



County of Fairfax, Virginia

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

February 13, 2012

Martin D. Walsh, Esquire
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Blvd., Thirteenth Floor
Arlington, VA 22201-3359

Re: Interpretation for Rezoning RZ 85-D-127, Proffered Condition Amendment PCA 84-D-077;
Tax Map Number 30-1 ((32)) (1-46); 7601 Lewinsville Rd.: Conservation Easement, Landscape Plan,
Guardrail

Dear Mr. Walsh:

This is in response to your letter dated December 15, 2011, requesting an interpretation of the proffers and the Generalized Development Plan (GDP) accepted by the Board of Supervisors in conjunction with the approval of Rezoning RZ 85-D-127 and Proffered Condition Amendment PCA 84-D-077. As I understand it, you are asking whether the proposed conservation easement, landscape plan, and wooden guardrail would be in substantial conformance with the proffers and GDP. This determination is based on your letter, associated email correspondence, an interpretation exhibit titled "7601 Lewinsville Road HOT Lanes Improvement Exhibit," prepared by VIKA, Inc., dated May 31, 2011, revised as received January 23, 2012; comments from HNTB Corporation for "I-495 HOT Lanes Project (FL1)"; and a roadway construction set consisting of six pages, titled "I-495 HOT Lanes," prepared by Fluor-Lane, LLC, dated August 5, 2011. Copies of your letter and relevant documents are attached.

On September 22, 2011, this office issued an interpretation to address site modifications to the subject property associated with the construction of the I-495 HOT Lanes Project by the Virginia Department of Transportation (VDOT), which included realignment and improvements to Lewinsville Road along the site frontage due to reconstruction of the Lewinsville Road overpass west of the site. In that interpretation it was determined that proposed modifications to the entrance drive, interior drive, parking, trail, and open space would be in substantial conformance with the proffers and GDP. It was also determined that two other proposed modifications would not be in substantial conformance with the proffers and GDP: (1) vacation of the conservation easement, removal of existing vegetation, and partial elimination of the tree preservation area; and (2) the addition of a concrete Jersey barrier wall and metal guardrail. Since that time, according to your letter, the owner has worked with VDOT and the Urban Forest Management Division, Department of Public Works and Environmental Services (UFMD, DPWES) to resolve the two outstanding issues. With this interpretation request, you are asking whether the proposed modifications discussed below to address the two issues would be in substantial conformance with the proffers and the GDP.

Conservation Easement, Landscaping, Tree Preservation. The first question is whether the proposed conservation easement and landscaping would be in substantial conformance with the proffers and GDP. The previous interpretation deemed that the vacation of the conservation easement, the removal of existing

Department of Planning and Zoning
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vegetation along the property's frontage of Lewinsville Road, and the elimination of a large portion of the tree preservation area were not in substantial conformance with the governing zoning approval. At the time of approval, the proffers required the recordation of a conservation easement, provision of landscape buffer, including a tree preservation area to protect the existing vegetation, and provision of supplemental landscaping to mitigate the visual impact of the office development upon the residential community across Lewinsville Road. In the previous interpretation, it was determined that the proffers would require restoration of the conservation easement and re-vegetation to the maximum extent feasible of the landscaping removed by VDOT and of the remaining tree preservation areas, subject to final approval by UFMD, DPWES, and the County Attorney, in coordination with the Dranesville District Supervisor.

Since then, you have indicated that a landscape plan has been submitted to UFMD, DPWES for the restoration of the conservation easement and re-vegetation of the areas disturbed by the HOT Lanes Project along the frontage of the property. As depicted with the interpretation exhibit, re-landscaping is proposed across the remaining frontage of the property adjacent to Lewinsville Road to the maximum extent feasible, with shrubs, ornamental trees and shade trees. Recordation of a revised conservation easement within the re-vegetated landscape area on the east side of the entrance drive is also proposed. The landscape area on the west side of the entrance drive cannot accommodate a conservation easement as it has been encumbered with easements to VDOT and Virginia Dominion Power; however it is proposed to be landscaped as shown on your exhibit. According to the attached email correspondence, UFMD stated they have reviewed the proposed buffer and landscape restoration exhibit along the front of the property, as required by the previous interpretation, and stated that neither UFMD nor the Dranesville District Supervisor's office had objections to the proposed buffer and landscape restoration plan. According to UFMD, their staff has reviewed and approved the proposed conservation easement as depicted on the revised graphic. The County Attorney's office will review the documents for signature and recordation of the conservation easement.

Retaining Wall and Guardrail. The second question is whether the installation of a proposed wooden guardrail, instead of the concrete Jersey barrier wall and metal guardrail originally proposed by VDOT, would be in substantial conformance with the proffers and GDP. At the time of zoning approval, a brick retaining wall was shown on the proffered GDP adjacent to the frontage of Lewinsville Road to address the sloped topography and to minimize the visual impacts to the residential community to the north. This wall has been constructed. You have indicated that the concrete Jersey barrier wall has been eliminated from VDOT's updated plans; however, a proposed guardrail structure remains. You state that the owner is working with VDOT to ensure replacement of a metal guardrail with a wooden guardrail, which would be more compatible with the existing character of the property and the zoning approval. The proposed wooden guardrail would be similar in design to those constructed along the George Washington Memorial Parkway.

It is my determination that the proposed revised conservation easement, landscaping, and wooden guardrail would be in substantial conformance with the proffers and GDP, subject to final approval by UFMD, DPWES, and the County Attorney. 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 contact Carrie Lee at (703) 324-1290.

Martin D. Walsh
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Sincerely,



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

BCB/CDL/O:\clee01\Interpretations\RZ\7601 Lewinsville Rd_HOT Lanes 2.doc

Attachments: A/S

cc: John W. Foust, Supervisor, Dranesville District
Jay Donahue, Planning Commissioner, Dranesville District
David P. Bobzien, County Attorney
Eileen M. McLane, Zoning Administrator
R. Scott Wynn, Deputy County Attorney
Ken Williams, Technical Processing, Plan and Document Control, LDS, DPWES
Kevin J. Guinaw, Chief, Special Projects/Applications Management, ZED, DPZ
G. Evan Pritchard, Walsh Colucci Lubeley Emrich & Walsh, Courthouse Plaza, 2200 Clarendon Blvd.,
13th Floor, Arlington, VA 22201-3359
File: RZ 85-D-127, PCA 84-D-077, PI 12 01 004, Imaging, Reading



Martin D. Walsh
(703) 528-4700 Ext. 5422
mwalsh@arl.thelandlawyers.com

WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC

December 15, 2011

RECEIVED
Department of Planning & Zoning

DEC 16 2011

Zoning Evaluation Division

Via Overnight Delivery

Barbara C. Berlin, AICP
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509

Re: 7601 Lewinsville Road (the "Subject Property")

Dear Barbara:

I am writing in response to your interpretation letter dated September 22, 2011. In that letter you determined what impacts the HOT Lanes project will have on the Subject Property's substantial conformance with the approved proffers and GDP. You determined that the proposed changes to the entrance and interior drive, parking, trail, and open space would be in substantial conformance. I now ask for your confirmation that the two remaining issues relating to substantial conformance would be appropriately addressed as outlined below:

1. **Conservation Easement, Landscaping, Tree Preservation.** It is our understanding based upon emails from Craig Herwig dated October 17 and 24, 2011, that the Urban Forest Management Division and the Dranesville District Supervisor's office have approved our proposed landscaping plan and conservation easement. See the attached email correspondence. A revised conservation easement will be recorded by the owner.
2. **Retaining Wall and Guardrail.** The retaining wall/jersey barrier has been eliminated from VDOT's updated plans, which are attached for your reference. That feature is therefore no longer an issue. However, the guardrail remains part of the plans. The owner will work with VDOT to ensure replacement of the planned metal guardrail with a wooden one more appropriate for the Subject Property's existing character, similar to those constructed along the George Washington Parkway.

I look forward to hearing from you soon. If a meeting would be helpful to discuss this matter further, please let me know.

Very truly yours,
WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Martin D. Walsh

Enclosures

cc: Phil Meany
G. Evan Pritchard
John Amatetti

PHONE 703 528 4700 • FAX 703 525 3197 • WWW.THELANDLAWYERS.COM
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LOUDOUN OFFICE 703 737 3633 • PRINCE WILLIAM OFFICE 703 680 4664

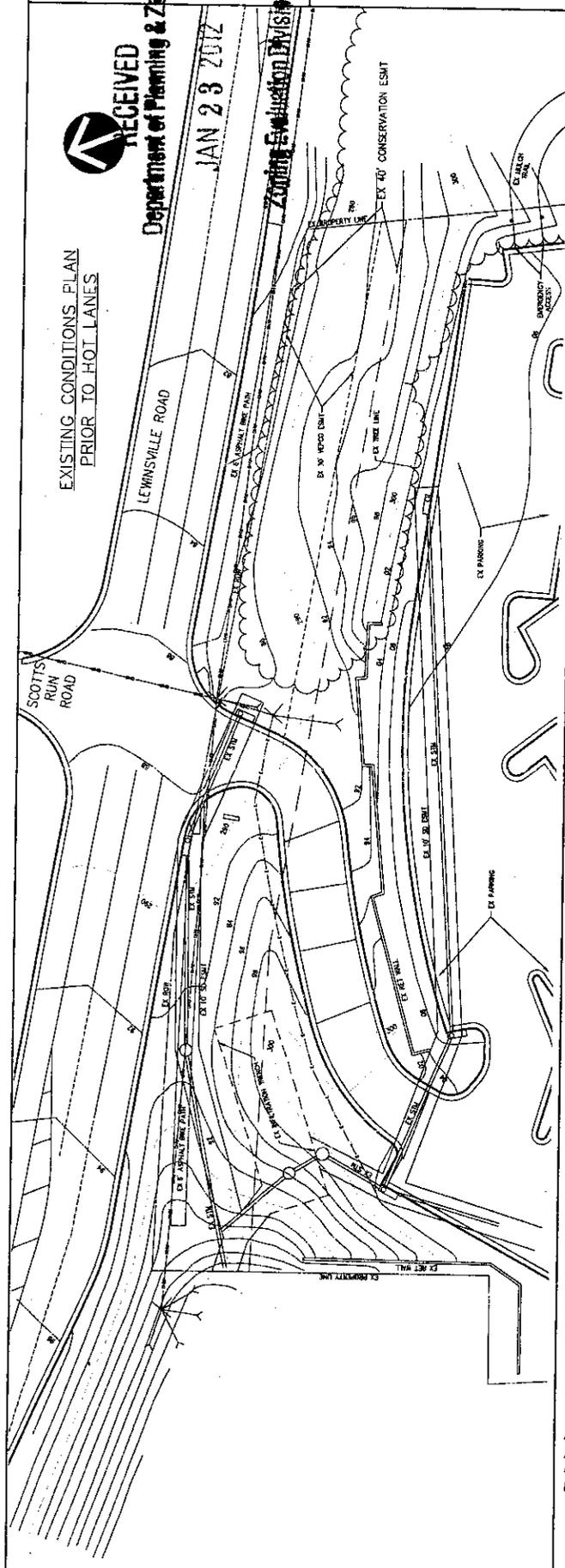
EXISTING CONDITIONS PLAN
PRIOR TO HOT LANES



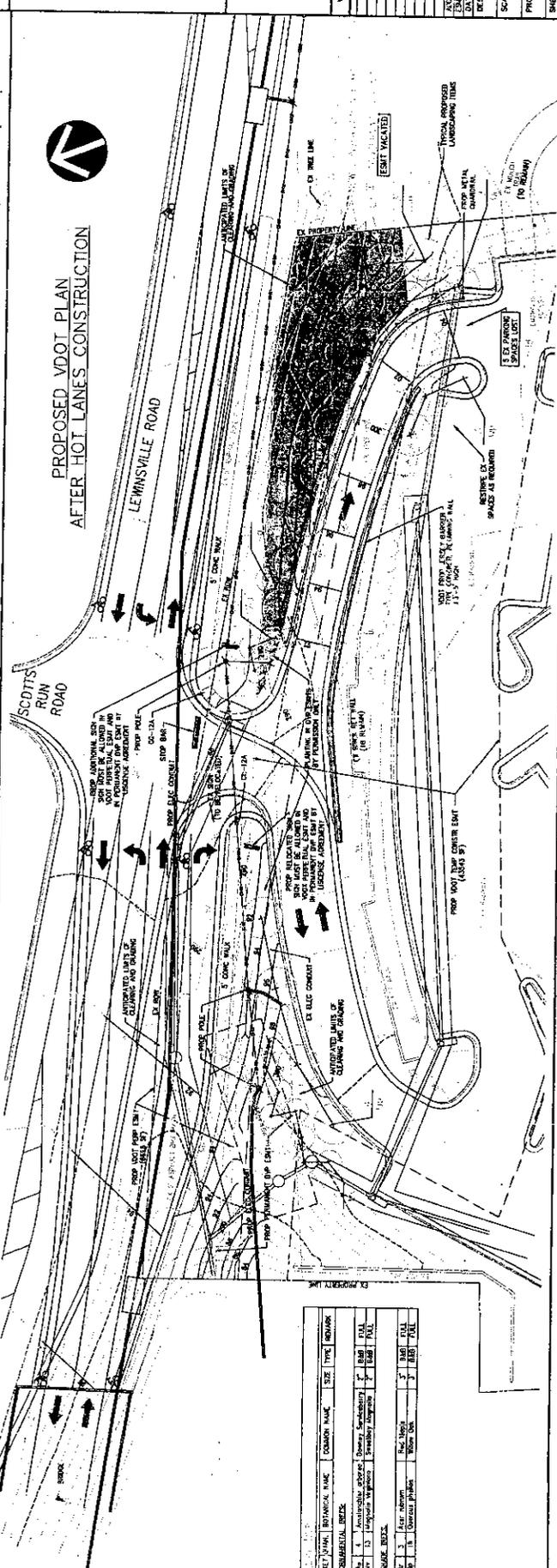
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Department of Planning & Zoning
JAN 23 2012

7601 LEWINSVILLE ROAD
HOT LANES IMPROVEMENT EXHIBIT

FAIRFAX COUNTY, VIRGINIA
HOT LANES IMPROVEMENT EXHIBIT



PROPOSED VDOT PLAN
AFTER HOT LANES CONSTRUCTION



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	08/14/11
2
3
4
5
6
7
8
9
10

NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMITS	08/14/11
2
3
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7601 LEWINSVILLE ROAD
HOT LANES IMPROVEMENT EXHIBIT
FAIRFAX COUNTY, VIRGINIA

INTERPRETATION
EXHIBIT

7601 LEWINSVILLE ROAD
HOT LANES IMPROVEMENT EXHIBIT
FAIRFAX COUNTY, VIRGINIA

Pritchard, G. Evan

From: Wiles, Benjamin N. <Benjamin.Wiles@fairfaxcounty.gov>
Sent: Wednesday, December 14, 2011 4:27 PM
To: Pritchard, G. Evan
Cc: Edmondson, Jane P.; Herwig, Craig S
Subject: FW: 7601 Lewinsville

RECEIVED
Department of Planning & Zoning

DEC 16 2011

Zoning Evaluation Division

Evan,
Our office has reviewed the proposal and are fine with the landscape plan and conservation easement location.

Regards,
Ben

Benjamin Wiles
Staff Aide
Office of Supervisor John Foust
Dranesville District
(703) 356-0551 Main Office
(703) 821-4275 Fax
benjamin.wiles@fairfaxcounty.gov

To receive Supervisor Foust's e-Newsletter
send email to dranesville@fairfaxcounty.gov

From: Pritchard, G. Evan
Sent: Monday, December 05, 2011 10:29 AM
To: 'Edmondson, Jane P.'
Cc: Walsh, Martin D.
Subject: FW: 7601 Lewinsville
Importance: High

Jane,

Art asked me to forward this to you again along with the email responses we received from Craig Herwig in the Urban Forest Management Division. Craig is OK with the proposed landscaping plan and conservation easement location. Please confirm whether Supervisor Foust is satisfied as well at this point.

Thanks,

Evan



G. Evan Pritchard | Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.
2200 Clarendon Boulevard, Suite 1300 | Arlington, VA 22201
Phone: (703) 528-4700, Ext. 5417 | Fax: (703) 525-3197
gepritchard@thelandlawyers.com | www.thelandlawyers.com | [professional biography](#)

From: Pritchard, G. Evan
Sent: Wednesday, November 09, 2011 11:16 AM
To: 'Edmondson, Jane P.'
Cc: Walsh, Martin D.
Subject: 7601 Lewinsville

Jane,

Art asked me to send you the attached correspondence with Barbara Berlin. Please let me know if you need anything further.

Evan



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Pritchard, G. Evan

From: Walsh, Martin D.
Sent: Tuesday, October 18, 2011 12:08 PM
To: Pritchard, G. Evan; P. E. John F. Amatetti; Philip E. Meany Jr.
Subject: Fwd: 7601 Lewinsville Road

Begin forwarded message:

From: "Herwig, Craig S" <Craig.Herwig@fairfaxcounty.gov>
Date: October 17, 2011 2:20:54 PM EDT
To: <mwalsh@arl.thelandlawyers.com>
Cc: "Wiles, Benjamin N." <Benjamin.Wiles@fairfaxcounty.gov>, "Lee, Carrie D." <Carrie.Lee@fairfaxcounty.gov>
Subject: 7601 Lewinsville Road

Good Afternoon Mr. Walsh,

Staff from the Urban Forest Management Division (UFMD), in coordination with the Dranesville District Supervisors Office have reviewed the proposed buffer and landscape restoration exhibit for the front of the property at 7601 Lewinsville Road as required by the interpretation letter dated September 22, 2011. Neither UFMD or the Dranesville District Supervisors office have any objections to the proposed buffer and landscape restoration plan however, the location of the revised conservation easement is unclear. Please provide an exhibit that clearly indicates the location of the revised conservation easement.

Please feel free to contact me at 703-324-1770 if you have any questions or concerns.

Craig Herwig
Section Chief,
Urban Forest Management Division

Pritchard, G. Evan

From: Stapleton, Michelle A. on behalf of Walsh, Martin D.
Sent: Thursday, November 03, 2011 4:05 PM
To: Pritchard, G. Evan
Subject: FW:

From: Herwig, Craig S [<mailto:Craig.Herwig@fairfaxcounty.gov>]
Sent: Monday, October 24, 2011 8:41 AM
To: John F. Amatetti, P.E.
Cc: Walsh, Martin D.; Philip E. Meany, Jr.; Wiles, Benjamin N.; Lee, Carrie D.
Subject: RE:

John and Art,

Based upon the attached information regarding the location of the conservation easement pre and post HOT Lanes, the Urban Forest Management Division has no objection to the landscape plan as reviewed.

Please feel free to contact me with any questions concerns or comments.

Craig Herwig,
UFMD

From: John F. Amatetti, P.E. [<mailto:Amatetti@vika.com>]
Sent: Friday, October 21, 2011 3:38 PM
To: Herwig, Craig S
Cc: Walsh, Martin D.; Philip E. Meany, Jr.
Subject:

Craig
Art asked me to send you this exhibit that shows the existing conservation easement shaded in green (pre and post hot lanes)
It is basically a 40 foot wide strip along the front property line.

Call me if you have any questions.

John

John F. Amatetti, P.E.
Principal



Ranked in The Washington Business Journal as one of the Top 25 Engineering Firms

VIKA Inc.

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703.761.2787 (Fax)
Amatetti@vika.com

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