



FAIRFAX COUNTY

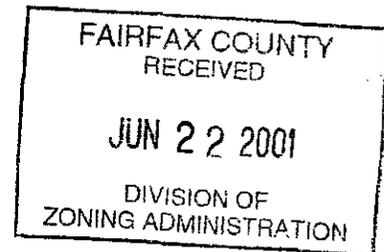
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OFFICE OF THE CLERK
BOARD OF SUPERVISORS
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V I R G I N I A

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June 13, 2001

Thomas D. Fleury,
Senior Vice President, Development Services
West* Group
1600 Anderson Road
McLean, Virginia 22102



RE: Special Exception Application
Number SE 01-P-011
(Concurrent with PCA 92-P-001-3)

Dear Mr. Fleury:

At a regular meeting of the Board of Supervisors held on May 7, 2001, the Board approved Special Exception Application Number SE 01-P-011 in the name of West*Group Properties LLC, located on the east side of the terminus of Colshire Drive, Tax Map 30-2³((28)) Pt. 4A for an increase in building height pursuant to Section 9-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application. It 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 & Environmental Services (DPWES). Any plans submitted pursuant to this Special Exception shall be in substantial conformance with the Special Exception Plat [entitled "Johnson Building, Phase 3; Special Exception Plan for Additional Height Only" (sheet 1 through 10) prepared by Huntley, Nyce & Associates, Ltd., dated January 19, 2001, and as revised

through April 17, 2001] and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Section 9-004(4) of the Zoning Ordinance.

4. At the time of site plan review and approval, it shall be demonstrated to the Department of Public Works and Environmental Services (DPWES) that the floor area ratio (FAR) for Land Bay B-1 does not exceed 1.0.
5. All entrances to the site shall be designed and constructed to the satisfaction of the Virginia Department of Transportation (VDOT).
6. All sidewalks shall conform to the Americans with Disabilities Act (ADA) requirements, to the satisfaction of DPWES.
7. The proposed building shall be limited to 105 feet in height, excluding the penthouse structures. The penthouse structure shall be limited to twenty-five (25) feet in height, and shall comply with size limitations stated in Section 2-506 of the Zoning Ordinance.
8. The maximum elevation of the parking structure on the east end (adjacent to the Commons Apartments) shall not exceed 405 feet. The maximum elevation of the parking structure on the west end (adjacent to Colshire Drive) shall not exceed 410 feet.
9. Lighting within the parking structure and along the perimeter of the top deck of the parking structure shall be of low intensity and recessed design as shown on the Special Exception Plat in order to mitigate the impact on the adjacent residences (Commons Apartments). Lighting within the covered five (5) stories of the parking structure shall be provided as shown on the Special Exception Plat and shall not exceed an average horizontal illumination level of five (5) footcandles (FC) within the garage and shall meet the Zoning Ordinance standard that glare shall not cause illumination in R districts in excess of 0.5 fc. Lighting on the sixth story (top level) of the parking structure shall be provided as shown on the Special Exception Plat and shall not exceed an average horizontal illumination level of 3.6 fcs per square foot and shall meet the Zoning Ordinance standard that glare shall not cause illumination in R districts in excess of 0.5 fc. Lighting within the stair towers shall be fully-shielded with full cut-off fixtures in order to mitigate the impact on the adjacent residences (Commons Apartments). Stair towers shall be enclosed as shown on the Special Exception Plat. Certification of compliance with these lighting standards shall be certified under seal and stamp by the Architect or Engineer of Record at the time of building permit application for the parking structure.

10. In order to support bicycle use by employees, bicycle racks for at least 20 bicycles shall be provided within and/or adjacent to the proposed parking structure and/or building. These racks shall be covered so that bicycles are protected from the elements. In addition, bicycle racks for at least eight (8) additional bikes will be provided elsewhere within Land Bay B-1. Finally, shower and lockers facilities shall be provided in the proposed building or adjacent buildings within Land Bay B-1 in order to support bicycle use (and other recreation activities) by employees.
11. Building-mounted signs shall be limited to those permitted by Article 12. Approval of this Special Exception does not constitute approval of any proposed signs shown on the Special Exception Plat. All signs, existing and proposed, shall conform to the regulations of Article 12 and Section 7-500 of the Fairfax County Zoning Ordinance.
12. All elevations of the parking structure facing the eastern property line shall be constructed with a solid vertical perimeter wall, not less than 32 inches in height, for the purpose of blocking headlights from shining into adjacent residences.
13. The proposed architecture of the building and the parking structure shall be consistent with the proposed architecture shown on the Special Exception Plat.
14. Antenna, satellite dishes and other telecommunication facilities may be placed on building rooftops, however any such facilities must: (a) comply with the Zoning Ordinance; (b) be screened and/or set back sufficiently from the perimeter of the roof and penthouse, such that they shall not be visible from the surrounding streets. Other screening measures may be used, such as including the facilities as part of the architecture of the building, utilizing compatible colors, employing telecommunication screening materials, flush-mounted antennas, etc.
15. Off-site landscaping shall be installed by the applicant on Tax Map Parcel 30-3 ((28)) 6 as depicted on the Special Exception Plat. This condition is contingent upon the owner of Tax Map Parcel 30-3 ((28)) 6 providing a written letter of permission (granting permission for entry onto said parcel to install the plantings) within thirty (30) days of the applicant's written request. Said written request shall be sent by the applicant by certified mail, return receipt requested no later than five (5) working days of the approval of this Special Exception. If such permission is not received, the applicant shall demonstrate its efforts to comply with this condition to DPWES prior to final approval of the site plan.

16. Irrespective of the caliper designation shown for evergreen on the landscaping legend on the Special Exception Plat, all evergreen trees shall be at least six (6) feet in height at the time of planting. The landscape plan shall be submitted to the Urban Forestry Division at the time of second submission of the site plan to determine the appropriateness of the proposed species.
17. Prior to site plan approval, a contribution of \$9,583.33 shall be made to the County as a contribution to the Providence District Sidewalk Fund.
18. In furtherance of "Promoting Rail to Tysons", the following program shall be implemented to encourage transit use, build a future ridership base, and endorse efforts for future rail:
 - a. Two percent (2%) of the required parking spaces for the Johnson Phase III building shall be designated as carpool and vanpool parking. These spaces shall be located on the first or second level of the proposed structure as close to the front entrance as possible.
 - b. A Public Transportation Coordinator (PTC) shall be appointed who will perform the following tasks:
 - (1) Distribute transit literature and promote transit use by prominently displaying and distributing information related to public transportation services, such as bus and rail along with programs, such as Metrobus, Fairfax Connector, Metrorail and other transit options. This information shall be provided to all new employees at the time of employment and other employees on an annual basis.
 - (2) Promote ridesharing, van- and carpooling, and administrate use of all van- and carpool spaces provided and participate in similar existing Tytran programs such as the Guaranteed Ride Home program.
 - (3) Provide on-site sales of fare media, such as Metrorail, Metrobus, and Fairfax Connector, subject to permission granted by transit service providers.
 - c. Actively participate with other Tysons landowners, landowner coalitions, Federal, state, and local government officials, and transit providers in promoting "Rail to Tysons" including dialogue concerning special taxing districts.

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Evidence of adherence to the voluntary tasks above shall be documented in a semiannual report to the Director of the Office of Transportation with copies to the Providence Supervisor, indicating the number of employees participating in each element of the program mentioned above.

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 itself responsible for obtaining the required non-Residential Use Permit(s) through established procedures.

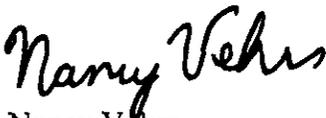
Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception shall automatically expire, without notice, thirty-six (36) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use 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.

The Board also:

- **Waived the front yard requirement for the proposed building pursuant to Section 2-418 of the Zoning Ordinance to permit a 20 degree angle of bulk plane.**
- **Modified the transitional screening and waived the barrier requirement along the east property line to that shown on the Special Exception Plat.**

If you have questions regarding the expiration of this Special Exception or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

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cc: Chairman Katherine K. Hanley
Supervisor - Providence District
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration
Michael R. Congleton, Deputy Zoning Administrator
John Crouch, Assistant Chief, PPRB, DPZ
Audrey Clark, Director, BPRD, DPWES
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ
Robert Moore, Trnsprt'n. Planning Div., Department of Transportation
Charles Strunk, Project Planning Section, Department of Transportation
Michelle A. Brickner, Director, Site Development Services, DPWES
DPWES – Bonds & Agreements
Department of Highways, VDOT
Land Acqu. & Planning Div., Park Authority
District Planning Commissioner