



# County of Fairfax, Virginia

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

August 18, 2011

Inda E. Stagg, Land Use Coordinator  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Blvd., Thirteenth Floor  
Arlington, VA 22201-3359

Re: Interpretation for PCA C-696-7 and FDPA C-696-2, Dulles Station, Tax Map Parcel 15-4  
(5) 2B (Building I): Courtyard Modifications

Dear Ms. Stagg:

This is in response to your letter of July 1, 2011, requesting an interpretation of the proffers accepted by the Board of Supervisors and the Final Development Plan Amendment (FDPA) approved by the Planning Commission in conjunction with the approval of the above referenced applications. As I understand it, the question is whether the proposed modifications to the inner courtyards of Building I to permit the addition of a swimming pool would be in substantial conformance with PCA C-696-7 and FDPA C-696-2. This determination is based on your letter, the proffers, the approved development plan, and Dulles Station Building I exhibits entitled "Approved and Proposed Layout Comparison," "Proposed Layout," "Materials Plan," and "Planting Plan," prepared by LSG Landscape Architecture. Copies of your letter and relevant exhibits are attached.

The subject property is located within Dulles Station at Dulles Corner, a 63.12 acre mixed use development in the PDC District that was rezoned from the RE-1 District to the PDC District on August 25, 1975 to permit a convention center, commercial office space, and research and development at an overall FAR of 0.33. Subsequently, in 1989, PCA/FDPA C-696 were approved to permit an increase in the overall FAR to 0.70 for the development of office, hotel, and retail uses. On October 16, 2000, the Board of Supervisors approved PCA C-696-2 to permit a mixed use development of office, retail, and multi-family uses with an overall FAR of 0.99. Concurrent FDPA C-696-2 was approved by the Planning Commission on September 7, 2000. The site is currently governed by the proffers accepted with PCA C-696-7, which was approved by the Board of Supervisors on October 20, 2008, to permit modifications to the proffers to clarify the principle and secondary uses permitted on the site and to clarify the proffered term "restaurant" to include eating establishments and fast food restaurants per the Zoning Ordinance definitions, and FDPA C-696-2.

The area under discussion in your letter is located in Land Bay II located in the southern part of the development and consists of Buildings I, shown as a six-story residential structure in the tabulations on Sheet 3 of the approved development plan. Building I was approved for 240,000

square feet of gross floor area and 218 dwellings/rooms. As I understand it, the building has not been developed.

On March 11, 2011, I issued a determination that permitted the relocation of seven dwelling units from Building I to Building K and a reduction in the number of dwelling units in Building I accordingly. The total number of dwelling units in the two buildings would remain at the approved 468. Six of the relocated units within Building K will be live/work units built to commercial building standards.

The approved development plan depicts Building I developed around a six-story parking garage with three separate open plaza areas. No details are shown for the plazas except that they are shown planted with trees. The total amount of open space contained within the three plazas is 0.35 acres, or approximately 1,525 square feet. As I understand it, you are proposing to combine the three open space plazas into one open landscaped courtyard with a swimming pool, patios, a sun shelf and lawn areas. You state that the proposed consolidation of the plazas into one open space area would increase the total amount of open space to 0.40 acres, or approximately 1,724 square feet. According to your exhibits, the proposed courtyard would be located generally in the center of the building. The pool area would be generally open; but the remainder of the courtyard is shown with extensive landscaping, including perennials and ground covers, shrubs, and trees. Your Planting Plan exhibit notes that all planted areas will be irrigated.

Note 18 of the General Notes on Sheet 8 of the development plan permits minor modifications to the size, dimensions, footprints and location of buildings, among other things. It also states that the footprints represented *"are approximate and may be increased or decreased and the number of units in each building may be modified, so long as the minimum open space provided in the tabulation and the minimum dimensions to the peripheral lot lines are not diminished."*

Note 23 on the approved development plan states that "Recreational facilities for the residential uses shall include, but not be limited to: three (3) swimming pools; a community center with exercise facilities, business center, and a meeting room; and passive recreation area (s) to be utilized for recreational activities, such as seating areas, formal gardens, picnic areas, etc."

Proffer 7 of the proffers accepted by the Board of Supervisors with the approval of PCA/FDPA C-696-4 states in part that "The Applicant shall comply with Paragraph 2 of Section 6-110 of the Zoning Ordinance regarding developed recreational facilities for the residential uses.....Notwithstanding that the FDPA includes three swimming pools, the Applicant reserves the right to construct additional swimming pools within the courtyards of the multi-family residential buildings."

Inda E. Stagg

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As such, it is my determination that the proposed modifications to the internal plazas to add a swimming pool, as discussed above and depicted in your exhibits, would be in substantial conformance with the proffers and the FDPA, subject to Urban Forest Management (UFM) approval.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please feel free to contact Mary Ann Godfrey at (703) 324-1290.

Sincerely,



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

*MAG/F:\DullesStation, Bldg. 1 (PCA C-696-7, FDPA C-696-2) courtyard modifications.doc*

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District  
Jay P. Donahue, Planning Commissioner, Dranesville District  
Diane Johnson Quinn, Deputy Zoning Administrator, ZAD, DPZ  
Kenneth Williams, Technical Processing, Plan Control, LDS, DPWES  
Angela Rodeheaver, Chief, Site Analysis Section, DOT  
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ  
Michael P. Knapp, Director, Urban Forest Management, DPWES  
Audrey Clark, Director, Building Plan Review Division, DPWES  
File: PCA C-696-7, FDPA C-696-2, PI 1107 077, Imaging, Reading File



WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC

Inda E. Stagg  
Senior Land Use Planner  
(703) 528-4700 Ext. 5423  
istagg@arl.thelandlawyers.com

July 1, 2011

**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: Request for Interpretation  
PCA C-696-7 (the "PCA") and FDPA C-696-2 (the "FDPA") (together, the  
"Approvals")  
TM 15-4 ((5)) 2B (Building I)  
Minor Modifications to the Internal Courtyard Layout of Building I  
Swimming Pool Use in Courtyard of Building I in Lieu of Plaza

Dear Ms. Berlin:

Please accept this letter as a request for an interpretation of the proffers and development plan associated with the PCA and FDPA, particularly as the Approvals may permit minor modifications to the internal courtyard layout of Building I and the construction of a swimming pool in lieu of a plaza within the newly configured courtyard of Building I. In accordance with Par. 4 of Sect. 16-402 of the Ordinance, minor modifications to an approved final development plan may be permitted under certain circumstances. The Developer meets the criteria for a minor modification as outlined within this letter, and requests your concurrence that the proposed revisions are in substantial conformance with the Approvals.

The request to permit modifications to the internal courtyard layout of Building I and to permit a swimming pool within the newly configured courtyard area is made in response to layout and design modifications. The requests do not result in a more intensive use than that approved pursuant to the approved FDPA or proffers, because the requested and approved GFA for Building I is the same. The requests do not result in an increased parking requirement. The swimming pool is an accessory use to the permitted multifamily use for Building I. The requests do not reduce the effectiveness of the approved transitional screening, buffering, landscaping or open space; to the contrary, it is an improvement to the open space proposed within the courtyard. Approximately 0.35 acres of courtyard area were depicted on the FDPA as open space for Building I. The

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Zoning Evaluation Division

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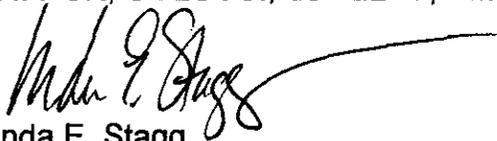
proposed modifications to the internal courtyards of Building I result in an increase of open space to approximately 0.40 acres. The proposed swimming pool does not change the bulk, mass, orientation or location of structures in such a way that would adversely impact the relationship of the development to adjacent property, as the courtyard modifications are interior to Building I. The requests will not result in an increase in the amount of clearing and/or grading for a stormwater management facility, nor do they result in the addition of any building or additions to buildings. For these reasons, we request that the modifications be determined to be in substantial conformance with the approved plans and proffers.

A copy of all proffers that apply to Building I and a set of four exhibits that illustrate the proposed revision have been included for reference. The set of exhibits includes: an overview of the approved FDPA, an enlarged detail of the approved FDPA for Building I at a scale of 1"=30', the proposed layout of Building I at a scale of 1"=30', and an overlay of the approved and proposed layouts for Building I.

As always, I appreciate your attention to this request. Please do not hesitate to contact me if you should have any questions or require further information.

Very truly yours,

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

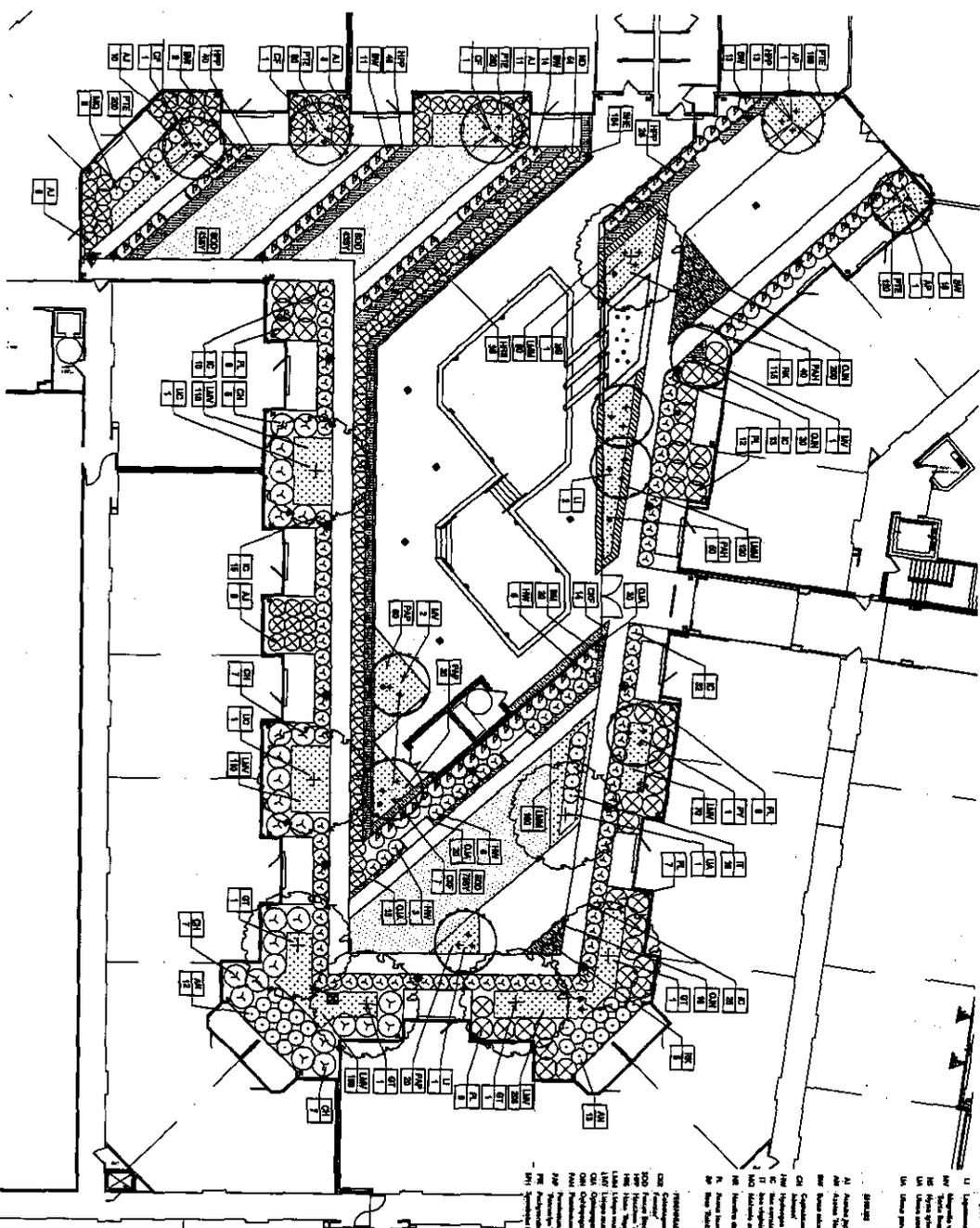


Inda E. Stagg  
Senior Land Use Planner

Enclosures

cc: Marty Mankowski  
Clayton Tock  
Carrie Lee  
Martin D. Walsh

1 PLANTING PLAN  
1/8" = 1'-0"



NOT FOR CONSTRUCTION



2 PLANT LIST  
1/8" = 1'-0"

Plant Code	Plant Name	Quantity	Notes
101	Asiatic Garden Spurge	20	Plant in 4" containers
102	Asiatic Garden Spurge	20	Plant in 4" containers
103	Asiatic Garden Spurge	20	Plant in 4" containers
104	Asiatic Garden Spurge	20	Plant in 4" containers
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106	Asiatic Garden Spurge	20	Plant in 4" containers
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**IRRIGATION:**  
All planted areas to be irrigated. Lawn areas shall be spray; all other areas shall be drip. Provide shop drawing showing irrigation zones, pipe runs, and locations of all equipment, including valves and controllers, for review by landscape architect prior to installation.

Project Number: L401  
Scale: 1/8" = 1'-0"  
Date: 02/11/11  
Checked By: [Signature]  
Drawn By: [Signature]

Planting Plan  
Dulles Station

REVISIONS

No.	Description
1	Initial Design
2	Final Design

DULLES STATION  
Courtyard 1

LEG LANDSCAPE ARCHITECTURE  
1000 SULLY ROAD, SUITE 100  
FALLS CHURCH, VIRGINIA 22044  
TEL: 703.261.5500



APPROVED GDP AND PROPOSED LAYOUT COMPARISON

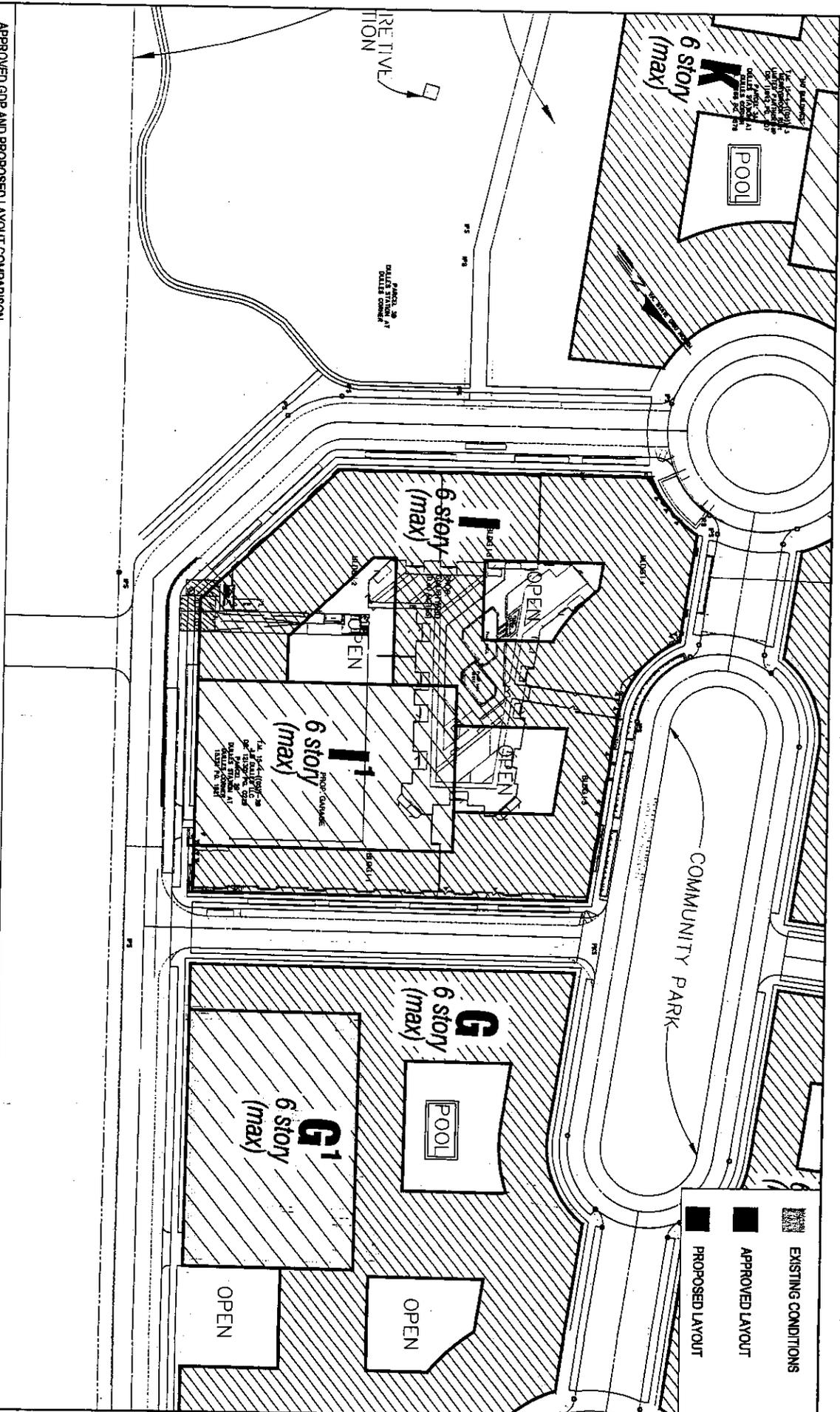


# DULLES STATION BUILDING I

Fairfax County, Virginia



Scale: 1"=50'  
JUNE 30, 2011

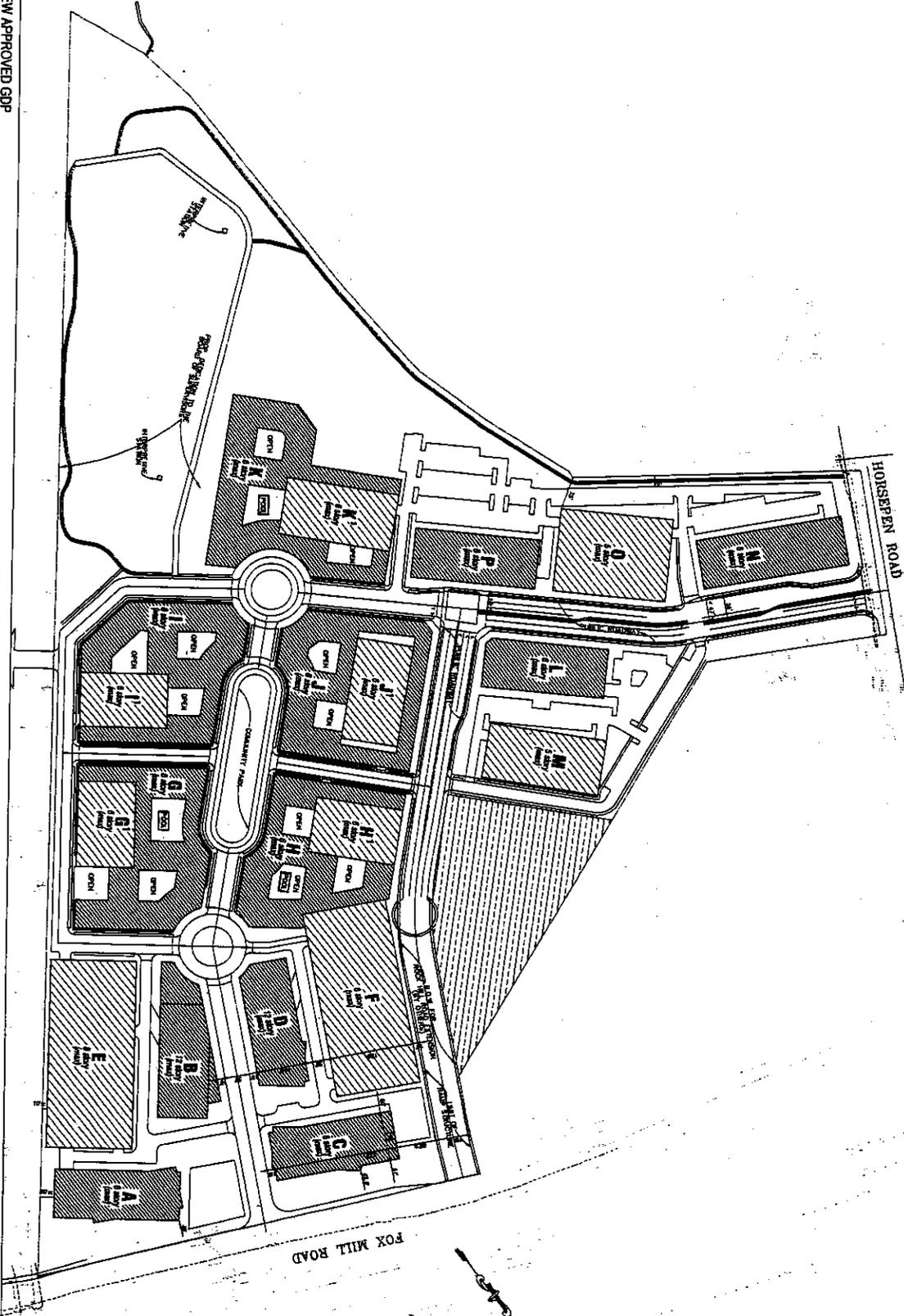


OVERVIEW APPROVED GDP



# DULLES STATION BUILDING I

Fairfax County, Virginia



Scale: 1"=100'  
JUNE 30, 2011

RELATIVE  
DIRECTION

**K**  
6 story  
(max)

POOL

**I**  
6 story  
(max)

OPEN  
512' x 250'

OPEN  
512' x 250'

**I'**  
6 story  
(max)

OPEN  
512' x 250'

COMMUNITY PARK

**G**  
6 story  
(max)

POOL

**G'**  
6 story  
(max)

6 story  
(max)

POOL

OPEN

OPEN

APPROVED GDP-BUILDING I



**DULLES STATION BUILDING I**

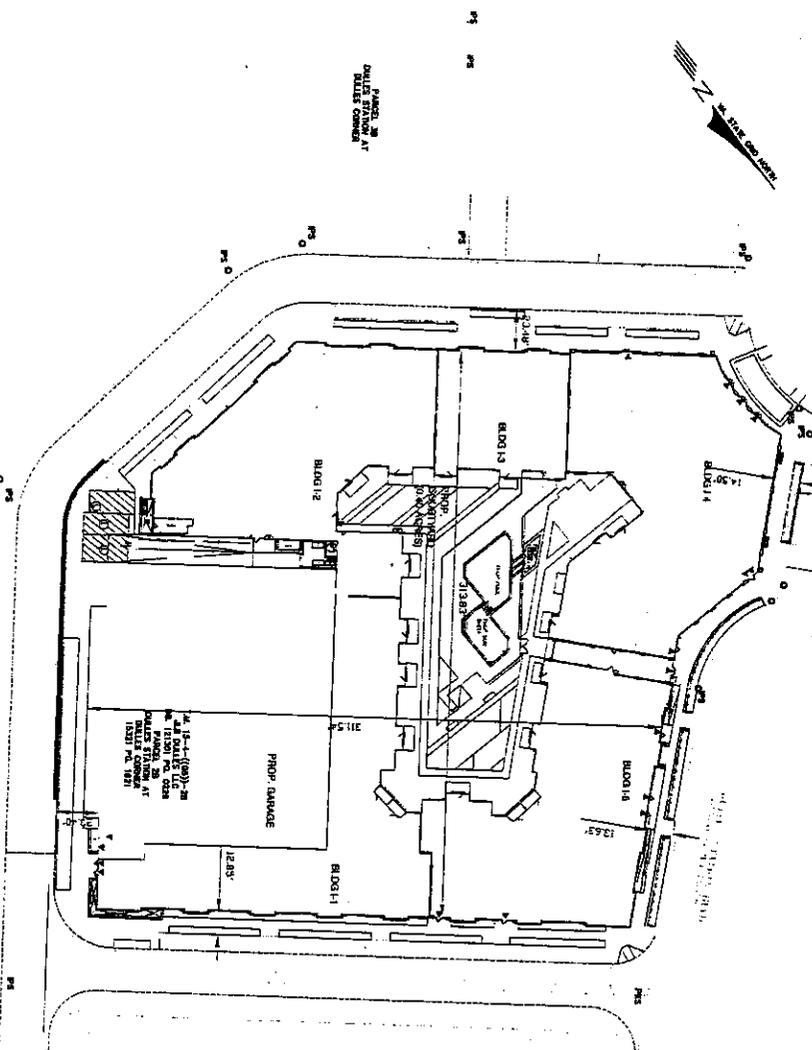
Fairfax County, Virginia



GRAPHIC SCALE  
1" = 100' 0"

Scale: 1"=30'  
JUNE 30, 2011

NO BARRIERS  
 TIA 15-1-1(100)-3  
 LATEST EDITION  
 DECEMBER 1997  
 DULLES STATION AT  
 DULLES COUNTY  
 ON 1998 P.C. 100



PROPOSED LAYOUT



**DULLES STATION BUILDING I**

Fairfax County, Virginia



Scale: 1"=30'  
 JUNE 30, 2011