DEVELOPMENT CONDITIONS

SE 2010-SU-013

November 4, 2010

If it is the intent of the Board of Supervisors to approve SE 2010-SU-013 located at Tax Map 34-3 ((14)) 4 to permit a hotel use in the I-5 District pursuant to Sect. 5-504 of the Fairfax County Zoning Ordinance, 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 Exception Plat entitled Lot 4 @ The Ellipse at Westfields," prepared by William H. Gordon Associates Inc. and dated October 27, 2010 (sealed on October 27, 2010,) 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. Landscaping shall be provided in general as shown on Sheet 5 of the SE Plat. The exact number, size and spacing of trees and other plant materials shall be submitted at the time of final site plan review and shall be subject to the review and approval by Urban Forest Management (UFM).

5. At the time of Site Plan approval, the Applicant shall provide a contribution to DPWES in the amount of $40,000.00 toward future roadway improvements in the surrounding area. This amount of the cash contribution shall escalate on a yearly basis from the base year of 2010 and change effective each January 1, thereafter based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (the "CPI").

6. A. The Applicant shall include a U.S. Green Building Council Leadership in Energy and Environmental Design ("LEED") accredited professional who is an engineer or architect as a member of the design team. The LEED accredited professional shall work with the team to incorporate LEED

design elements into the project so that the project will be positioned to attain LEED certification. At the time of site plan submission, the Applicant shall provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such professional.

B. The Applicant shall include, as part of the site plan submission and building plan submission, a list prepared by the LEED accredited professional of specific credits that the Applicant anticipates attaining within the LEED–NC rating system, or other LEED rating system determined to be applicable to the project, as agreed upon by the Environment and Development Review Branch of DPZ. The LEED accredited professional shall provide certification statements at both the time of site plan review and the time of building plan review indicating that the items on the list should meet at least the minimum number of credits necessary to position the project to attain LEED certification.

C. Prior to approval of a site plan by Fairfax County for the project, the Applicant shall execute a separate agreement and post, for that project a "green building escrow," in the form of cash or a letter of credit from a financial institution acceptable to DPWES as defined in the Public Facilities Manual, in the fixed amount of $340,000. This escrow will be in addition to and separate from other bond requirements and shall be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of U.S. Green Building Council's LEED–NC rating system or other LEED rating determined to be applicable to the project. The provision of documentation to the Environment and Development Review Branch of DPZ from the U.S. Green Building Council that the project has attained LEED certification shall be sufficient to satisfy this commitment. If the Applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within one year of issuance of the first RUP or Non-RUP for the project, the escrow shall be released to Fairfax County as the sole remedy for failure to meet the LEED certification and shall be posted to a fund within the County budget supporting implementation of County environmental initiatives. If the Applicant provides evidence that LEED Certification has been delayed through no fault of the Applicant, this time-frame shall be extended until such time as LEED Certification is attained or one (1) year, and no release of escrowed funds shall be made to the Applicant or the County during this extended time-frame.

D. Prior to issuance of the first Non-RUP or RUP, the Applicant shall provide to the Environment and Development Review Branch of DPZ a letter from the LEED accredited professional certifying that a green building maintenance reference manual has been prepared for use by future managers that this manual has been written by a LEED accredited

professional, that copies of this manual shall be provided to all future building occupants and that this manual, at a minimum:

- Provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;

- Provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;

- Provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and

  Prior to issuance of a Non-RUP or RUP, the Applicant shall provide an electronic copy of the manual in PDF format to the Environment and Development Review Branch of DPZ.

7. No more than one free-standing identification sign shall be permitted on the site. No pole signs shall be permitted. This free-standing sign shall be a monument-style sign and no more than ten (10) feet in height. Such sign shall meet the requirements of Article 12, as well as the sight line requirements of the Zoning Ordinance, the Virginia Department of Transportation (VDOT) and the Public Facilities Manual (PFM). All sign illumination shall be provided internally or through down-lighting.

8. Hotel meeting space may be made available for scheduled use by community groups at times when it is not in use by hotel patrons.

9. The Applicant shall implement a TDM Plan for the Subject Property. The TDM Plan shall include the following:

   - Program Manager. Prior to the approval of the site plan, the Applicant shall designate an individual to act as the Program Manager ("PM") for the hotel, whose responsibility will be to implement the TDM strategies. The applicant shall inform the Fairfax County Department of Transportation (FCDOT) of who is designated as the PM and notify FCDOT if and when the PM changes. The duties of the PM may be part of other duties assigned to the individual(s).

- Information Dissemination: The PM shall make Metrorail and bus maps, schedules and forms, ridesharing and other relevant transit option information available to hotel employees, visitors and guests in a common area; such as the central lobby, community room, and/or hotel management office. The Applicant shall also make multi-modal transportation information available as part of in-room service guides or hotel information through the closed-circuit television system to its hotel guests.

- Ride Matching: The PM shall make information on vanpool and carpool formation programs, ride matching services, and established guaranteed ride home programs available for employees.

- Tele-working: The PM shall encourage hotel guests to telework through the utilization of high capacity data/network connections available through their employers.

- Car Sharing Information: The PM shall make information available regarding the availability of car sharing program(s) to hotel employees, visitors and guests (such as ZipCar).

- Preferential Parking. Applicant shall provide preferential hotel parking for car/van pools.

- Coordination: The PM shall work with FCDOT to promote alternatives to single occupant automobile commute trips.

10. A shared parking study and/or parking reduction study shall be submitted and approved in accordance with the Zoning Ordinance that demonstrates that adequate parking is available to support the proposed uses prior to site plan approval. If it is determined in review of the shared parking and/or parking reduction study that parking is not adequate for the proposed uses, the Applicant may be permitted to provide additional parking spaces on the subject property without a special exception amendment, provided that open space is not reduced. In the event that it cannot be demonstrated that there is adequate parking, the size of the proposed uses shall be limited to sizes that provide sufficient parking, as determined by Director, DPWES.

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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use of 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.