
7. GENERALIZED DEVELOPMENT PLAN, OLD SPRINGHOUSE ROAD AREA.
8. PROPOSED ROUTE # 122 IMPROVEMENTS.
9. PROPOSED ROUTE # 122 IMPROVEMENTS.
10. PROPOSED ROUTE # 122 IMPROVEMENTS.
11. TYPICAL LANDSCAPE LAYOUT SHEET.

HOWEVER CERTAIN ELEMENTS SUCH AS SETBACK AND HEIGHT RESTRICTIONS ARE ASSOCIATED WITH PROFFERS AND RZ2084-P-002.

**Huntley, Nyce & Associates, Ltd.**  
 CONSULTING ENGINEERS • LAND PLANNERS  
 11400 ALABAMA ROAD, SUITE 200  
 FARMINGTON, VIRGINIA 22031  
 PHONE: (703) 778-0000  
 FAX: (703) 778-0001  
 E-MAIL: HNTY@HNTY.COM  
 HNTY.COM



**COVER SHEET**  
 PROPERTIES OF WEST\*GROUP PROPERTIES LLC,  
 TDC OWNER, LLC & TIAA STAFFORD-HARRISON LLC  
 PROVIDENCE DISTRICT  
 FAIRMOUNT COUNTY, VIRGINIA  
 PCA 92-P-001-6

DATE: 02/10/92  
 REVISIONS:  
 04-21-92  
 05-05-92  
 05-12-92  
 05-12-92  
 05-12-92  
 05-12-92  
 05-12-92  
 05-12-92  
 05-12-92  
 05-12-92

SHEET 1 OF 9  
 FILE NO. PL-2432

RECEIVED  
 DIVISION OF PLANNING & ZONING  
 MAY 1 1 2007  
 Zoning Ordinance 2100B

Application No. 92-1-12345-6, Sub. S-11  
 APPROVED DEVELOPMENT PLAN  
 (DP) (GDP) (CDP) (PDP)  
 DATE OF DECISION: August 3, 2007  
 SHEET 1 OF 9

**Huntley, Nye & Associates, Ltd.**  
 ARCHITECTS - CIVIL ENGINEERS - LAND PLANNERS  
 1405 RAINBOW BLVD., SUITE 100  
 CHARLOTTE, N.C. 28204  
 PHONE: 770-333-8834  
 FAX: 770-333-8834  
 HUNTERVILLE - (703) 323-1000



**GENERALIZED DEVELOPMENT PLAN FOR THE PROPERTIES OF WEST-GROUP PROPERTIES, LLC, TDC OWNER, LLC & TIAA STAFFORD-HARRISON LLC, FAIRFAX COUNTY, VIRGINIA**  
 COLSHIRE DRIVE AREA  
 PROVIDENCE DISTRICT  
 PCA 92-P-001-6

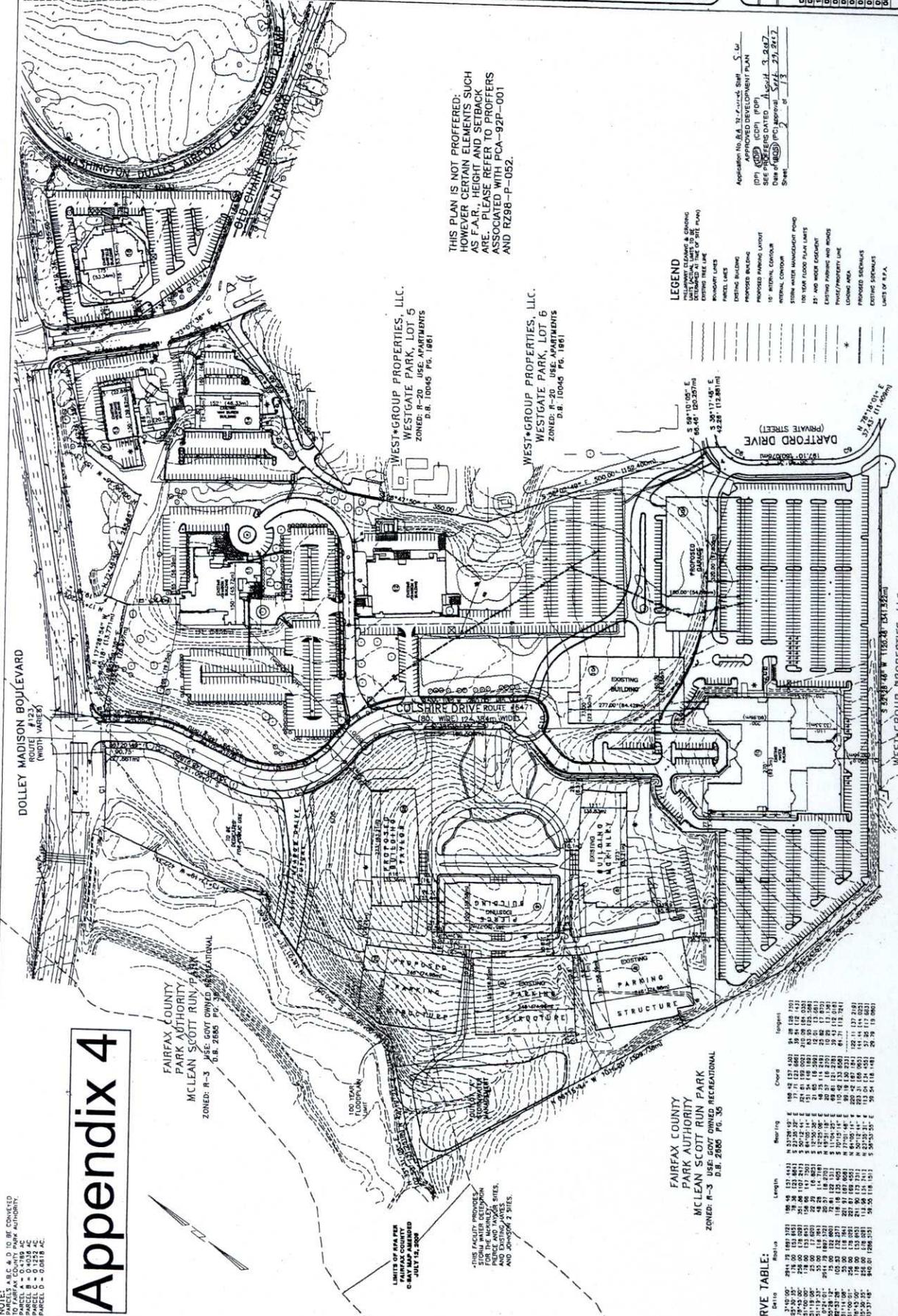
SCALE: 1" = 100'

DATE: 02/10/2012

REVISIONS:

01-21-92	PRELIMINARY PLAN
02-28-92	REVISED PLAN
03-28-92	REVISED PLAN
04-28-92	REVISED PLAN
05-28-92	REVISED PLAN
06-28-92	REVISED PLAN
07-28-92	REVISED PLAN
08-28-92	REVISED PLAN
09-28-92	REVISED PLAN
10-28-92	REVISED PLAN
11-28-92	REVISED PLAN
12-28-92	REVISED PLAN

SHEET 2 OF 9  
 FILE NO. PL-2433



THIS PLAN IS NOT PROFFERED, HOWEVER CERTAIN ELEMENTS, SUCH AS E.A.R., HEIGHT AND SETBACK ARE, PLEASE REFER TO PROFFERS ASSOCIATED WITH PCA-92P-001 AND RZ98-P-052.

**LEGEND**  
 PROPOSED CLEARING & GRADING DETAIL TO BE SHOWN ON THE PLAN  
 EXISTING TREE LINE  
 PROPOSED TREE LINE  
 PROPOSED BUILDING  
 PROPOSED PARKING LOT  
 10' INTERNAL CONTOUR  
 10' EXTERNAL CONTOUR  
 100 YEAR FLOOD PLAIN LIMITS  
 21' AND WOOD CROUNTS  
 EXISTING PARKING AND ROADS  
 PROPOSED PROPERTY LINE  
 LOADING AREA  
 PROPOSED SIDEWALKS  
 EXISTING SIDEWALKS  
 LIMITS OF P.A.

# Appendix 4

NOTE: A, B, C & D TO BE CONVEYED TO FAIRFAX COUNTY PARK AUTHORITY.  
 PARCEL A - 0.0031 AC  
 PARCEL B - 0.0031 AC  
 PARCEL C - 0.0031 AC  
 PARCEL D - 0.0031 AC

FAIRFAX COUNTY PARK AUTHORITY  
 MCLEAN SCOTT RUN PARK  
 ZONED: R-3 USE: GOVT OWNED RECREATIONAL  
 D.B. 2885 PG. 35

WEST-GROUP PROPERTIES, LLC  
 WESTGATE PARK, LOT 5  
 ZONED: R-20 USE: APARTMENTS  
 D.B. 10045 PG. 1801

WEST-GROUP PROPERTIES, LLC  
 WESTGATE PARK, LOT 6  
 ZONED: R-20 USE: APARTMENTS  
 D.B. 10045 PG. 1801

WEST-GROUP PROPERTIES, LLC  
 WESTGATE PARK, LOT 7  
 ZONED: R-20 USE: APARTMENTS  
 D.B. 10045 PG. 1801

FAIRFAX COUNTY PARK AUTHORITY  
 MCLEAN SCOTT RUN PARK  
 ZONED: R-3 USE: GOVT OWNED RECREATIONAL  
 D.B. 2885 PG. 35

FAIRFAX COUNTY PARK AUTHORITY  
 MCLEAN SCOTT RUN PARK  
 ZONED: R-3 USE: GOVT OWNED RECREATIONAL  
 D.B. 2885 PG. 35

**CURVE TABLE:**

Station	Radius (ft)	Length (ft)	Chord (ft)	Offset (ft)	Angle (deg)
1+00.00	100.00	100.00	100.00	0.00	0.00
1+10.00	100.00	100.00	100.00	0.00	0.00
1+20.00	100.00	100.00	100.00	0.00	0.00
1+30.00	100.00	100.00	100.00	0.00	0.00
1+40.00	100.00	100.00	100.00	0.00	0.00
1+50.00	100.00	100.00	100.00	0.00	0.00
1+60.00	100.00	100.00	100.00	0.00	0.00
1+70.00	100.00	100.00	100.00	0.00	0.00
1+80.00	100.00	100.00	100.00	0.00	0.00
1+90.00	100.00	100.00	100.00	0.00	0.00
2+00.00	100.00	100.00	100.00	0.00	0.00
2+10.00	100.00	100.00	100.00	0.00	0.00
2+20.00	100.00	100.00	100.00	0.00	0.00
2+30.00	100.00	100.00	100.00	0.00	0.00
2+40.00	100.00	100.00	100.00	0.00	0.00
2+50.00	100.00	100.00	100.00	0.00	0.00
2+60.00	100.00	100.00	100.00	0.00	0.00
2+70.00	100.00	100.00	100.00	0.00	0.00
2+80.00	100.00	100.00	100.00	0.00	0.00
2+90.00	100.00	100.00	100.00	0.00	0.00
3+00.00	100.00	100.00	100.00	0.00	0.00

LIMITS OF RAIL PIER  
 FAIRFAX COUNTY  
 JULY 15, 2008

\*THIS FACILITY PROVIDES ACCESS TO THE ADJACENT PARKING AND TRAIL SITES, AND JOHNSON'S SITES.

**Huntley, Myce & Associates, Ltd.**  
 ARCHITECTS • ENGINEERS • LAND SURVEYORS  
 1425 ALBERTA DRIVE, SUITE 200  
 CHARLOTTE, NORTH CAROLINA 28203  
 PHONE: 704-363-8888  
 FAX: 704-363-8888  
 1425 ALBERTA DRIVE, SUITE 200  
 CHARLOTTE, NORTH CAROLINA 28203  
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**GENERALIZED DEVELOPMENT PLAN FOR THE PROPERTIES OF WEST-GROUP PROPERTIES, LLC, TDC OWNER, LLC & TIAA STAFFORD-HARRISON LLC, FAIRFAX COUNTY, VIRGINIA**  
 COLSHIRE DRIVE AREA  
 GENERALIZED DEVELOPMENT PLAN  
 92-P-001-6

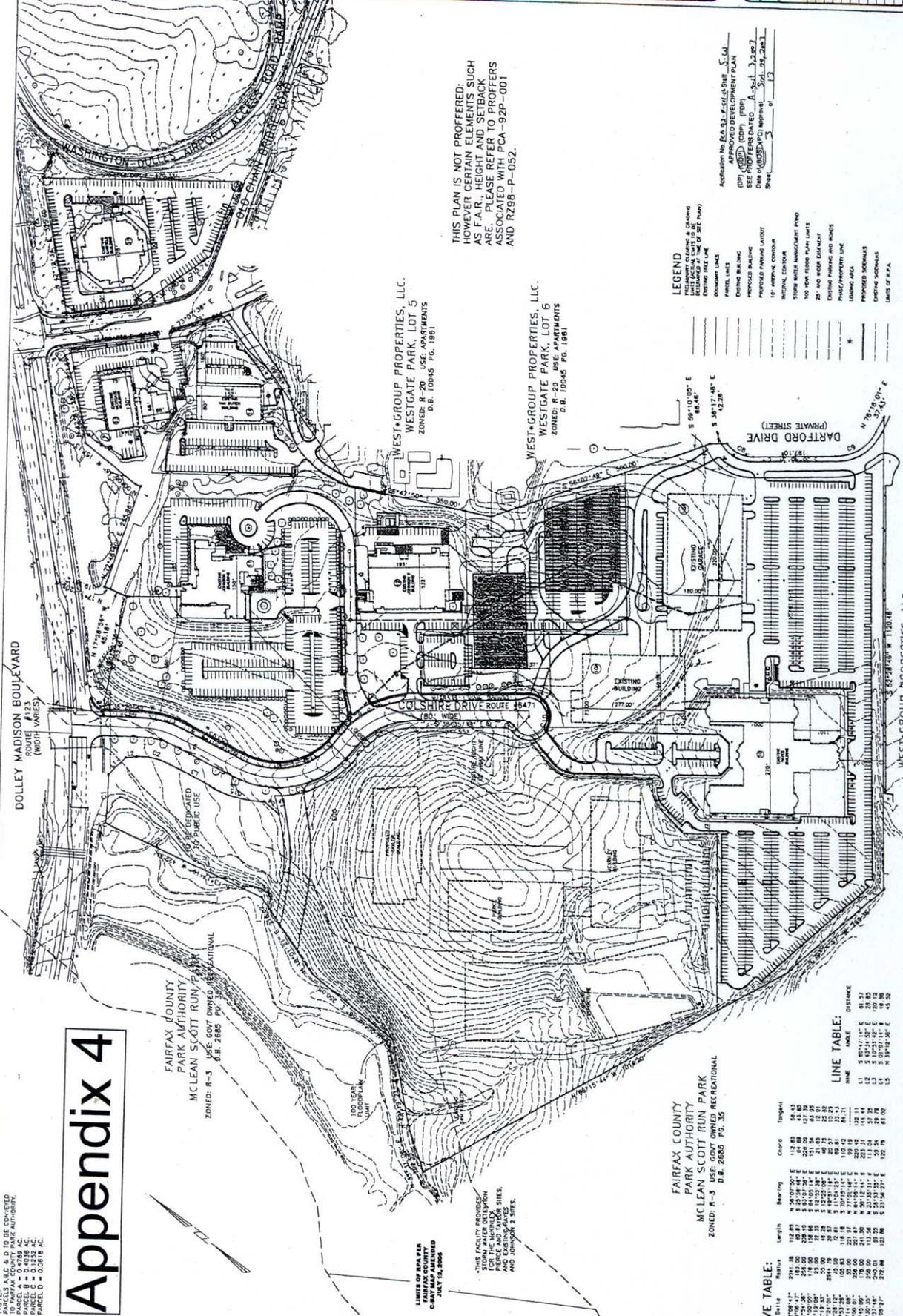
SCALE: 1" = 100'

DATE: 01-18-01

REVISIONS:

01-18-01	ISSUED DEVELOPMENT PLAN
05-06-01	REVISED DEVELOPMENT PLAN
05-06-01	REVISED DEVELOPMENT PLAN

SHEET 2A OF 9  
 FILE NO. PL-2432



THIS PLAN IS NOT OFFERED, HOWEVER CERTAIN ELEMENTS SUCH AS FAR, HEIGHT AND SETBACK ARE. PLEASE REFER TO PROFFERS ASSOCIATED WITH PCA-92P-001 AND RZ98-P-052.

- LEGEND**
- EXISTING CLEARING & DEMOLITION (ENCLOSED BY LINE OF SITE PLAN)
  - PROPOSED BUILDING
  - PROPOSED PARKING LAYOUT
  - 1" = 1" METRIC CONTOUR
  - INTERNAL CONTOUR
  - STORM WATER MANAGEMENT POND
  - 100 YEAR FLOOD PLAIN LIMITS
  - 25' AND WIDER EASEMENT
  - EXISTING PARKING AND ROADS
  - PHASE/PROPERTY LINE
  - LOADING AREA
  - PROPOSED SIDEWALKS
  - EXISTING SIDEWALKS
  - LIMITS OF R.F.A.

# Appendix 4

NOTE: PARCELS A, B, C & D TO BE CONVEYED TO FAIRFAX COUNTY PARK AUTHORITY. PARCEL A = 0.4336 AC. PARCEL B = 0.4336 AC. PARCEL C = 0.4336 AC. PARCEL D = 0.4336 AC.

FAIRFAX COUNTY PARK AUTHORITY  
 MCLEAN SCOTT RUN PARK  
 ZONED: R-3 USE: GOVT OWNED RECREATIONAL  
 D.B. 2685 PG. 35

FAIRFAX COUNTY PARK AUTHORITY  
 MCLEAN SCOTT RUN PARK  
 ZONED: R-3 USE: GOVT OWNED RECREATIONAL  
 D.B. 2685 PG. 35

LIMITS OF R.F.A.  
 CHARTERED SURVEYOR  
 CHRYL MAQUIN  
 JULY 12, 2006

THIS FACILITY PROVIDES FOR THE MAINTENANCE OF THE PARK, TRAILS, PIERCE AND PARKER SITES, AND JOHNSON 2 SITES.

FAIRFAX COUNTY PARK AUTHORITY  
 MCLEAN SCOTT RUN PARK  
 ZONED: R-3 USE: GOVT OWNED RECREATIONAL  
 D.B. 2685 PG. 35

**CURVE TABLE:**

Station	Station	Length	Bearing	Coord	Height
C1	20708.21'	115.87	S 25°21'34" E	124.88	26.43
C2	20708.21'	115.87	S 25°21'34" E	226.02	27.28
C3	20708.21'	115.87	S 25°21'34" E	327.16	28.13
C4	20708.21'	115.87	S 25°21'34" E	428.30	28.98
C5	20708.21'	115.87	S 25°21'34" E	529.44	29.83
C6	20708.21'	115.87	S 25°21'34" E	630.58	30.68
C7	20708.21'	115.87	S 25°21'34" E	731.72	31.53
C8	20708.21'	115.87	S 25°21'34" E	832.86	32.38
C9	20708.21'	115.87	S 25°21'34" E	934.00	33.23
C10	20708.21'	115.87	S 25°21'34" E	1035.14	34.08
C11	20708.21'	115.87	S 25°21'34" E	1136.28	34.93
C12	20708.21'	115.87	S 25°21'34" E	1237.42	35.78
C13	20708.21'	115.87	S 25°21'34" E	1338.56	36.63
C14	20708.21'	115.87	S 25°21'34" E	1439.70	37.48
C15	20708.21'	115.87	S 25°21'34" E	1540.84	38.33
C16	20708.21'	115.87	S 25°21'34" E	1641.98	39.18
C17	20708.21'	115.87	S 25°21'34" E	1743.12	40.03
C18	20708.21'	115.87	S 25°21'34" E	1844.26	40.88
C19	20708.21'	115.87	S 25°21'34" E	1945.40	41.73
C20	20708.21'	115.87	S 25°21'34" E	2046.54	42.58

**LINE TABLE:**

Line	Angle	Distance
L1	S 89°10'20" E	30.82
L2	S 86°46'00" E	109.18
L3	S 82°14'32" E	109.18
L4	S 80°07'14" E	109.18
L5	S 74°53'30" E	45.35



# Appendix 4

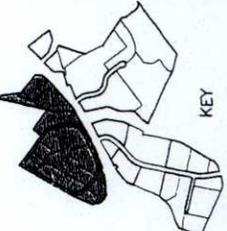
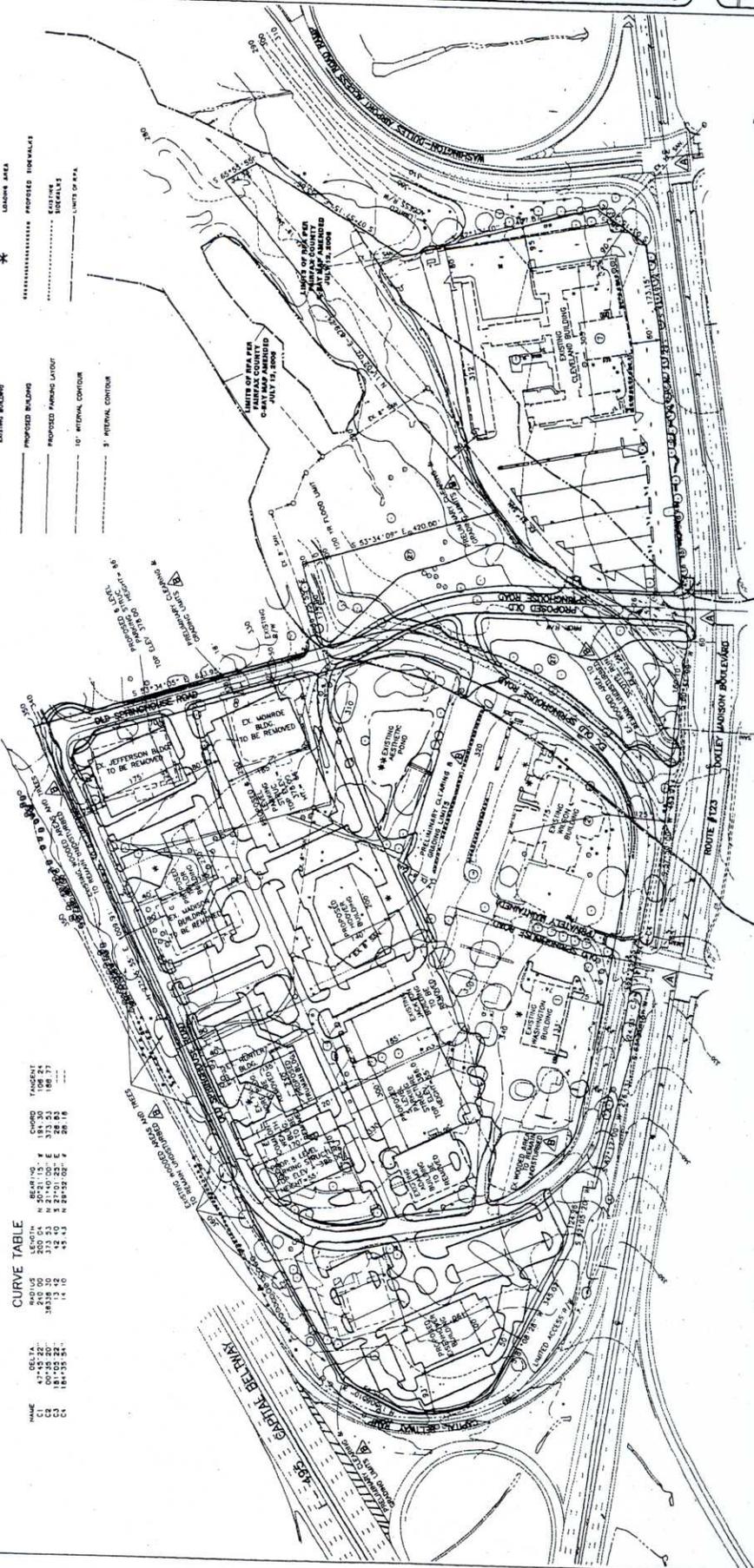
LINE TABLE

LINE	BEARING	DISTANCE
L1	N 37°35'33" E	181.34'

CURVE TABLE

NAME	DELTA	RADIUS	LENGTH	CHORD	TANGENT
C1	17°25'20"	373.53'	127.40'	127.40'	189.71'
C2	00°35'20"	383.38'	14.63'	14.63'	28.83'
C3	18°05'24"	14.63'	2.27'	2.27'	28.83'

- LEGEND:**
- PROPOSED CLEANING & MAINTENANCE LINES DETERMINED AT TIME OF SITE PLAN
  - EXISTING TREE LINE
  - BOUNDARY LINES
  - FENCE LINES
  - EXISTING BUILDINGS
  - PROPOSED BUILDINGS
  - PROPOSED PARKING LOT/DRIVEWAYS
  - 10' INTERNAL CORNER
  - 5' INTERNAL CORNER
  - STORM WATER MANAGEMENT POND
  - 100 YEAR FLOOD PLAIN LIMITS
  - 31' AND 50' EASEMENT
  - EXISTING PARKING AND ROADS
  - LOADING AREA
  - EXISTING SIDEWALKS
  - EXISTING
  - SIDEWALKS
  - LIMITS OF AREA



Application No. R-2018-0001-0001, Sheet 5 of 6  
 APPROVED DEVELOPMENT PLAN  
 (DP) (DP) (DP) (DP)  
 SEE PROFFERS DATED 11/25/14, 3/24/17  
 SHEET (DP) (DP) (DP) (DP)  
 SHEET (DP) (DP) (DP) (DP)

NOTE: STORM WATER DETENTION IS ADJUSTED BY "NOTED" T.O.D. SHEET 6

ACTUAL INTERSECTION IMPROVEMENTS TO BE DETERMINED PER PROFFERS  
 OR PROVIDE COMPENSATION PLANTING PER PROFFER.



THIS PLAN IS NOT PROFFERED, HOWEVER CERTAIN ELEMENTS SUCH AS F.A.R., HEIGHT AND SETBACK ARE PLEASE REFER TO PROFFERS ASSOCIATED WITH PCA-92P-001 AND R298-P-052.

**Huntley, Nye & Associates, Ltd.**  
 ARCHITECTS • CIVIL ENGINEERS • LAND PLANNING  
 1000 W. 10th Street, Suite 1000  
 Lincoln, NE 68508  
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 (402) 441-1002  
 (402) 441-1003  
 (402) 441-1004  
 (402) 441-1005  
 (402) 441-1006  
 (402) 441-1007  
 (402) 441-1008  
 (402) 441-1009  
 (402) 441-1010



**GENERALIZED DEVELOPMENT PLAN FOR THE PROPERTIES OF WEST-GROUP PROPERTIES, L.P., TDC OWNER, LLC & TIAA STAFFORD-HARRISON LLC, FAIRFAX COUNTY, VIRGINIA**  
 OLD SPRINGHOUSE ROAD AREA  
 GENERALIZED DEVELOPMENT PLAN  
 PCA-92-P-001-6

SCALE: 1" = 100'

DATE: 04-02-23

REVISIONS:

NO.	DATE	DESCRIPTION
01	04-21-23	ISSUED FOR PERMITS
02	05-04-23	ISSUED FOR PERMITS
03	05-04-23	ISSUED FOR PERMITS
04	05-04-23	ISSUED FOR PERMITS
05	05-04-23	ISSUED FOR PERMITS
06	05-04-23	ISSUED FOR PERMITS
07	05-04-23	ISSUED FOR PERMITS

SHEET 4 OF 9  
 FILE NO. PL-2422





**WEST\*GROUP PROPERTIES LLC**  
**PCA 92-P-001-6**  
**August 3, 2007**

Pursuant to 15.2-2303(a) of the *Code of Virginia* 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the applicant, WEST\*GROUP PROPERTIES LLC, its successors and assigns, reaffirm Proffers dated October 6, 2000, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended by Proffers dated April 5, 2001 (attached as Exhibit B) and Proffers dated November 14, 2001 (attached as Exhibit C) and as follows:

**I. GENERALIZED DEVELOPMENT PLAN ("GDP").** The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999 and September 12, 2000, for Sheets 2, 3, 4, 4A, 5, 6A, 7 and 9, *and as amended through May 9, 2007, for Sheets 1 and 8*, shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered.

- A. Floor Area Ratios ("FAR"). No change.
- B. Building Height. No change.
- C. Landscaping. No change.
- D. Transitional Screening and Barrier. No change.
- E. Pedestrian Access System. No change.
- F. Storm Water Management and Best Management Practices. No change.
- G. Environmental Quality Corridor ("EQC") and 100 Year Flood Plan ("Flood Plain"). No change.
- H. Limits of Clearing and Grading. No change.
- I. Compensatory Landscaping. No change.

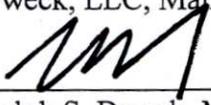
**II. COUNTERPARTS.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement collectively constitute a single instrument.

WEST\*GROUP PROPERTIES LLC

G.T. Halpin  
By: G. T. Halpin, President

TDC Owner, LLC

By: Dweck, LLC, Manager



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By: Ralph S. Dweck, Manager/Member

TIAA Stafford-Harrison LLC

By:  JOSEPH P. FLANAGAN

ASSISTANT SECRETARY

The Board of Supervisors of Fairfax County

Handwritten signature of Anthony H. Griffin in black ink, written over a horizontal line.

Anthony H. Griffin, County Executive / Agent

MR Old Meadow Capital LLC

  
Name: Michael J. Darby  
Title: Managing Member

**WEST\*GROUP PROPERTIES LLC**

**PCA 92-P-001-6**

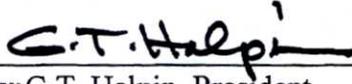
**August, 28, 2007**

Pursuant to 15.2-203(a) of the *Code of Virginia* 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO") subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the applicant, WEST\*GROUP PROPERTIES LLC, its successors and assigns, hereby agree to the following amendments to the Proffers dated August 3, 2007:

NEW:

- II. The applicant shall indemnify and hold harmless the Board, its agents, officials, and employees against all claims of whatever kind that may arise out of the Board having signed the proffers in connection with PCA 92-P-001-6.
  
- III. **COUNTERPARTS.** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all of the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement collectively constitute a single instrument.

WEST\*GROUP PROPERTIES LLC



By: G.T. Halpin, President

TDC Owner, LLC

By: Dweck, LLC, Manager



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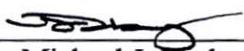
By: Ralph S. Dweck, Manager/Member

TIAA Stafford-Harrison LLC

  
By: Joseph P. Flanagan  
Assistant Secretary



MR Old Meadow Capital LLC

  
Name: Michael J. Darby  
Title: Managing Member

**PROFFERS**

**PCA 92-P-001-2 and**

**PCA 1998-PR-052**

**October 6, 2000**

Pursuant to Section 15.2-2203A of the Code of Virginia, 1950 as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendments ("PCA"), the applicant and owner for themselves and their successors and assigns (hereinafter "Applicant") hereby proffers to the following conditions. If these applications are approved, the proffered conditions described below supersede all previously approved proffered conditions applicable to the property. Any future modification(s) to these proffers or Generalized Development Plan ("GDP") which affects only a specific Building Site or Land Bay may be approved by the Board of Supervisors upon application for a proffered condition amendment by the individual owner of the specific Building Site or Land Bay without amending this entire proffer statement or the entire GDP.

I. GENERALIZED DEVELOPMENT PLAN ("GDP"). The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999 and September 12, 2000 shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered.

A. Floor Area Ratios ("FAR"). The total FAR on the approximately 131 acre Gross Tract Area (as defined below) for office uses, accessory uses and all other uses permitted in the C-3 Zoning District shall not exceed a 0.65 FAR. However:

1 Individual Building Sites (as defined below) within the Old Springhouse Road Area Land Bay (as defined below) may individually exceed a 1.0 FAR, but the total FAR of the Old Springhouse Road Area Land Bay shall not exceed a 1.0 FAR.

2 Individual Building Sites (as defined below) within the Colshire Drive Area Land Bay (as defined below) may individually exceed a 1.0 FAR, but the total FAR of the Colshire Drive Area Land Bay shall not exceed a 1.0 FAR.

3 Individual Building Sites (as defined below) within the Old Meadow Road Area Land Bay (as defined below) may individually exceed a 1.0 FAR, but the total FAR for the Old Meadow Road Land Bay shall not exceed a 0.7 FAR.

Definitions:

Gross Tract Area shall be defined as the sum of the areas of the three Land Bays and consisting of 130.3247 acres.

Building Site shall be defined as the land associated with the building, parking and/or parking structures, open space and accessory structures or the "site plan."

The Land Bays shall be defined as follows:

- Old Springhouse Road Area (consisting of approximately 42 acres)
- Colshire Drive Area (consisting of approximately 58 acres)
- Old Meadow Road Area (consisting of approximately 31 acres)

B Building Height.

1 Buildings within the Old Springhouse Road Land Bay shall not exceed 90 feet in height except as qualified by paragraph B.4 below.

2. Buildings within the Colshire Drive Land Bay shall not exceed 90 feet in height except as qualified by paragraph B.4 below.

3. Buildings within the Old Meadow Road Land Bay shall not exceed 75 feet in height except as qualified by paragraph B.4 below.

4 An increase in height for any building(s) may be permitted by the Board of Supervisors in accordance with the applicable Special Exception provisions of the Zoning Ordinance without a Proffer Condition Amendment.

C Landscaping Future Building Sites shall be landscaped using a mix of shade and/or ornamental trees (3" in caliper at planting) and evergreen trees (6' to 8' in height at planting) of a quantity and species consistent with existing WEST\*GATE landscaping and as generally, but not specifically, illustrated on Sheet 9 of 9 of the GDP as it relates to quality and quantity of tree and plant stock. All landscaping plans submitted at the time of site plan submission shall be reviewed and approved by the Department of Public Works and Environmental Services ("DPWES") as part of the site plan approval process

D Transitional Screening and Barrier Transitional screening and barrier requirements shall be modified or waived as follows:

1 Building 10 (Hayes) is existing and the transitional screening and barrier modifications for the south, west and east property lines were granted by DPWES for Site Plan 1702-SP-01 and shall remain in place.

2 The limits of the Flood Plain, left undisturbed, shall serve as the transitional screening and barrier for buildings located in Old Meadow Road Land Bay C.

3 Transitional screening and barrier requirements for existing Buildings 14 (Van Buren) and 15 (Garfield) shall be modified to allow the landscaping existing at the time of the rezoning as shown on the GDP to serve as the transitional screening and barrier

4 Transitional screening and barrier requirements for existing buildings located along the east property line in Colshire Drive Land Bay B-3 and along the south property line in Old Meadow Road Land Bay C shall be modified to allow the existing wooded area generally shown on the GDP to serve as the transitional screening and barrier.

5. Transitional screening and barrier for buildings within the Old Springhouse Road Land Bay and the R-30 project, known as Gates of McLean, located east of Scotts Run Crossing is hereby modified in favor of barrier and landscaping installed on R-30 property.

E Pedestrian Access System Continuous four-foot wide concrete sidewalks along public streets fronting individual Building Sites shall be shown on each site plan submitted and shall be installed prior to site plan bond release. The sidewalk system shall be in lieu of any trails shown on the County-wide Trails Plan for the Gross Tract Area with the exception of trails within Park Authority land which are addressed in Proffer IV Park Authority

F Storm Water Management and Best Management Practices.

1 Storm Water Management ("SWM") and Best Management Practices ("BMP") shall be provided for the entire Gross Tract Area in accordance with applicable County ordinances as approved, modified or waived by DPWES. SWM/BMP may be provided on a site by site basis, land bay by land bay basis, or a combination thereof

G. Environmental Quality Corridor ("EQC") and 100 Year Flood Plain ("Flood Plain") Unless waived or modified by the Director of DPWES, the Applicant shall preserve in an undisturbed state the EQC and Flood Plain as generally depicted on the GDP. However, the EQC and Flood Plain may be crossed by utilities, roadways, and trails to the minimum extent necessary. The Applicant shall provide Compensatory Landscaping as defined in Proffer I.I(EYE) herein for EQC encroachments for the storm water detention facility and for the parking structure and access driveway to any building located in the Colshire Drive Land Bay, along the common property line with the Scott Run Stream Valley Park as may be permitted by Exhibit E. Compensatory Landscaping shall be shown on individual site plans submitted to DPWES. The area preserved as the EQC and Flood Plain or the area of Compensatory Landscaping shall be deemed to satisfy transitional screening and barrier requirements in the areas where the EQC and Flood Plain and transitional screening yards coincide and consistent with Proffer I.D herein

H Limits of Clearing and Grading. The Applicant shall use best efforts to adhere to the preliminary limits of clearing and grading as shown on the GDP. However, actual limits of clearing and grading shall be determined at the time of site plan approval. DPWES may approve minor deviations from the limits of clearing and grading shown on the GDP provided that Compensatory Landscaping is provided per Proffer I I(EYE) herein.

1(EYE). Compensatory Landscaping The Applicant may deviate to a limited extent into or cross the EQC per Proffer I G herein or the Applicant may deviate from preliminary limits of clearing and grading shown on the GDP per Proffer I H herein provided that the Applicant provides Compensatory Landscaping. Compensatory Landscaping shall be defined as the Applicant's choice of the following:

1 Planting an area equal to 125% of the area of the EQC or Flood Plain disturbance or deviation from preliminary limits of clearing and grading shown on the GDP with trees 3" at planting in caliper or evergreens 6' - 8' in height at planting in quantities and species approved by DPWES in accordance with Section 12-04037A of the Fairfax Public Facilities Manual or other methods acceptable to DPWES; or

2 Providing an uncleared or undisturbed area equal to the area of the EQC or Flood Plain disturbance or deviation from preliminary limits of clearing and grading shown on the GDP, or

3 A combination of Proffer 1(EYE) 1 and 2 herein.

The Compensatory Landscaping shall be provided either on the Building Site or within the Land Bay and adjacent to or as contiguous to the area of the EQC or Flood Plain disturbance or deviation from the preliminary limits of clearing and grading shown on the GDP as possible

II. TREATMENT OF CELLAR SPACE. The Applicant agrees to limit the use of cellar space to

A The core area used by the building tenants or owners (such as rest rooms, mechanical rooms, electrical rooms, janitor and building maintenance rooms),

B Specialty areas used by the building tenants or owners (such as computer rooms, battery rooms, "clean rooms", security tanks, SCIF rooms, bulk storage for documents, paper and office supplies, goods and products of the building tenants or janitorial supplies, libraries, etc ),

C Simultaneous or accessory uses by the building tenants or owners (such as conference rooms, conference centers, employee cafeterias or canteens, employee lounges or classrooms);

D Office use which shall not exceed 50% of the cellar space

Although the Applicant may elect to provide parking for cellar uses A, B, and C above, parking shall not be required for uses A, B, and C above. Cellar use D above shall be parked at "office rate", based on the total of the Gross Floor Area of the building plus the amount of the cellar area used as office use, however, cellar space, regardless of use, shall not be computed as Gross Floor Area for FAR purposes

### III. TRANSPORTATION PROFFERS

#### A Tysons Corner Area Wide Transportation Contribution.

1 The Applicant shall contribute to Fairfax County Two Dollars and Eighty-five Cents (\$2 85) per FAR square foot (not including cellar space) with the following exceptions

- All buildings existing at the time of the original rezoning application as approved by the Board of Supervisors 6/22/92 and shown on Exhibit H attached hereto shall be exempt from the \$2 85 payment to the extent that there is no increase in FAR square feet above the FAR square feet shown for existing buildings depicted in "Floor Area Ratio Computation" appearing on Sheet 8 of 9 in the GDP
- Building Site 8 (McKinley) (254,210 FAR square feet) and Building Site 24 (Harrison) (95,304 FAR square feet) or 349,514 equivalent FAR square feet on other sites within the Gross Tract Area shall be exempt from the \$2 85 per FAR square feet to the extent there is no increase in FAR square feet above 349,514 FAR square feet. To the extent there is an increase in FAR square feet for Building Sites 8 (McKinley) and 24 (Harrison) above 349,514 FAR square feet, the \$2 85 per FAR square feet shall apply only to the net increase in FAR square feet.
- The \$2.85 per square foot, as increased by escalations to the Engineering News Record, Construction Cost Index from the date of approval of RZ 92-P-001 (6/22/92), shall be paid directly to the County of Fairfax at the time of issuance of the building permit(s) for building(s) for which the building permit(s) is being issued and shall be used for Tysons Area Wide Transportation Improvements

Priorities and disposition of Tysons Area Wide Transportation Contributions shall be approved by the Providence District Supervisor in consultation with appropriate Fairfax County officials.

✓ B Transportation Design

1 Eastbound I-66/DAAR Ramp and Loop from Northbound Route 123 The Applicant shall provide Fairfax County with \$110,000 for Fairfax County to design the proposed Eastbound I-66 Ramp and Associated Loop shown on Sheet 2 of 9 of the GDP Payment shall be made in accordance with Exhibit A "Transportation Phasing Schedule" attached herein

2 Route 123 Widening to six (6) through lanes The Applicant shall contract with a Virginia Licensed Professional Engineer ("Engineer") to provide preliminary design of the widening of Route 123 from the Old Meadow Road intersection through the Anderson Road intersection to six (6) through lanes, associated turning lanes and sidewalk both sides. All civil engineering shall be based on VDOT Road and Bridge Standards, Volumes I and II unless otherwise waived or modified by VDOT. The Scope of Work shall be contracted and performed per Exhibit B attached herein

The Scope of Work defined in Exhibit B shall specifically not be considered construction or bid documents Within six (6) months of the date of Board of Supervisors' approval of RZ 92-P-001, a Virginia Licensed Professional Engineer shall submit six (6) sets of documents to the Fairfax County Director of Department of Transportation and six (6) sets of documents to VDOT after completion of Scope of Work Task II B for the purpose of DOT and VDOT review and comment Upon receipt of review comments by DOT and VDOT or 90 days, whichever is earlier, the Engineer shall proceed with Scope of Work Tasks II C through G and submit Scope of Work Task II A through G to DOT and VDOT for review and comment. DOT and VDOT shall have 90 days to reply Upon receipt of comments or 90 days, whichever is earlier, the Engineer shall prepare the Preliminary Design Study Report ("PDSR"), incorporate comments and publish PDSR. The County shall notify, in writing, the Engineer and the Applicant of approval of the PDSR within 90 days and the Engineer shall submit the Final PDSR per Scope of Work Task III A and B. Submission of the Final PDSR shall constitute completion of this Proffer, or

Alternatively the Applicant may escrow \$50,000 with Fairfax County at any time after 18 months of the submittal to DOT of Scope of Work Tasks II B which shall constitute completion of the Route 123 design obligation cited in the Transportation Phasing Schedule. At the option of the County, the County may draw upon the escrow to complete the Final PDSR. In the event that the County does not complete the Final PDSR, the \$50,000 escrow, including interest accrued, shall be returned to the Applicant upon the actual submission of the Final PDSR by the Applicant.

C Street Dedications Upon receipt from Fairfax County or at the time of a site plan submission which involves dedication of contiguous right-of-way, whichever is earlier, the Applicant shall dedicate and convey in fee simple to the Board of Supervisors the following rights-of-way and associated ancillary easements:

1 Land necessary to construct the widening of Route 123 between Old Meadow Road and Anderson Road. Area of dedication to be determined by Design Proffer III B 2 herein.

2 Land, of approximately 0.05 acres (2200 square feet) for the construction of the I-66/DAAR eastbound ramp. The actual area of dedication shall be determined by results of Proffer III B 1, but under no circumstance shall dedication of land preclude the Garfield Building from achieving 181 surface parking spaces of the 207 existing parking spaces and travel lanes which allow 360 degree circulation around the building and parking lot.

3 Land necessary to construct and maintain a public street referred to as "Proposed Old Springhouse Road Extended" as generally shown on Sheet 4 of 9 of the GDP.

4 Notwithstanding timing indicated in "Transportation Phasing Schedule" (Exhibit A), Applicant shall dedicate right-of-way to the Board of Supervisors in fee simple and shall substantially construct the Colshire Meadow Drive two-lane roadway and associated bridge (as generally depicted on the GDP) by a date certain of four (4) years from the date of approval of these applications. Substantial Completion shall be defined as "open for traffic" as opposed to accepted by VDOT for maintenance. If the roadway and the bridge cannot be constructed to an "open for traffic" condition within four (4) years of the date of approval of these applications despite the Applicant's diligent efforts, only one new shell building permit not to exceed 200,000 new FAR square feet within the Old Meadow Road Land Bay shall be issued

ntil road is "open for traffic" or this commitment is waived or modified by a subsequent PCA application.

5 Land necessary to construct and maintain one (1) additional outbound right hand turn lane from existing Old Springhouse Road onto Route 123

6 Land necessary to construct up to one (1) additional lane from Old Meadow Road onto Route 123

7 Land necessary to construct and maintain not more than two (2) additional outbound lanes from Colshire Drive onto Route 123.

The Applicant's agreement to convey fee simple title to the Board of Supervisors for the above mentioned rights-of-way is subject to all of the following conditions:

- Density credit for dedication in advance of construction shall be granted by the Board of Supervisors with the approval of RZ 92-P-001 pursuant to Article 2-308 of the ZO
- Density Credit for dedication may be utilized anywhere within the Gross Tract Area and shall not be limited to the site plan from which dedication is made.

8 The Applicant's obligation to convey fee simple title to the Board of Supervisors for rights of way for buildings indicated as "existing" on the GDP shall be conditioned on a waiver granted by the Board of Supervisors of the peripheral parking lot landscaping requirement Article 13-202, Paragraph 1, A and B of the ZO in lieu of Article 13-202, Paragraph 2, A and B for all dedications associated with those rights of way.

9 As a condition of the Applicant's obligation to make the dedications referred to in III C 2, the Board of Supervisors shall direct the Director of DPWES to grant pursuant to Article 11-102, Paragraph 8 of the ZO, a reduction in parking for up to 26 parking spaces and approve 181 spaces (current parking ordinance requirement) as opposed to existing 207 spaces (old ordinance requirement and spaces shown on existing site plan) for Building 15 in order to dedicate land and accomplish construction by others of the proposed Eastbound I-66/DAAR Ramp.

10 The dedication referred to in III C 4 shall be conditioned on the granting by the Park Authority of the necessary rights-of-way and easements to dedicate and construct Colshire Meadow Drive and bridge pursuant to Proffer IV.A herein.

11 Applicant agrees to dedicate *in fee simple* approximately 1 1392 acres of land to the County of Fairfax for ultimate dedication to the Commonwealth of Virginia along the I-495 right of way as generally shown on sheet 4A and 4B of 9 and identified as "VDOT Reserved Area" upon the earliest of the following events

a Approval of the first proposed (new) site plan with predominately I-495 frontage within the Old Springhouse Road Land Bay as generally shown on sheet 4A and 4B of 9, or

b Upon funding of the projects generally called Beltway Improvements a k a I-495 HOV Lane Study; or

c March 31, 2005.

Dedication of the land would be conditioned upon Applicant obtaining advance density credit pursuant to Sect 2-308 of the Zoning Ordinance.

Notwithstanding dedication commitments above, Applicant shall be permitted to encroach into the I-495 future right-of-way and grant temporary construction and grading easements and a permanent maintenance easement to utility companies prior to dedications cited in 11.a. above. Encroachments shall not exceed areas generally as shown on Exhibits F and G attached hereto. Minor deviations from these areas may be granted administratively by DOT.

12 Applicant agrees to dedicate *in fee simple* approximately 1.3794 acres of land to the County of Fairfax for ultimate dedication to WMATA or other "rail entity" along Rt 123 frontage as generally shown on sheet 4A and 4B of 9 and identified as "WMATA Reserved Area" for the purpose of installing rail similar to Metro Rail ("Rail") The Applicant shall dedicate right of way the earlier of the following events:

a Approval of the first proposed (new) site plan with predominately Rt. 123 frontage within the Old Springhouse Road Land Bay as shown on sheets 4A and 4B of 9; or

b Funding of a Rail project which connects this location to West Falls Church Metro Station, or

c March 31, 2005

Dedication of land would be conditioned upon attaining advance density credit pursuant to Sect 2-308 of the Zoning Ordinance

D Proposed Street Construction.

1 The Applicant shall construct Proposed Old Springhouse Road Extended as generally, but not specifically, depicted on Sheet 4 of 9 of the GDP per Exhibit A "Transportation Phasing Schedule" attached herein

2 The Applicant shall construct an outbound double right hand turn at the intersection of existing Old Springhouse Road and Route 123 per Exhibit A "Transportation Phasing Schedule" attached herein

3A The Applicant shall construct the improvements, referred to as Scenario W, X, Y or Z as described on sheets 5 and 6 of 9 of the GDP as may be selected by VDOT, to Old Meadow Road, Colshire Meadow Road, Colshire Drive, and related intersections with Route 123, provided all appropriate approvals are obtained from the County and VDOT pursuant to \_\_\_\_\_ paragraphs 3B and 3C below

3B The Applicant shall, in writing and within 90 days of the approval of RZ 92-P-001 by the Board of Supervisors, petition VDOT for approval to construct the improvements to Old Meadow Road, Colshire Meadow Drive, Colshire Drive and related intersections with Route 123, as shown on sheets 5 and 6 of the GDP. The Applicant acknowledges that the Department of Transportation's currently recommended alternative is Scenario W-P, and the Applicant further acknowledges that citizens in the vicinity of the application property have expressed a preference for Scenario Z. Said request shall be accompanied by the necessary traffic and engineering analyses of all four Scenarios, sufficient to enable VDOT to evaluate the relative performance of all four (4) of the alternatives on the safety and capacity of Route 123 between I-495 and the Dulles Airport Access Highway ("DAAR"). The Applicant further commits to provide any further supporting technical documentation, including, without limitation, studies using the Highway Critical Method, as may be required by

/DOT to evaluate these alternatives Copies of all submissions to and correspondence with VDOT relating to this paragraph shall be provided simultaneously to OT

3C In the event that VDOT approves the road improvements described as Scenario W within 330 days of the approval of RZ 92-P-001 by the Board of Supervisors, the Applicant shall construct the improvements comprising Scenario W in accordance with Exhibit A "Transportation Phasing Schedule" attached herein

4 In the event that VDOT approved the road improvements described as Scenario X or Y within 330 days of approval of RZ 92-P-001 by the Board of Supervisors, the Applicant shall construct the improvements comprising the selected Scenario in accordance with Exhibit A "Transportation Phasing Schedule" attached herein.

5 In the event that within 330 days of approval of RZ 92-P-001 by the Board of Supervisors VDOT approves Scenario Z, the Applicant shall:

a construct road improvements consistent with Scenario Z and in accordance with the timing outlined in Exhibit A "Transportation Phasing Schedule" attached herein

b construct a two (2) lane Colshire Meadow Drive and associated two (2) lane bridge across the Park consistent with Scenario Z and in accordance with the timing outlined in Exhibit A "Transportation Phasing Schedule" attached herein.

6 In the event VDOT does not respond in 330 days of approval of RZ 92-P-001 by the Board of Supervisors (which may be extended by mutual written consent of the Applicant, DOT and VDOT), the Applicant may proceed with the Applicant's choice of Scenario W or X or Y or Z on an intersection-by-intersection basis and to the extent VDOT right-of-way permits may be obtained for said construction Intersection improvements shall be constructed in accordance with timing outlined in Exhibit A "Transportation Phasing Schedule" attached herein In the event the Applicant cannot obtain VDOT right-of-way permits to construct the collective or individual intersections outlined in Scenario W or X or Y or Z after diligently pursuing permits and being denied by VDOT in writing, the Applicant may proceed with development square footage outlined in Exhibit A "Transportation Phasing Schedule" attached herein without an obligation to construct improved intersections

7a In the event the Applicant is unable to proceed with intersection improvements at Old Meadow Road and Route 123, pursuant to Proffer III D 7 herein, the Applicant shall contribute to Fairfax County \$145,000.00, as increased by escalations to the Engineering News Record, Construction Cost Index from the date of approval of RZ 92-P-001, which represents the equivalent value of Staff recommended Scenario W. Said funds shall be provided within the later of 60 days of the date of written VDOT disapproval of the specific improvement or prior to issuance of building permits for FAR in excess of 1,855,440 square feet and in accordance with the "Transportation Phasing Schedule" attached herein as Exhibit A.

7b In the event the Applicant is unable to proceed with intersection improvements at Colshire Drive and Route 123, pursuant to Proffer III D 7 herein, the Applicant shall contribute to Fairfax County \$140,000, as increased by escalations to the Virginia Highway Construction Bid Index from the date of approval of RZ 92-P-001, which represents the equivalent value of Staff recommended Scenario W. Said funds shall be provided within the later of 60 days of the date of written VDOT disapproval of the specific improvement or prior to issuance of building permits for FAR in excess of 1,855,440 FAR square feet and in accordance with the "Transportation Phasing Schedule" attached herein as Exhibit A.

Note: Minor deviations from Scenario W, X, Y and Z or combinations of Scenarios W, X, Y or Z described in Proffer III D 1 through 7a and 7b herein which are recommended by VDOT and reviewed and approved by the Director of the Office of Transportation, shall not constitute a requirement for a Proffer Condition Amendment by the Applicant.

8 Notwithstanding Proffer III D 1 through 7 and the Transportation Phasing Schedule (Exhibit A) prior to issuance of building permits and non-residential use permits as detailed below for the next new FAR square footage in the Old Meadow Road Land Bay or Old Springhouse Road Land Bay, the Applicant shall construct and dedicate land as necessary to the Board of Supervisors in fee simple, subject to the approval of VDOT and the issuance of VDOT permits, for an additional lane on Old Meadow Road as it approaches Route 123 intersection, rendering an outbound left, a left and through, and a free right hand turn lane. The additional lane shall be approximately 300 feet long with an approximate 120 foot taper, but not to exceed the Grant Building (GDP No. 16) frontage on Old Meadow Road. In the event VDOT requires a

receiving lane on Route 123 to accommodate the free right hand turn lane, the Applicant shall construct the receiving lane for a distance of approximately 237 feet, but not to exceed the Grant Building (GDP No 16) frontage on Route 123, including taper or transition into existing Route 123 through lane. The relocation of the existing WMATA bus shelter at the corner of Old Meadow Road and Route 123 shall be done at the Applicant's expense. Any cost of signalization associated with the additional lane shall be the responsibility of the Applicant. VDOT permits or VDOT letter denying permits shall be prerequisite to the issuance of the next building permit issued in the Old Meadow Road Land Bay. If VDOT permits are issued, the additional construction shall be completed sufficient to be open for traffic (as opposed to accepted by VDOT for maintenance) as a prerequisite to the issuance of the shell non-residential use permit for the building. If VDOT permits cannot be obtained and are denied in writing, the Applicant is relieved of this Proffer in its entirety. The additional lane on Old Meadow Road is to be considered an interim improvement and in the event VDOT selects Scenario W or X, the Applicant acknowledges that the additional lane may be obsolete or possibly have to be removed, the right-of-way vacated and the area restored. If the Applicant constructs the additional lane and Proffer III D 7a is implemented, Proffer III D 7a obligations shall be reduced by \$52,000 which is deemed the value of the additional Old Meadow Road lane constructed.

E Traffic Signals at Colshire Meadow Drive and Old Meadow Road and Colshire Meadow Drive and Colshire Drive At such time as signals are warranted as determined by VDOT, the Applicant shall provide the design, equipment, and installation of a traffic signal, or funds sufficient for same, at the intersections of Colshire Meadow Drive and Old Meadow Road and Colshire Meadow Drive and Colshire Drive.

F Transportation Systems Management The Applicant agrees to enter into an Agreement with TYTRAN to implement a Transportation Demand Management Program ("Program") as generally described in Exhibit D. The Applicant's only obligation is to monitor the provisions of the Agreement for compliance with the Program and fund the Program per paragraph 4 of the Program. The Applicant may elect to terminate the Agreement with TYTRAN/Regional Employer Services Program (RESP) for noncompliance at any time during the term of this proffer pursuant to paragraph 5 of the Program and pay \$30,000 a year to

TXCO/DOT/RESP for the remaining year(s) of the Program cited in paragraph 4. In this case, payment of \$30,000 a year to the County for the remaining years of the Program shall be the Applicant's only obligation under this proffer. This proffer shall terminate upon final payment of \$30,000 on January 31, 2003 and notice provisions on continuation or cessation of the Program cited in paragraph 6 of the Program.

**G     Bus Shelters and Bus Stop Pedestrian Access**

1       The Applicant shall provide to Fairfax County, within 60 days of approval of RZ 92-P-001 by the Board of Supervisors, \$30,000 for the design and construction of three (3) WMATA standard bus shelters to be located on either the north or the south side of Route 123 at existing bus stops between Old Springhouse Road and Anderson Road intersections or at other locations within the Gross Tract Area acceptable to the Applicant. In the event that any or all of the three (3) bus shelters, valued at \$10,000 each, are not constructed by December 22, 1997; any or all of the unspent \$30,000 shall be paid by the County to TYTRAN as the Applicant's partial or full payment credit for the next TYTRAN Transportation Coordinator annual payment due per Proffer III F above.

2.     The Applicant shall make reasonable effort to construct temporary asphalt, concrete, or stone paths where practical to connect existing sidewalk along the north and south sides of Route 123 between Old Meadow Road and Anderson Road. Installation of temporary paths within VDOT right-of-way shall be contingent upon approval by VDOT and the issuance of VDOT permits, whose approvals and permits the Applicant shall diligently pursue. The Applicant shall make reasonable effort to keep temporary paths in good repair. The intent *of this proffer* is to provide *temporary*, safe, all weather access to transit stops from existing or future sidewalk. The number, location, and design of the paths shall be at the sole discretion of the Applicant and shall be installed within 24 months of the approval of RZ 92-P-001 by the Board of Supervisors. This proffer is specifically not a prerequisite to any site plan nor building permit approval. This proffer shall automatically extinguish with the construction of Rt. 123 and side street improvements as described in Exhibit A.

H.     Transportation Phasing Schedule. Applicant shall phase transportation improvements in accordance with the "Transportation Phasing Schedule" attached as Exhibit A.

1 (EYE) West\*Gate Transit Stop Applicant shall dedicate approximately 2 3496 acres of land at the southwest corner of Dolley Madison Boulevard (Rt 123) and Colshire Drive (Rt 6471) as generally shown on sheet 2 of 9 The dedication plat shall be submitted to the County within 60 days of the approval of these PCAs and recorded immediately upon approval of the Dedication Plat by the Director of DPWES Dedication of land to the Board of Supervisors, fee simple, shall be conditioned upon attaining advance density credit pursuant to 2-308 of the Zoning Ordinance.

#### IV. FAIRFAX COUNTY PARK AUTHORITY

A The Applicant shall provide the Park Authority with all items listed in Park Board Resolution approved September 17, 1991, as may be amended, and attached as Exhibit C, provided that

1 Rezoning application RZ 92-P-001 is approved; and

2 The Park Board grants all necessary right-of-way, construction easements, and permanent access and maintenance easements to the Applicant to construct and maintain easements to the Applicant to construct and maintain a public two (2), three (3) or four (4) lane roadway and bridge across the Scotts Run Stream Valley Park in the location shown on Sheets 2 and 3 of 9 of the GDP and in general conformance with Public Improvement Plan 8293-PI-01-1 (as may be amended)

B The Applicant shall provide screening along approximately 400 linear feet of chain link fence between The Colonies and the Park entrance road and parking lot. The planting strip between the edge of the parking lot and fence varies between 3' and 5' in width. Columnar evergreens, either shrubs or small trees, planted 4' - 5' on center, will provide screening and some noise attenuation between the parking lot and The Colonies residences. The Applicant shall plant approximately 50 trees, shrubs or plants within 18 months of the date of approval of RZ 92-P-001 at a cost to the Applicant not to exceed \$3,000 Final species selection and planting plan shall be subject to review and approval of Fairfax County Park Authority Staff. The Applicant shall have no maintenance responsibility nor warranty beyond any planting warranty that may be provided by nursery or nurseryman

C The Applicant shall provide Virginia registered civil engineering services to develop a plan for remediation of the erosion problem at terminus of existing rip-rap ditch at low end of parking lot. The remediation may include, but not be limited to, the installation of velocity brakes, flaring rip-rap and grouting rip-rap as may be determined by civil engineer. The Applicant shall repair the erosion problem based on civil engineer's recommendation and the Park Authority concurrence with recommendation at a total cost of civil engineering and construction combined not to exceed \$10,000. The Applicant shall complete engineering and construction within one (1) year of the date of approval of RZ 92-P-001. The Applicant shall not be required to obtain a bond or permit for construction nor provide post construction maintenance or repair.

V. LAND BAY A-1 AND PEDESTRIAN CONNECTIONS TO THE FUTURE METRO RAIL STATION AND LAND PLATFORM.

Special Exception Amendment SEA 98-P-051 is concurrently processing with PCA 92-P-001-2 and PCA 1998-PR-052. The Special Exception Plat associated with SEA 98-P-051 (plat entitled "West Gate - portion of Old Springhouse Road Land Bay" (sheets 1 through 16) prepared by Huntley Nyce & Associates, Ltd., dated May 18, 1998 and as revised through October 6, 2000) is incorporated herein by reference (the "Special Exception Plat"). The Owner(s) of Land Bay A-1, its successors and assigns ("Owner(s)" for purposes of this Proffer V), agrees to construct the above-grade pedestrian connection by the later of December 31, 2015 or the issuance of the shell Non-Residential Use Permit for the fourth/last building, subject to the following conditions.

- 1 Subject to the approval of the location and design of the Owner(s) proposed pedestrian connections to the future Metro Rail Station by WMATA and Fairfax County, as applicable, the Owner(s) shall construct at grade and an above-grade connection to the Metro Station as provided herein, at the Owner(s) cost.
- 2 The Owner(s) responsibility for constructing the above-grade connection is subject to (a) securing WMATA's approval at no cost to the Owner(s), other than the normally required application and permit fees and the costs of constructing the pedestrian connection; (b) the location of the Metro Rail Station remaining within the WMATA reserved area as reflected on the Special Exception Plat and with the elevated pedestrian

- connection and the associated facilities remaining out of the RPA and wetlands located in the northeast corner of this site, (c) WMATA providing design data for the platform as referenced in paragraph 3 below and (d) WMATA having either (1) commenced construction of the Metro Rail Station or (2) WMATA and the Owner(s) providing the other a mutually acceptable construction phasing schedule that ensures the Rail Station and the elevated pedestrian connection will be completed concurrently
3. The Owner(s) shall cooperate, diligently pursue and request in writing that WMATA provide, no later than December 31, 2010, design data for the platform. Design data shall include schematic design, the general location, and elevation of the platform, the vertical and horizontal location of the platform, and the tie-in point for the pedestrian connection.
4. The Owner(s) shall provide all civil and foundation engineering data for the above-grade pedestrian connection and structural drawings to DPWES for review and approval.
5. If WMATA is unable to provide the data as noted in paragraph 3 above by December 31, 2010, the proffer shall become null and void in its entirety.
6. The Owner(s) shall construct, up to the edge of its Property line, at grade pedestrian connection(s) to the Metro Rail Station right-of-way in order to foster and encourage access to the Metro Rail Station. Said construction shall be governed by and phased according to the conditions of SEA 98-P-051.
7. Should SEA 98-P-051 be denied or withdrawn, this entire Proffer V shall be rendered null and void and have no further force or effect. Furthermore, should the Option 1 site layout as shown on SEA 98-P-051 not be elected for pursuit at the time of site plan review and approval, this entire Proffer V shall be rendered null and void and have no further force or effect.
8. Should the Owner(s) of Land Bay A-1 seek a Proffer Condition Amendment in the future to amend this Proffer V, the Owner(s) may do so without the joinder, consent or permission of any other owner or property except for any owner(s) or property within Land Bay A-1, as said Land Bay is defined by PCA 92-P-001-2 and PCA 1998-PR-052; it being specifically acknowledged that the Owner(s) will not need the consent or joinder

of Fairfax County, The Commonwealth of Virginia and/or WMATA (or any other governmental agencies), any of which may become an owner of a portion of Land Bay A-1 as a result of conveyance and/or dedication of land from Land Bay A-1 (necessary for the widening of Route 123 or 495 and/or construction of the future Metro Rail Station

9. Should the current or any future Owner(s) sell or transfer all or any portion of Land Bay A-1, the Owner(s) shall notify the purchaser(s) (initial and/or subsequent purchaser(s)) in writing of this Proffer V and provide a copy of this entire Proffer Statement and all associated exhibits to the purchaser(s). In addition to such written disclosure, the Owner(s) shall complete a specific agreement with any said purchaser(s) allocating the costs and responsibilities for fulfilling these Proffer V commitments. The Owner(s) shall notify the following agencies of Fairfax County, in writing, of any such agreement, providing these agencies with a general description of the allocation of costs and responsibilities of the parties for the fulfillment of this Proffer V: DPWES, Fairfax County Office of Transportation, the Department of Planning and Zoning and the Providence District Supervisor's Office.

VI. COUNTERPARTS. To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

WEST\*GROUP PROPERTIES LLC (Land Bays A-1, A-2, B-2, B-3, B-4, B-5, B-6 and C)

By G.T. Halpin  
G T Halpin, President

THE MITRE CORPORATION (Land Bay B-1)

By \_\_\_\_\_  
*Lewis Fincke, Vice President, Chief Financial Officer and Treasurer*

Fairfax County Board of Supervisors (Portion of public rights-of-way for Old Springhouse Road)

By \_\_\_\_\_  
*Anthony H. Griffin, County Executive*

Capital One Financial Corporation (Contingent Contract Purchaser - Land Bay A-1)

By: \_\_\_\_\_  
*Barry L. Mark*

VEST\*GROUP PROPERTIES LLC (Land Bays A-1, A-2, B-2, B-3, B-4, B-5, B-6 and C)

By \_\_\_\_\_  
G. T Halpin, President

THE MITRE CORPORATION (Land Bay B-1)

By  \_\_\_\_\_  
*Lewis Fincke, Vice President, Chief Financial Officer and Treasurer*

*Fairfax County Board of Supervisors (Portion of public rights-of-way for Old Springhouse Road)*

By. \_\_\_\_\_  
*Anthony H. Griffin, County Executive*

*Capital One Financial Corporation (Contingent Contract Purchaser - Land Bay A-1)*

By: \_\_\_\_\_  
*Barry L. Mark*



WEST\*GROUP PROPERTIES LLC (Land Bays A-1, A-2, B-2, B-3, B-4, B-5, B-6 and C)

By \_\_\_\_\_

G. T Halpin, President

THE MITRE CORPORATION (Land Bay B-1)

By \_\_\_\_\_

*Lewis Fincke, Vice President, Chief Financial Officer and Treasurer.*

Fairfax County Board of Supervisors (Portion of public rights-of-way for Old Springhouse \_\_\_\_\_ Road)

By \_\_\_\_\_

*Anthony H. Griffin, County Executive*

Capital One Financial Corporation (Contingent Contract Purchaser - Land Bay A-1)

By: Barry L. Mark  
*Barry L. Mark*

EXHIBIT A  
TRANSPORTATION PHASING SCHEDULE  
IMPROVEMENTS REQUIRED

FAR PERMITTED

Applicant shall be permitted to obtain building permits for:

- o 349,514 FAR sf
  - o No Improvements.
  - o An additional 565,023 new FAR sf
    - o \$110,000 for design Eastbound I-66/DAAR Ramp & Loop per Proffer III.B.1
    - o Design Route 123 widening per Proffer III.B.2
    - o \$30,000 payment per year to TYTRAN for Transportation Coordinator per Proffer III.E starting no later than 6 months after the approval of RZ 92-P-001 by BOS
- 
- A. An additional 387,648 new FAR sf at Applicant's option, Improvements 1,2,3 or 4
    - 1. Old Springhouse Road Extended per Proffer III.D.1.
  - B. An additional 297,255 new FAR sf at Applicant's option, one of the remaining Improvements 1,2,3 or 4
    - 2. Two outbound right turn lanes from Route 3543 (existing Old Springhouse Road) onto Route 123 per Proffer III.D.2.
  - C. An additional 256,000 new FAR sf at Applicant's option, one of the remaining Improvements 1,2,3 or 4
    - 3. Double left or triple left turn lanes onto Route 123 from Route 6471 (Colshire Drive). Two or three lanes to be determined by VDOT per scenario selection referenced in Proffer III.D.3A-C.
  - D. An additional 430,903 new FAR sf at Applicant's option, one of the remaining Improvements 1,2,3 or 4
    - 4. Intersection Scenario W,X,Y or Z at Old Meadow Road and Route 123 per VDOT determination or opt out option per Proffer III.D.7a and 7b.

**EXHIBIT A**  
**TRANSPORTATION PHASING SCHEDULE**

Notes:

- The total new FAR allowed after completion of all improvement phases is 2,286,343 FAR square feet.
- The total FAR for the Gross Tract Area is 3,491,841 FAR square feet.
- The difference of 1,205,498 FAR is shown as existing "to remain" on the GDP. This 1,205,498 FAR may be replaced building by building with buildings of equal FAR without requiring improvements listed in "Improvements Required" column above. This applies to GDP Buildings 1,2,7,10,11,13,14,15,16,17,18,19,21,22,25 and 26.
- Any Phase may be implemented independently from any other Phase and FAR square feet permitted in any Phase may occur in any Land Bay or any Building Site within the entire Gross Tract Area.
- Plan approval, bonding, County or VDOT permits for Improvements 1-4 shall be obtained prior to issuance of a building permit for new FAR square feet A-D. Improvements 1-4 shall be completed prior to issuance of non-rup for last FAR square foot increment A-D.

EXHIBIT B

SCOPE OF WORK

ROUTE 123 WIDENING TO SIX (6) THROUGH LANES

I. SURVEYS.

A. Establish base control traverse in accordance with County criteria.

B. Run level circuit and set elevation bench marks.

C. Set panels, obtain aerial photography and map project limits using photogrammetric methods. Mapping to be prepared at a scale of 1" = 50' with 2' contour, in accordance with National Map Accuracy Standards.

D. Enhance photogrammetric mapping where required using conventional field methods. Profile and section the proposed alignment, intersecting roadways, entrances, driveways and other critical features, where more precise definition is needed.

E. Tie property lines and property corners as required in order to prepare plats for right-of-way and/or temporary and permanent easements.

F. Compile locations of underground utilities from available records, input from utility companies, and field surveys of visible features. Obtain storm and sanitary sewer structure and invert elevations. Any test pits required to locate critical underground utilities will be arranged for by the County.

G. Prepare comprehensive survey plots and draft base topographic mapping.

II. RELIMINARY DESIGN.

GTR

A. Prepare design criteria and establish roadway Typical Sections.

B. Prepare preliminary Plans and Profile Study (on roll drawings).

Particular emphasis will be given to:

1. Development of a roadway profile and alignment that minimizes impacts and right-of-way acquisition on commercial and industrial buildings and properties currently fronting existing Route 123.

2. Design compatible with horizontal and vertical options for intersections outlined in Proffer III.B for Old Meadow Road, Colshire Drive and Old Springhouse Road Extended and Anderson Road.

3. Coordination of horizontal and vertical alignment with existing I-495/Route 123 ramps and approaches and proposed I-66/DAAR Eastbound Ramp and Loop.

C. Develop preliminary traffic control plan.

F. Prepare exhibits for informational meetings as required.

G. Assist the County in resolving design and right-of-way issues raised during review process.

H. Prepare Preliminary Design Study Report, incorporate comments and publish final report.

II. FINAL PRELIMINARY DESIGN REPORT. To be initiated upon written notice from County of approval of Design Report.

A. Incorporate review comments.

B. Compute final horizontal and vertical alignment.

Whereas, the Fairfax County Comprehensive Plan identifies the Tyson's Corner area as the only Urban Center of Fairfax County, and it is more unique, and

Whereas, Scott's Run Stream Valley Park lies within the confines of the Tyson's Corner Urban Center, as does West\*Gate, an commercial development, and

Whereas, Policy 100 of the Fairfax County Park Authority (FCPA) states that the FCPA shall resist by all means any attempt by any entity to encroach upon any park, and the FCPA in March 1991 denied a request by West\*Gate to build a road through Scott's Run Stream Valley Park which included the Director sending a letter to West\*Gate stating that the FCPA did not want to set a precedent by approving such a road, and

Whereas, West\*Gate corporation has requested from the FCPA an aerial easement for a bridge to connect to a road which the Fairfax County Office of Transportation and Virginia Department of Highways have stated is needed to relieve traffic congestion in a future redevelopment of the West\*Gate properties, and

Whereas, the West\*Gate easement request is in compliance with the FCPA Policy 301 concerning easements, and

Whereas, the deed conveying the property for Scott's Run Stream Valley Park to the FCPA contains a clause which would cause the entire property to revert back to the original trustees upon any part of the park being provided in fee simple ownership to any other entity, and said easement would not convey title to any land within the park, and

Whereas, the Environmental Services Section of the FCPA Conservation Division has analysed the easement request and have reported that there would be no significant environmental degradation if a bridge was built,

Be it, therefore, resolved that the Fairfax County Park Authority (FCPA) shall grant to West\*Gate, it successors and assigns (the Developer), a permanent aerial easement and any temporary construction easements for the construction of a bridge over Scott's Run Stream Valley Park (the park) south of Route 123, to connect to the proposed Colshire Meadow Drive, as shown in Public Improvement Plan. 8293-P-01-1, and that the Developer shall compensate the FCPA for such easements by meeting the following provisions and conditions:

- The deed of this section of the park, parcel 29-4-((1))-31, must be changed to allow the granting of temporary and permanent easements to the developer to construct and use said bridge, and this deed must be approved by the Fairfax County Attorney.
- The Developer shall deed to the FCPA four (4) parcels of land (designated parcels A, B, C, and D) totalling approximately one (1) acre containing hardwood forest vegetation, as shown on Attachment 1, a plat dated September 17, 1991, and said deed shall include a clause serving the density of the parcels to the Developer for the future zoning, pursuant to Section 2-308 of the Fairfax County Zoning Ordinance.

3. The Developer shall submit the bridge design, which must be of an environmentally sensitive nature, to the FCPA staff for review.
4. The Developer shall only make improvements to the existing natural waterway of Scott's Run which are in conformance with the Fairfax County Public Facilities Manual, and those actions shall be reviewed by the FCPA Trails Coordinator and the FCPA Conservation Division staff.
5. The Developer agrees to provide a trail system from the north end of the park through to southwest end of Scott's Run at a length of approximately 2,500 linear feet, constructed to the satisfactory review of the FCPA Trails Coordinator and in conformance with the Fairfax County Public Facilities Manual.
6. The Developer shall provide a twelve (12) foot wide trail easement through parcel 29-4-((6))-107 and construct a trail section on the easement, similar to that described above, which shall connect with footbridge across Scott's Run which shall connect with the trail mentioned in number 5, above.
7. The Developer shall construct a chain link fence where none currently exists, in conformance with FCPA standards, of approximately 1,300 feet along the perimeter between the park and the Colonies Condominiums on the Colonies side of the property line, pursuant to an agreement between the Colonies Co-Owners Association and the FCPA.
8. The Developer shall address all wetlands, if any, in conformance with applicable federal, state, and county regulations.
9. The Developer shall file application with the Fairfax County Health Department to participate in the "Adopt-a-Stream" program in order to help protect the section of Scott's Run within the boundaries of the park.
10. The Developer shall be responsible for all fees, permits, etc.
11. The FCPA Conservation Division staff shall work with Westgate School to develop a natural area and flower meadow within the Scott's Run Stream Valley/Westgate parks.

Be it further resolved, that this easement, plus compensation for such and all conditions mentioned above, shall be granted contingent upon approval of a future rezoning of the West\*Gate properties which shall address the proposed Colshire Meadow Drive, the bridge over Scott's Run and its related traffic movement and environmental issues.

Be it further resolved that nothing in this resolution shall be construed to exclude the FCPA from participating in any proffer or review process pursuant to any future rezoning of the West\*Gate properties.

Resolution approved by the Fairfax County Park Authority by a vote 6-1 on September 17, 1991

**Transportation Demand Management Program between Applicant and TYTRAN**

March 17, 1999

The Tysons Corner Urban Center Plan establishes an overall 20% mode split goal for HOV trips to and from the Tysons Corner area through Transportation Demand Management (hereinafter called "TDM") efforts and major improvements in the transit system. TYTRAN agrees to implement and operate a TDM program on behalf of the Applicant as follows:

1. The Applicant, at the initial signing of a lease or renewal of existing leases(s), shall advise each tenant with 100 employees or more that a private TDM program exists and a public TDM program exists and encourage them to participate. The "advice" shall be in the form of a paragraph which will be included in the transmittal of a signed lease or a separate letter and read as follows:

"In an attempt to reduce single occupancy vehicles in the Washington Metropolitan area, and more specifically in the Tysons Corner area, you may wish to participate in a Transportation Demand Management (TDM) program which provides your employees with a variety of transportation and commuting programs. We encourage you to contact the following organizations and participate in one of the TDM programs available to you.:

- |                 |   |
|-----------------|---|
| 1. TYTRAN       | 2. Fairfax County Department of<br>Transportation |
| Phone:          | Phone:  |
| Contact Person: | Contact Person:"                                  |

Note: A copy of the letter shall be sent to both public and private program managers. There is no obligation for the Applicant to send advisory letters after December 31, 2003; however, the Applicant may continue to do so on a volunteer basis.

2. The private TDM program shall be operated by TYTRAN, its employees, contractors or agents, in the Tysons Corner area, and the program shall be consistent with the Council of Governments (hereinafter called "COG") Regional Employer Services Program (hereinafter called "RESP"), Level I at a minimum, as defined by COG and hereinafter referred to as TYTRAN/RESP. The TYTRAN/RESP will be provided to existing TYTRAN members with 100 or more employees and to other companies with 100 employees or more as they become members of TYTRAN.

3. The public TDM program may be operated by the Fairfax County Department of Transportation, its employees, contractors or agents and the program shall be consistent with the County Employer Services Program, hereinafter referred to as FXCO/DOT/ESP.

4. The Applicant shall pay TYTRAN \$30,000 a year for four (4) years commencing January 31, 2000 and ending January 31, 2003, providing TYTRAN implements and operates their TYTRAN/RESP generally described as follows:

A. Commencing on January 31, 2000 and for each of the four (4) remaining years of the programs, TYTRAN/RESP shall provide FXCO/DOT/ESP information on employers with 100 or more employees participating in each program, including information relating to companies with 100 or more employees added to or deleted from each program in the prior year. Copies of this information shall be provided to the Applicant.

B. TYTRAN/RESP shall report TDM program activities to COG, with copies to FXCO/DOT/ESP and the Applicant, utilizing the ACT Software Program, or substitute or replacement software as may be approved by DOT and/or COG.

C TYTRAN will attempt to schedule periodic meetings with appropriate parties at FXCO/DOT to discuss their programs and share mutually beneficial information. The Applicant shall be advised of the dates and times of scheduled meetings and receive a copy of meeting minutes within 10 days of the meeting.

D Within 90 days of the approval of this Application by the Board of Supervisors, but no later than July 31, 1999, TYTRAN/RESP shall perform a mandatory initial survey (hereinafter called "Initial Survey") of employers with 100 or more employees located within the Subject Property, as well as all TYTRAN member companies with 100 or more employees, utilizing the Commuter Connection Regional Employer Services Program Survey. TYTRAN/RESP may supplement or add to the survey; however, no deletions shall be made. The results of the Initial Survey shall be provided to COG, with a copy to FXCO/DOT/ESP and the Applicant within 60 days of the completion of the Initial Survey, but no later than October 31, 1999. The Applicant shall reimburse TYTRAN/RESP for the printing and distribution cost of the Initial Survey, not to exceed \$5,000.

E. TYTRAN/RESP may elect to perform a voluntary Follow-up Survey three (3) years from the date of the Initial Survey described above, but no later than December 31, 2003. The Follow-up Survey will be undertaken using generally the same survey form used in the Initial Survey described above. The results of the Follow-up Survey will be sent to COG, FXCO/DOT/ESP and the Applicant within 90 days of the completion of the survey. The Applicant shall reimburse TYTRAN/RESP for the cost of printing and distributing the Follow-up Survey, not to exceed \$5,000.

No-Fault Comparison of Initial and Follow-up Survey. Any comparison between the two surveys shall be solely for the purpose of obtaining valuable statistical data and measuring TDM trends and forecasts. The data may be used by both the public and private programs to evaluate the effectiveness of their programs and evaluate any modifications to their programs that would improve results; however, under no circumstance shall the comparison of the two surveys be used

to determine compliance with this proffer.

5 Non Compliance Provision. The Applicant, at its sole discretion may terminate the Agreement with TYTRAN/RESP for their failure to implement and operate a TDM program as prescribed herein and more specifically for failure to meet reporting requirements of Paragraphs A, B, C and D above. In the event the Agreement is terminated for non-compliance, the Applicant will:

- Notify FXCO/DOT/ESP of termination and transfer relevant records in Applicant's possession, if any;
- Pay \$30,000 a year to FXCO/DOT/ESP for unpaid years remaining pursuant to paragraph 4, above;
- Agree that the County may assume all authority and responsibility for TDM activities associated with any firm that had previously participated in the TYTRAN/RESP program.

5. Continuance or Cessation Provision. The Applicant and TYTRAN/RESP may agree that TYTRAN/RESP may continue to operate the TDM Program prescribed herein after December 31, 2003; however, the following conditions will be met:

- a. TYTRAN/RESP shall notify the Applicant of its desire to continue the TDM program at levels meeting or exceeding previous year levels; and
- b. The Applicant must accept terms; and
- c. The Agreement to extend must be ratified pursuant to paragraph 7 below.

In the event, the Applicant and TYTRAN/RESP agree to cease the TDM program prescribed herein after December 31, 2003, the Applicant shall notify FXCO/DOT in writing by November 30, 2003 that the Private TDM Program shall cease effective December 31, 2003. TYTRAN shall provide the Applicant with all relevant records associated with TYTRAN/RESP and the Applicant shall in turn provide copies of the records to FXCO/DOT.

In the event of cessation of the Private TDM Program by TYTRAN/RESP, the Applicant does not object to the County assuming authority and responsibilities for TDM activities for previous TYTRAN/RESP participating employers, if said employers elect to participate in the County Public Program.

7. This TDM program may be extended or modified with the consent of the Applicant, TYTRAN and the FXCO/DOT and any extension or modification shall be in writing and signed by all three parties as evidence of consent. Any extension or modification of the TDM program shall not constitute a change to a proffer.



**FAIRFAX  
COUNTY**

V I R G I N I A

ASSOCIATES P.02

**EXHIBIT E**

**Department of Environmental Management  
Division of Design Review  
12055 Government Center Parkway  
Fairfax, Virginia 22033-3503**

**TELEPHONE (703) 324-1720**

January 12, 1994

**Mitra A. Kamrani  
Huntley, Nyce and Associates  
7202 Poplar Street, Unit 2  
Annandale, Virginia 22003**

**Subject: Westgate, Rezoning No. RZ 92-P-001, Tax Map: 30-3-001 and 29-4-006, Providence District**

**Reference: Waiver No. 014040 - Chesapeake Bay Preservation Exception**

**Dear Mrs. Kamrani:**

An exception to allow proffered Stormwater Management/Best Management Practices (BMP) Facilities to satisfy the requirements of Section 118-3-2-F and to allow development within a mapped resource protection area is hereby approved with the following conditions:

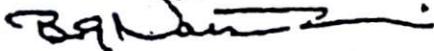
- 1. All site plans subject to RZ 92-P-001 shall provide on-site BMP's or drain to an approved facility which provides BMP's.**
- 2. The disturbed area within the RPA which is currently undisturbed shall be minimized to the extent possible as determined by the Department of Environmental Management.**

Mitra Kamrani  
Page 2

This approval does not exempt this site from any other Federal, State or County ordinance and regulations.

Should you have any questions or require additional information, please contact Charlie Kilpatrick, Assistant Chief, Site Review at 324-1720.

Sincerely,



Bruce Nassimbeni, Chief  
Site Review Branch

BGN/CK/rtk

cc: Monica Mongoven, Permits Branch, DEM  
John Friedman, Special Projects Branch, DEM  
Bonds and Agreements Branch, DEM  
Waiver File

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**Exhibit B**  
**PCA 92-P-001-2 and PCA 1998-PR-052**  
**GROSS FLOOR AREAS OF**  
**EXISTING WEST-GATE BUILDINGS**  
as of Approval date of June 22, 1992 for RZ 92-P-001

**LAND BAY A - OLD SPRENGHOUSE ROAD**

<u>Existing Building</u>	<u>Gross Floor Area</u>
1 Washington	51,435
2 Wilson	88,344
3 Childcare - 7711	12,022*
4-7 Commonwealth/Filmore/Hunter/HSR	42,328*
8 Jefferson (2 addressed)	30,792*
9 Madison	30,502*
10 Jackson	31,375*
11 Monroe (2 addresses)	26,800*
12 Adams	26,260*
13. Cleveland	129,226

**LAND BAY B - COLSHIRE DRIVE AREA**

<u>Existing Building</u>	<u>Gross Floor Area</u>
1 Westgate Building and addition	43,749
2 TRW I (Johnson I)	100,000
3 TRW II (Johnson II)	50,000*
4 Garfield	60,024
5 Van Buren	33,155
6 Hayes	255,752

**LAND BAY C - OLD MEADOW ROAD AREA**

<u>Existing Building</u>	<u>Gross Floor Area</u>
1 Grant	69,276
2. Roosevelt	62,492
3 Tyler	55,254
4 Buchanan	50,000
5 Honeywell	19,154
6. Harrison (Old)	33,822
7 Polk	72,349
8. Polk Addition	43,120
9. Lincoln	72,168

\* Gross Floor Area verified by Engineer's Certification



# HUNTLEY, NYCE & ASSOCIATES, LTD.

SURVEYING - CIVIL ENGINEERING - LAND PLANNING

7202 Poplar Street, Unit E

Annandale, Virginia 22003

Local (703) 750-3490, Fax (703) 642-5936

## DIRECTORS

CHAIRMAN OF THE BOARD

CHARLES J HUNTLEY

PRESIDENT

LESTER O NYCE P E

VICE PRESIDENT

ROBERT L SPROLES P E

September 21, 2000

Barbara A. Byron, Division Director  
Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway  
Fairfax, Virginia 22035

RE: PCA 92-P-001-2  
PCA 1998-PR-052

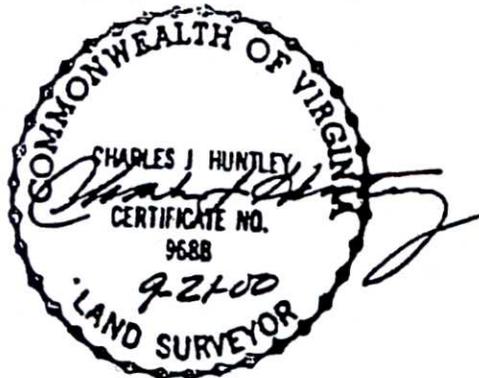
Dear Ms. Byron:

It is my understanding that you have requested certification of Gross Floor Area ("GFA") for several of the Old Springhouse Road area buildings constructed circa 1959 - 1964 and not listed on sheet 8 of 9 of the original GDP dated 5/6/92. The GFA listed on Exhibit A, attached hereto, was derived from either original site plans; a measurement from an ALTA/ACSM Land Title Survey, or, in some cases where the age of the site plan used "employees" as a measurement of number of required parking spaces as opposed to actual Gross Floor Area, a combination of site plan and architectural drawings.

We therefore certify to WEST\*GROUP PROPERTIES LLC, Capital One Corporation, and the County of Fairfax that the FAR for each building listed on Exhibit A is correct based on such investigations as we deemed necessary for the purposes of making this certification.

Very truly yours,

Charles J. Huntley,  
Huntley, Nyce & Associates, Ltd.



**EXHIBIT A**

<u>GDP Reference</u>	<u>Building</u>	<u>Site Plan</u>	<u>Gross Floor Area</u>	<u>Source</u>
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OSHR Land Bay  
Building No

3	Buick/7711/Childcare	SP925	12,022	Site Plan
4-7	Commonwealth/Filmore/ Hunter/HSR	SP283/283A	42,328	SP/ALTA dd 8 15 00
8	Jefferson (2 addressed)	SP776	30,792	Site Plan
9	Madison	SP521	30,502	Site Plan
10	Jackson	SP340A	31,375	SP/ALTA dd 8.15 00
11	Monroe	SP776	26,800	Site Plan
12	Adams	No SP	26,260	A/ALTA dd 8 15 00

Colshire Drive Land Bay  
Building No.

2	Johnson II	SP1446	50,000	SP/ALTA dd 10 15 98
---	------------	--------	--------	------------------------

Huntley, Hyce & Associates, Ltd.  
 1400 North 17th Street  
 Suite 200  
 Arlington, VA 22209  
 Tel: 703-461-1111  
 Fax: 703-461-1112  
 Email: info@huntleyhyce.com



PCA-92-P-001-4  
 WEST GROUP PROPERTIES LLC  
 FAIRFAX COUNTY, VIRGINIA  
 PO PLAT  
 OF THE LANDS OF  
 WEST GROUP PROPERTIES LLC  
 FAIRFAX COUNTY, VIRGINIA

NO.	DATE	DESCRIPTION
1	08/15/2000	ISSUED FOR RECORD
2	08/15/2000	REVISION
3	08/15/2000	REVISION
4	08/15/2000	REVISION
5	08/15/2000	REVISION
6	08/15/2000	REVISION
7	08/15/2000	REVISION
8	08/15/2000	REVISION
9	08/15/2000	REVISION
10	08/15/2000	REVISION

Sheet 1 of 3  
 P.L. No. 2000-00



VICINITY MAP  
 SCALE: 1" = 2000'

NOTES:  
 1) THE EXISTING SURVEYING INSTRUMENTS AND RECORDS ON FILE AT THE OFFICE OF THE ENGINEER ARE THE BASIS FOR THIS SURVEY.  
 2) THE SURVEY WAS CONDUCTED ON 08/15/2000.  
 3) THE SURVEY WAS CONDUCTED BY HUNTLEY, HYCE & ASSOCIATES, LTD.  
 4) THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1954 AND THE SURVEYING REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING OF THE COMMONWEALTH OF VIRGINIA.

SITE TABULATION:

Parcel No.	Area (Ac.)	Owner
Parcel 1	17.3612	West Group Properties LLC
Parcel 2	14.8360	West Group Properties LLC
Parcel 3	2.5659	West Group Properties LLC
Parcel 4	17.3612	West Group Properties LLC
Parcel 5	14.8360	West Group Properties LLC
Parcel 6	2.5659	West Group Properties LLC
Parcel 7	17.3612	West Group Properties LLC
Parcel 8	14.8360	West Group Properties LLC
Parcel 9	2.5659	West Group Properties LLC
Parcel 10	17.3612	West Group Properties LLC
Parcel 11	14.8360	West Group Properties LLC
Parcel 12	2.5659	West Group Properties LLC
Parcel 13	17.3612	West Group Properties LLC
Parcel 14	14.8360	West Group Properties LLC
Parcel 15	2.5659	West Group Properties LLC
Parcel 16	17.3612	West Group Properties LLC
Parcel 17	14.8360	West Group Properties LLC
Parcel 18	2.5659	West Group Properties LLC
Parcel 19	17.3612	West Group Properties LLC
Parcel 20	14.8360	West Group Properties LLC
Parcel 21	2.5659	West Group Properties LLC
Parcel 22	17.3612	West Group Properties LLC
Parcel 23	14.8360	West Group Properties LLC
Parcel 24	2.5659	West Group Properties LLC
Parcel 25	17.3612	West Group Properties LLC
Parcel 26	14.8360	West Group Properties LLC
Parcel 27	2.5659	West Group Properties LLC
Parcel 28	17.3612	West Group Properties LLC
Parcel 29	14.8360	West Group Properties LLC
Parcel 30	2.5659	West Group Properties LLC

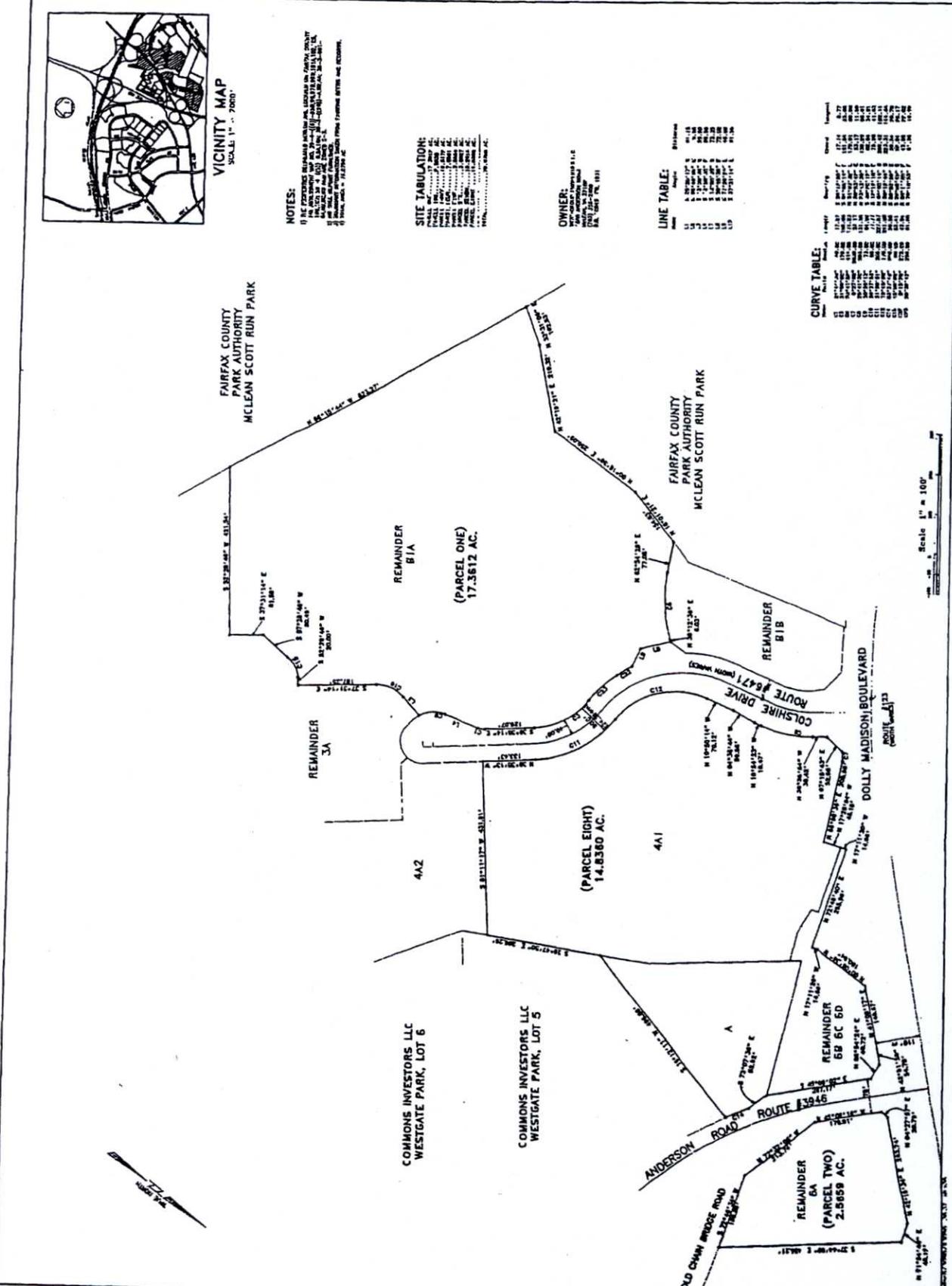
OWNER:  
 WEST GROUP PROPERTIES LLC  
 10000 WEST VAUGHAN AVENUE  
 SUITE 200  
 ARLINGTON, VA 22209  
 TEL: 703-461-1111

LINE TABLE:

Line No.	Stationing	Description
1	0+00	Start of Line
2	0+10	Point of Curvature
3	0+20	Point of Tangency
4	0+30	Point of Curvature
5	0+40	End of Line
6	0+50	Start of Line
7	0+60	Point of Curvature
8	0+70	Point of Tangency
9	0+80	Point of Curvature
10	0+90	End of Line

CURVE TABLE:

Curve No.	Stationing	Radius (ft)	Delta (Deg)	Length (ft)	Chord (ft)	Offset (ft)
1	0+10 to 0+20	1000	30	100	98.48	1.52
2	0+20 to 0+30	1000	30	100	98.48	1.52
3	0+30 to 0+40	1000	30	100	98.48	1.52
4	0+40 to 0+50	1000	30	100	98.48	1.52
5	0+50 to 0+60	1000	30	100	98.48	1.52
6	0+60 to 0+70	1000	30	100	98.48	1.52
7	0+70 to 0+80	1000	30	100	98.48	1.52
8	0+80 to 0+90	1000	30	100	98.48	1.52



Scale 1" = 100'





**PROFFERS**  
**PCA 92-P-001-3**  
**April 5, 2001**

Pursuant to 15 2-2203A of the Code of Virginia 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the Applicant, WEST\*GROUP PROPERTIES LLC, its successors and assigns reaffirm Proffers dated October 6, 2000, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended as follows

I. GENERALIZED DEVELOPMENT PLAN ("GDP") The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999, September 12, 2000 and March 30, 2001 shall be considered for illustrative purposes only Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered

A Floor Area Ratios ("FAR") The total FAR on the approximately 131 acre Gross Tract Area (as defined below) for office uses, accessory uses and all other uses permitted in the C-3 Zoning District shall not exceed a 0.65 FAR However

1 Individual Building Sites (as defined below) within the Old Springhouse Road Area Land Bay (as defined below) may individually exceed a 1.0 FAR, but the total FAR of the Old Springhouse Road Area Land Bay shall not exceed a 1.0 FAR

2 Individual Building Sites (as defined below) within the Colshire Drive Area Land Bay (as defined below) may individually exceed a 1.0 FAR, but the total FAR of the Colshire Drive Area Land Bay shall not exceed a 1.0 FAR

3 Individual Building Sites (as defined below) within the Old Meadow Road Area Land Bay (as defined below) may individually exceed a 1.0 FAR, but the total FAR for the Old Meadow Road Land Bay shall not exceed a 0.7 FAR

## Definitions

Gross Tract Area shall be defined as the sum of the areas of the three Land Bays and consisting of 130 3247 acres

Building Site shall be defined as the land associated with the building, parking and/or parking structures, open space and accessory structures or the "site plan "

The Land Bays shall be defined as follows

- Old Springhouse Road Area (consisting of approximately 42 acres)
- Colshire Drive Area (consisting of approximately 58 acres)
- Old Meadow Road Area (consisting of approximately 31 acres)

### B Building Height

1 Buildings within the Old Springhouse Road Land Bay shall not exceed 90 feet in height except as qualified by paragraph B 4 below

2 Buildings within the Colshire Drive Land Bay shall not exceed 90 feet in height except as qualified by paragraph B 4 below

3 Buildings within the Old Meadow Road Land Bay shall not exceed 75 feet in height except as qualified by paragraph B 4 below

4 An increase in height for any building(s) may be permitted by the Board of Supervisors in accordance with the applicable Special Exception provisions of the Zoning Ordinance without a Proffer Condition Amendment

C Landscaping Future Building Sites shall be landscaped using a mix of shade and/or ornamental trees (3" in caliper at planting) and evergreen trees (6' to 8' in height at planting) of a quantity and species consistent with existing WEST\*GATE landscaping and as generally, but not specifically, illustrated on Sheet 9 of 9 of the GDP as it relates to quality and quantity of tree and plant stock. All landscaping plans submitted at the time of site plan submission shall be reviewed and approved by the Department of Public Works and Environmental Services ("DPWES") as part of the site plan approval process

D Transitional Screening and Barrier Transitional screening and barrier requirements shall be modified or waived as follows

1. Building 10 (Hayes) is existing and the transitional screening and barrier modifications for the south, west and east property lines were granted by DPWES for Site Plan 1702-SP-01 and shall remain in place.

2 The limits of the Flood Plain, left undisturbed, shall serve as the transitional screening and barrier for buildings located in Old Meadow Road Land Bay C

3 Transitional screening and barrier requirements for existing Buildings 14 (Van Buren) and 15 (Garfield) shall be modified to allow the landscaping existing at the time of the rezoning as shown on the GDP to serve as the transitional screening and barrier

4 Transitional screening and barrier requirements for existing buildings located along the east property line in Colshire Drive Land Bay B-3 and along the south property line in Old Meadow Road Land Bay C shall be modified to allow the existing wooded area generally shown on the GDP to serve as the transitional screening and barrier

5 Transitional screening and barrier for buildings within the Old Springhouse Road Land Bay and the R-30 project, known as Gates of McLean, located east of Scotts Run Crossing is hereby modified in favor of barrier and landscaping installed on R-30 property

E Pedestrian Access System Continuous four-foot wide concrete sidewalks along public streets fronting individual Building Sites shall be shown on each site plan submitted and shall be installed prior to site plan bond release. The sidewalk system shall be in lieu of any trails shown on the County-wide Trails Plan for the Gross Tract Area with the exception of trails within Park Authority land which are addressed in Proffer IV Park Authority

F Storm Water Management and Best Management Practices

1 Storm Water Management ("SWM") and Best Management Practices ("BMP") shall be provided for the entire Gross Tract Area in accordance with applicable County ordinances as approved, modified or waived by DPWES. SWM/BMP may be provided on a site by site basis, land bay by land bay basis, or a combination thereof

G Environmental Quality Corridor ("EQC") and 100 Year Flood Plain ("Flood Plain") Unless waived or modified by the Director of DPWES, the Applicant shall preserve in an undisturbed state the EQC and Flood Plain as generally depicted on the GDP. However, the EQC and Flood Plain may be crossed by utilities, roadways, and trails to the minimum extent necessary. The Applicant shall provide Compensatory Landscaping as defined in Proffer I (EYE) herein for EQC encroachments for the storm water detention facility and for the parking structure and access driveway to any building located in the Colshire Drive Land Bay, along the common property line with the Scott Run Stream Valley Park as may be permitted by Exhibit E. Compensatory Landscaping shall be shown on individual site plans submitted to DPWES. The area preserved as the EQC and Flood Plain or the area of Compensatory Landscaping shall be deemed to satisfy transitional screening and barrier requirements in the areas where the EQC and Flood Plain and transitional screening yards coincide and consistent with Proffer I D herein

H Limits of Clearing and Grading The Applicant shall use best efforts to adhere to the preliminary limits of clearing and grading as shown on the GDP. However, actual limits of clearing and grading shall be determined at the time of site plan approval. DPWES may approve minor deviations from the limits of clearing and grading shown on the GDP provided that Compensatory Landscaping is provided per Proffer I I(EYE) herein.

I(EYE) Compensatory Landscaping. The Applicant may deviate to a limited extent into or cross the EQC per Proffer I G herein or the Applicant may deviate from preliminary limits of clearing and grading shown on the GDP per Proffer I H herein provided that the Applicant provides Compensatory Landscaping. Compensatory Landscaping shall be defined as the Applicant's choice of the following:

1 Planting an area equal to 125% of the area of the EQC or Flood Plain disturbance or deviation from preliminary limits of clearing and grading shown on the GDP with trees 3" at planting in caliper or evergreens 6' - 8' in height at planting in quantities and species approved by DPWES in accordance with Section 12-04037A of the Fairfax Public Facilities Manual or other methods acceptable to DPWES, or

2 Providing an uncleared or undisturbed area equal to the area of the EQC or Flood Plain disturbance or deviation from preliminary limits of clearing and grading shown on the GDP, or

3 A combination of Proffer I(EYE) 1 and 2 herein.

The Compensatory Landscaping shall be provided either on the Building Site or within the Land Bay and adjacent to or as contiguous to the area of the EQC or Flood Plain disturbance or deviation from the preliminary limits of clearing and grading shown on the GDP as possible.

II. COUNTERPARTS To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

WEST GROUP PROPERTIES LLC

By G.T. Halpin  
G T Halpin, President

THE MITRE CORPORATION

By Lewis Fincke  
Lewis Fincke, Vice President, Chief Financial Officer and Treasurer

**PROFFERS**  
**PCA 92-P-001-4**  
**November 14, 2001**

Pursuant to 15 2-2203A of the Code of Virginia 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the Applicant, WEST\*GROUP PROPERTIES LLC, its successors and assigns reaffirm Proffers dated April 5, 2001, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended as follows

I. **GENERALIZED DEVELOPMENT PLAN ("GDP")** The locations of the buildings shown on the GDP dated February 10, 1992, revised May 6, 1992, February 23, 1999 and September 12, 2000, for Sheets 2, 3, 4, 4A, 5, 6, 6A, 7, and 9, and as amended through September 26, 2001 for Sheets 1 and 8, shall be considered for illustrative purposes only Specific tabulations for floor area ratios, green space, parking, and final location and footprint of the proposed buildings and parking structures for each individual building site shall be determined at the time of site plan review and approval At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment The GDP is not proffered in its entirety, but certain elements of the GDP as specifically described below are proffered

- A **Floor Area Ratios ("FAR")** No change
- B **Building Height** No change
- C **Landscaping** No change
- D **Transitional Screening and Barrier** No change
- E **Pedestrian Access System** No change
- F **Storm Water Management and Best Management Practices** No change
- G **Environmental Quality Corridor ("EOC") and 100 Year Flood Plain ("Flood Plain")** No change
- H **Limits of Clearing and Grading** No change
- I(EYE) **Compensatory Landscaping** No change

II. **COUNTERPARTS** To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement All counterparts of this Proffer Statement shall collectively constitute a single instrument

WEST\*GROUP PROPERTIES LLC

By \_\_\_\_\_

G T Halpin, President

**Colshire Drive Associates, LLC (Contingent Contract Purchaser, Tax Map 30-3-((28))-B2 (Part))**

**By The Connell Company**

By \_\_\_\_\_

**Duane Connell, Executive Vice President**



## County of Fairfax, Virginia

**MEMORANDUM**

DATE: May 20, 2011

TO: Barbara C. Berlin, Director  
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief  
Site Analysis Section, DOT 

FILE: 3-5 (SE 2011-PR-003)

SUBJECT: SE 2011-PR-003; Grant 1651 Old Meadow Road LLC  
Land Identification Map: 29-4-((6))-102

This department has reviewed the special exception plat dated April 8, 2011. We have the following comments:

- Information should be made available to the students and faculty that encourage and facilitate the use of non-single occupancy vehicle modes for travel to the site.

AKR/MEC



COMMONWEALTH of VIRGINIA  
DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive  
Fairfax, VA 22030  
April 29, 2011

GREGORY A. WHIRLEY  
COMMISSIONER

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

**From:** Kevin Nelson  
Virginia Department of Transportation – Land Development Section

**Subject:** SE 2011-PR-003 Grant 1651 Old Meadow Road LLC  
Tax Map # 29-4((06))0102

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

I have reviewed the above plan submitted on April 21, 2011, and received April 26, 2011. I have no objection to the approval of the use proposed with this Special Exception. It is recommended the County consider the future roadway alignments currently being discussed for this area of Tysons Corner.

If you have any questions, please call me.

cc: Ms. Angela Rodeheaver  
fairfaxspex2011-PR-003se1Grant1651OldMeadowRdLLC4-29-11BB



## County of Fairfax, Virginia

## MEMORANDUM

May 12, 2011

**TO:** Nicholas Rogers, Staff Coordinator  
Zoning Evaluation Division, DPZ

**FROM:** Todd Nelson, Urban Forester II   
Forest Conservation Branch, DPWES

**SUBJECT:** Westgate Grant Lot 102; SE 2011-PR-003

**RE:** Request for assistance dated April 26, 2011

This review is based upon the Special Exception plat SE 2011-PR-0062 stamped "Received, Department of Planning and Zoning, April 11, 2011." A site visit was conducted on May 10, 2011.

**Site Description:** This site is developed with an existing six-story brick office building and a large surface asphalt parking lot. There is existing vegetation along the western side of the building consisting of two 12-inch diameter willow oak trees and a 26-inch diameter sycamore all of which are located adjacent to Old Meadow Road. There is a row of existing vegetation along the northern property line adjacent to Dolley Madison Blvd consisting entirely of crape myrtle. There is an existing bottom land forest community located inside the RPA along the eastern property boundary consisting primarily of silver maple, tulip tree, and red maple. There is no existing vegetation located at the southern portion of the property adjacent to Colshire Meadow Drive.

- 1. Comment:** An existing conditions plan has been provided, however, the existing vegetation depicted on the plan is not accurate and an existing vegetation map in conformance with Zoning Ordinance Chapter 112, Article 20 and PFM 12-0505, has not been provided.

**Recommendation:** An EVM that depicts the accurate location of any of the cover types identified in PFM Table 12.2 and one that meets the requirements of Zoning Ordinance Chapter 112, Article 20 and PFM 12-0506 should be provided. The EVM submitted with the SE must accurately delineate all areas of the cover types, and include all other required elements of the Zoning Ordinance and Public Facilities Manual.

- 2. Comment:** Chapter 122 and Article 13, 10-year tree canopy requirements have not been provided and it is unclear how the 10% 10-year tree canopy and interior parking lot landscaping requirements for this site will be met. In addition, it appears the Applicant is

Department of Public Works and Environmental Services  
Land Development Services, Urban Forest Management Division  
12055 Government Center Parkway, Suite 518  
Fairfax, Virginia 22035-5503  
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769  
[www.fairfaxcounty.gov/dpwes](http://www.fairfaxcounty.gov/dpwes)



requesting a modification of the peripheral parking lot landscaping requirement on the south and west property lines as indicated on sheet 2. There is no existing landscaping along the southern property boundary, there are only three existing trees located along the western property boundary, and it is unclear how the peripheral parking lot landscaping requirements will be met.

**Recommendation:** Information included in the EVM should be utilized to provide a Tree Preservation Target level in accordance with PFM 12-0508. Tree Preservation Target Calculations and Statement should be provided as shown in PFM Table 12.3. In addition, preliminary 10-year tree canopy calculations in accordance with PFM 12-0511 and PFM Table 12.10, interior parking lot landscaping in accordance with PFM 12-0514 and ZO 13-202, and peripheral parking lot landscaping in accordance with ZO 13-203, should be provided on the SE demonstrating how Chapter 122 and Article 13, 10-year tree canopy requirements will be met.

Please contact me at 703-324-1770 if you have any questions.

TLN/  
UFMID #: 160680

cc: RA File  
DPZ File



# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Sandy Stallman, Manager  
Park Planning Branch, PDD 

**DATE:** May <sup>31</sup>~~24~~, 2011

**SUBJECT:** SE 2011-PR-003, Westgate Grant Lot 102 - **Revised**  
Tax Map Number: 29-4 ((6)) 102

### BACKGROUND

The Park Authority staff has reviewed the proposed Special Exception application dated April 21, 2011, for the above referenced application. The Special Exception proposes to lease approximately 5,838 square feet of the existing office buildings' 69,276 square feet for a college/university interim use prior to future redevelopment. The applicant proposes no changes to the approved proffers, no building additions, no increase in intensity, and no site modifications.

### COMPREHENSIVE PLAN CITATIONS

The County Comprehensive Plan includes both general and specific guidance regarding parks and resources. The Policy Plan describes the need to mitigate adverse impacts to park and recreation facilities caused by growth and development; it also offers a variety of ways to offset those impacts, including contributions, land dedication, development of facilities, and others (Parks and Recreation, Objective 6, p.8). Resource protection is addressed in multiple objectives, focusing on protection, preservation, and sustainability of resources (Parks and Recreation Objectives 2 and 5, p.5-7).

### ANALYSIS AND RECOMMENDATIONS

#### Natural Resources Impact:

The applicant proposes an interim use that would neither worsen nor improve the stormwater contributions to the adjacent Scotts Run Stream Valley, owned and operated by the Park Authority. The Park Authority does not object to this use, however, the parking lot on the east side of the property is within the Resource Protection Area for Scotts Run, the subject property has no stormwater detention, and the site is greater than 75% impervious. The current site conditions result in a significant negative impact on both the condition of the adjacent parkland and stream channel and on water quality in Scotts Run.

Best practices that could be employed by the property owner to reduce the overall negative impact of the site on water quality and riparian habitat include the following:

- a) Place filters at curb inlets to capture silt and trash and slow up water from low intensity rain events. These filters could be a biology or Terra Tube or similar product that is commonly used for curb inlet protection, is not permanent and must be periodically inspected and changed.
- b) Use sorbent components in the inlet protection to reduce the petroleum, lubricants, coolant and other toxins washing off of parking surfaces.
- c) Conduct regular trash removal to prevent trash from entering the stream or parkland.
- d) Contract regular parking lot sweeping particularly in late winter and spring to remove accumulated sand and other materials used to treat surfaces during winter storm events.
- e) Do not use any non-native invasive plant species for landscaping on site. Use locally native species to the greatest extent possible.
- f) There may be opportunities to capture water from roof drains in cisterns and reuse the water for irrigation of landscaping.

Eventual redevelopment of the site should seek to greatly reduce stormwater discharges, provide enhanced native landscaping to improve the buffer with the parkland and quality of life for those using the subject property to enhance the green space and minimize impacts to it.

FCPA Reviewer: Jay Rauschenbach / Andi Dorlester  
DPZ Coordinator: Nicholas Rogers

Copy: Cindy Walsh, Director, Resource Management Division  
Andrea L. Dorlester, Planner IV, Park Planning Branch  
Chron Binder  
File Copy

P:\Park Planning\Development Plan Review\DPZ Applications\SE\SE 2011\SE 2011-PR-003\SE 2011-PR-003 FCPA - revised.doc



## County of Fairfax, Virginia

**MEMORANDUM**

**DATE:** May 17, 2011

**TO:** Barbara Berlin, Director  
Zoning Evaluation Division  
Department of Planning & Zoning

**FROM:** Lana Tran, P.E.  
Wastewater Planning & Monitoring Division  
Department of Public Works & Environmental Services

**SUBJECT:** Sanitary Sewer Analysis Report

**REFERENCE:** Application No. SE2011-PR-003  
Tax Map No. 029-4((06))0102

This application is within Tysons Corner Urban Center Study Area. As such, the future wastewater flow from the projected growth within the area is anticipated to increase significantly, resulting in potentially overloading the existing off-site trunk sewers that serve the attributed upstream discharge. To accommodate the added flow, pipe improvement will be necessary in the future, hence, the possibility of pro-rata share may be applicable.

For onsite sanitary sewer within the rezoning area, the applicant is required to provide a sanitary sewer capacity study to Wastewater Planning and Monitoring Division prior to site plan submission. If it is determined that any of the onsite lines were inadequate, the applicant will be required to perform necessary upgrades prior to or concurrent with site plan submission.

If you have any questions or comments, please do not hesitate to contact me at (703) 324-5008.

---

Department of Public Works and Environmental Services  
Wastewater Planning & Monitoring Division  
12000 Government Center Parkway, Suite 358  
Fairfax, VA 22035-0052  
Phone: 703-324-5030, Fax: 703-324-3946





## County of Fairfax, Virginia

**MEMORANDUM**

**DATE:** May 05, 2011

**TO:** Nick Rogers, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Elfatih Salim, Senior Engineer III   
Stormwater and Geotechnical Section  
Environmental and Site Review Division  
Department of Public Works and Environmental Services

**SUBJECT:** Special Exception application #SE 2011-PR-003; Westgate Industrial Park, Lot 102; Special Exception plat dated April 08, 2011; Scotts Run Watershed; LDS Project #000312-ZONA-005-1; Tax Map #029-4-06-00-0102; Providence District

We have reviewed the subject application and offer the following stormwater management review comments.

**Chesapeake Bay Preservation Ordinance (CBPO)**

There is a 1993 Resource Protection Area (RPA) on the eastern half of this site. Applicant needs to show on the special exception plat, the County-mapped RPA or field-delineated RPA boundaries (if available). At the time of construction plan review, an RPA Delineation Study will be required.

**Floodplain**

There are regulated and FEMA "Zone A" floodplains on the property. Applicant need to show on the special exception plat; the floodplain boundaries, the approved floodplain study plan number, and the approval date.

**Downstream Drainage Complaints**

There are no unresolved downstream drainage complaints on file for this application.

**Stormwater Detention and Water Quality Control**

Applicant proposes a college/university use within a portion of an existing office building. If a construction plan will not be submitted for DPWES review, stormwater detention and water quality control measures are not required for this application.



Nick Rogers, Staff Coordinator

Special Exception application #SE 2011-PR-003; Westgate Industrial Park, Lot 102

Page 2 of 2

**Downstream Drainage System**

Applicant proposes a college/university use within a portion of an existing office building and no physical alterations are being proposed to the site. Adequate outfall description and analysis are not required for this application if a construction plan will not be submitted for DPWES review.

Please contact me at 703-324-1720 if you require additional information.

ES/dah

cc: Craig Carinci, Director, Stormwater Planning Division, DPWES  
Jeremiah Stonefield, Chief, Stormwater and Geotechnical Section, ESRD, DPWES  
Hani Fawaz, Chief Site Review Engineer, ESRD East, DPWES  
Zoning Application File

### GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBa:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBa value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential-Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DUI/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		