



County of Fairfax, Virginia

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

June 23, 2011

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich & Walsh
2200 Clarendon Blvd., Thirteenth Floor
Arlington, VA 22201-3359

Re: Interpretation for PCA 88-D-005-6, West*Park Land Bay E: Square Footage Allocation

Dear Ms. Strobel:

This is in response to your letter of April 22, 2011, requesting an interpretation of the proffers accepted by the Board of Supervisors in conjunction with the approval of the above referenced application. As I understand it, the question is whether the 1,307,223 square feet allocated to Land Bay E can be reallocated to other Land Bays within West*Park without the Land Bay E's owners consent. This determination is based on your letter and the approved proffers for the West*Park Office Park (PCA 88-D-005-6). A copy of your letter and exhibit are attached.

On September 24, 2007, the Board of Supervisors approved PCA 88-D-005-6, which permitted development within the West*Park office park up to 0.58 FAR or 4,707,292 square feet (SF) of gross floor area (GFA). Under the approved zoning, the West*Park office park was divided into land bays (Land Bays A through F) which are defined both within the proffers and the Generalized Development Plan (GDP). As you note in your letter, with regard to Land Bay E, Proffer 1A states that:

Land Bay E (consisting of 30.0097 acres of land notwithstanding that said total land area may be subdivided into two (2) or more lots of record with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility). It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this land bay) may be located on the remaining +/- 25 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated only on the +/- 25 acres.

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Department of Planning and Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703 324-1290
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Lynne J. Strobel

Page 2

This proffer first appeared in the West*Park proffers with PCA 88-D-005. The tabulations contained within GDP also depict that 1,307,223 square feet of gross floor area is allocated to Land Bay E. Currently, Land Bay E is improved with a 769,704 square foot office building, which would have left 537,519 square feet of gross floor area remaining. However, as a result of Virginia Department of Transportation (VDOT) acquisition of right-of-way from Land Bay E, the square footage available for development has been reduced. These calculations are detailed in the Zoning Administrator's letter to you, dated March 24, 2011, as attached.

It is my determination that the square footage allocated to Land Bay E pursuant to PCA 88-D-005-6 cannot be reallocated to other Land Bays within the West*Park office park without the submission (and approval) of a proffered condition amendment application. Such an application would require the Land Bay E property owners' consent.

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

Sincerely,



Barbara C. Berlin, AICP, Director
Zoning Evaluation Division, DPZ

O:\clewis4\interpretations\West park land bay e.doc

Attachments: A/S

cc: Linda Q. Smyth, Supervisor, Providence District
Kenneth Lawrence, Planning Commissioner, Providence District
Eileen McLane, Zoning Administrator
Michelle Brickner, Director, Office of Land Development Services, DPWES
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ
File: RZ 88-D-005, PCA 88-D-005, PCA-D-005-2, PCA 88-D-005-3, PCA 88-D-005-4,
PCA 88-D-005-5, PCA 88-D-005-6, PI 11 04 054,
Imaging, Reading File



County of Fairfax, Virginia

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March 24, 2011

REVISED LETTER

Lynne J. Strobel
Walsh, Colucci, Lubeley, Emrich, & Walsh, PC
2200 Clarendon Boulevard, Suite 1300
Arlington, VA 22201-3359

RE: RP MRP Tysons LLC
7940 Jones Branch Drive
Tax Map Ref: 29-2 ((15)) C2
Zoning District: C-3

Dear Ms. Strobel:

This revises my December 10, 2010 letter that was in response to your November 1, 2010 letter and your subsequent discussions with staff of the Department of Planning and Zoning in which you inquired about the density credit that could be granted to the referenced development in light of the Virginia Department of Transportation's intent to acquire right-of-way for local road improvements.

In my previous letter, I had indicated that the VDOT acquisition from the referenced property could result in a density credit of 55,399 square feet of gross floor area, when considering your request to take one half of the value as monetary compensation and one half the value as density credit. Subsequent to my December 10th letter, a review was undertaken of the density transfer with the associated Gannett Property, which has resulted in a recalculated of the density credit available to MRP as follows:

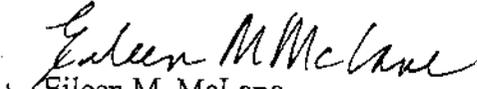
334,157 sqft of land area for MRP = 334,157 sqft of GFA at 1.0 FAR plus
203,362 sqft of GFA transferred from Gannett to MRP = 537,519 sqft of total GFA
VDOT acquisition from MRP = 68,878 sqft of land area = 68,878 sqft of GFA at 1.0 FAR
Resultant MRP land area 265,279 sqft = 265,279 sqft of GFA at 1.0 FAR
No density credit for ½ of VDOT acquisition = 34,439 sqft
265,279 sqft + 203,362 transferred GFA + 34,439 sqft (½ density credit for VDOT) =
total of 503,362 sqft of GFA after VDOT acquisition

This 503,362 sqft of GFA is predicated on the reported square footage of the VDOT acquisition and on the application of density credit for only one half of the acquired area in accordance with the calculations set forth above. The net result is a greater total GFA available to MRP than the previous calculation indicated, although the amount that is attributable to the density credit is less.

Lynne J. Strobel
March 24, 2011
Page 2

I trust this correspondence adequately responds to your request. If you have any additional questions, please feel free to contact me at (703) 324-1314.

Sincerely,


Eileen M. McLane
Zoning Administrator

cc: Linda Smyth, Providence District Supervisor
Bruce Nassimbeni, DPWES
Diane Johnson Quinn, DPZ

Lynne J. Strobel
March 24, 2011
Page 2

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Eileen M. McLane
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