



County of Fairfax, Virginia

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

May 2, 2012

Lisa Chiblow
McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
Tysons Corner, VA 22102

RE: Special Exception Amendment Application SEA 2008-DR-003

Dear Ms. Chiblow:

At a regular meeting of the Board of Supervisors held on May 1, 2012, the Board approved Special Exception Amendment Application SEA 2008-DR-003 in the name of Capitol One, National Association. The subject property is located at 6890 Elm Street on approximately 29,122 square feet of land zoned C-2 and CRD, HC and SC in the Dranesville District [Tax Map 30-2 ((5)) 6A]. The Board's action amends Special Exception Application SE 2008 DR-003 previously approved for a drive-in financial institution in a Highway Corridor Overlay District, waiver of certain sign regulations and modifications and waivers in a Community Revitalization District to permit modifications to development conditions pursuant to Sections 4-204, 7-607, 9-620, and 9-622 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions; conditions carried forward unchanged from previous approvals are marked with an asterisk (*):

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. *
2. This Special Exception Amendment 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 Amendment is subject to the provision of Article 17, Site Plans as may be determined by the 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 "Chevy Chase Bank, Dolley Madison Blvd.", prepared by BC Consultants and dated November 2007, as revised through May 2, 2008 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. *

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1. Architectural elevations shall be in substantial conformance with those shown on the SE Plat. Materials shall be brick, synthetic stucco entablature and pediments, painted columns and trim as shown on the elevations in the SE Plat.
*
2. The three drive-through lanes shown on the SE Plat shall have a maximum of three ATM facilities. The applicant may include the use of a pneumatic tube for teller service for up to two drive-through lanes.
3. The total amount of building-mounted signage shall be limited to a maximum of 124 square feet (SF) and shall be in substantial conformance with that shown on the elevations. No more than one sign, 35 SF in size, shall be permitted on each side of the proposed building and no sign shall be permitted on the southern side of the building. The building-mounted signage on the northern façade of the building shall be unlit from 9:00 p.m. to 7:00 a.m. daily.
4. A landscape plan shall be submitted concurrent with each site plan submission and shall provide for the number and size of trees and plantings consistent with that shown on the SE Plat and the additional requirements of these conditions. The landscape plan shall specify the appropriate soils, including structural soils, to be used in planting areas 8 feet wide or less. Trees planted along Dolley Madison Boulevard, in the area near the existing overhead power lines, shall be chosen and planted such that these utility lines will not interfere with the viability and aesthetics of the trees. If smaller trees are required in that area, tree cover requirements shall be met with the smaller trees or with trees elsewhere onsite. The landscape plan shall be subject to the review and approval of Urban Forest Management (UFM). *
5. As part of the first site plan submission, a tree survey and Tree Preservation Plan shall be submitted that identifies the trunk location, species, size, crown spread and condition analysis rating for all individual and groups of off-site trees, living or dead with trunks 6 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet of the approved limits of clearing and grading shall also be submitted for review by UFM. *
6. The limits of clearing and grading shown on the SE Plat shall be strictly adhered to. The site plan shall clearly identify these areas as shown on the SE Plat. *
7. Any work occurring in or adjacent to the areas to be left undisturbed, including off site areas, such as root pruning, instillation of tree protection fencing and silt control devices, removal of trash, or plant debris, or extraction of trees designated to be removed shall be performed in a manner that minimizes damage to any tree, shrub, herbaceous, or vine plant species that grows in the lower canopy environment; and minimizes impacts to the existing top soil and leaf litter layers that provide nourishment and protection to that vegetation, all

as approved by UFM. The use of power equipment in these areas shall be limited to small hand-operated equipment such as chainsaws. Any work that requires the use of larger motorized equipment such as, but not limited to, tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, or any accessory or attachment connected to such equipment shall not occur unless reviewed and approved in writing by UFM. *

8. As part of the site plan, management practices shall be provided for the protection of understory plant materials, leaf litter and soil conditions found in areas to be left undisturbed, subject to the approval of the Urban Forest Management Division. The applicant shall actively monitor the site to ensure that inappropriate activities such as the storage of construction materials, dumping of construction debris, and traffic by construction equipment and personnel do not occur within these areas. The understory plant materials, leaf litter and soil conditions shall be restored by the applicant to the satisfaction of UFM if these are found to be damaged, removed or altered in manner not allowed in writing by UFM. *
9. All individual trees to be preserved and all areas designated to be left undisturbed shall be protected by tree protection fencing and signage as set forth below. Tree protection fencing shall be erected at the drip line of individual trees to be preserved and at the limits of clearing and grading, and shall be shown on the demolition and phase I and II erosion and sediment control sheets:
 - Four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart (see attached detail); or
 - Super silt fence as may be approved by UFM to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees. *
10. All tree protection fencing shall be installed prior to Phase II clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist or landscape architect and accomplished in a manner that does not harm existing vegetation that is required to be preserved/conserved. At least three days prior to the commencement of any clearing, grading, or demolition activities and prior to the installation of tree protection fencing, UFM shall be notified in writing and given the opportunity to inspect the site to assure that all individual trees to be preserved and all areas to be left undisturbed have been correctly delineated. UFM shall provide written notice to the applicant as to whether or not the areas have been delineated correctly. If it is determined by UFM that the areas are not delineated correctly, no grading or construction activities shall occur on the subject property until the delineation is corrected and field verified by UFM. *

11. Temporary signs shall be provided and erected by the applicant that identify and help protect all areas to be left undisturbed. These signs will be highly visible, posted in appropriate locations along the limits of clearing and grading, and attached to the tree protection fencing. Under no circumstances will the signs be nailed or in any manner attached to the trees or vegetation within the areas to be left undisturbed. These signs shall be removed by the applicant at the completion of construction. *
12. The services of a certified arborist or landscape architect shall be retained by the applicant. The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Prior to commencement of any land disturbing activities, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with a representative from UFM, DPWES to determine where adjustments to the clearing limits can be made to increase the size of the area to be left undisturbed, and to increase the survivability of trees to be preserved that occur along the edge of the limits of clearing and grading, and/or identify hazardous trees that need to be removed. Any adjustments agreed to by the applicant and UFM shall be agreed upon and memorialized in writing by both the applicant and UFM before any such adjustments are implemented, and such adjustments shall be implemented. Trees to be removed shall be tagged in the field. Trees that are identified in writing by an authorized representative of UFM as dead or dying may be removed as part of the clearing operation. Any tree that is so identified shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions. *
13. The site shall be monitored by a representative of the applicant who is a certified arborist or landscape architect to ensure that the activities are conducted in accordance with the development conditions and as approved by the UFM. Monitoring shall occur at all times during the installation of tree protection fencing and during any clearing or removal of trees, vegetation, or structures, or transplanting of trees or vegetation, or other similar activities, on the site in the areas within 25 feet of the limits of clearing and grading along the 5-foot high retaining wall on the southern property boundary. The monitoring schedule shall be described and detailed in the Tree Preservation Plan and shall be reviewed and approved in writing by UFM. *
14. Prior to site plan approval, a license agreement shall be entered into by the applicant with the County to permit landscaping to be provided and maintained by the applicant in the right of way along Dolley Madison Boulevard and Elm Street, including in the area to be dedicated on those roadways, as shown on the SE Plat. *

15. If the trees, labeled as “VDOT approved ornamental trees”, are not approved by VDOT in the license agreement, these trees shall not be planted. These trees shall not be required to be replaced elsewhere onsite. *
16. All lighting, including streetlights, security lighting, signage lighting (during the allowed hours as listed within these conditions) and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance. *
17. At the time of site plan approval, or on demand (whichever occurs first) right-of-way for future improvements along Dolley Madison Blvd. and Elm Street, as shown on the SE Plat shall be dedicated to the Board of Supervisors in fee simple at no cost as shown on the SE Plat. *
18. Prior to site plan approval, a 25-foot wide interparcel access easement shall be recorded, as depicted on the SE Plat, to access the parcel to the south, Tax Map Parcel 30-2 ((5)) 7. Any wall or other structural impediment shall be removed at the time of the construction of this access. *
19. A stormwater management/best management practices (SWM/BMP) facility, which may include a Filterra, shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES. Any required PFM modification shall be requested at the time of site plan to permit the use an innovative BMP. Irrespective of any language in the Stormwater Management Narrative or Extent of Review and Outfall Narrative, a stormwater detention facility shall be constructed by the applicant as proposed in the Special Exception Plat, regardless of the final adequate outfall determination. If a modification of the PFM to permit the proposed stormwater management and/or best management practices as shown on the SE Plat is not granted by DPWES and SWM/BMP facilities in substantial conformance with the SE Plat cannot be provided, then a Special Exception Amendment (SEA) shall be filed to provide water quantity and/or quality control measures in accordance with the Public Facilities Manual (PFM) as determined by DPWES. *
20. The lobby hours of operation shall not exceed 8:00 am to 7:00 pm Monday to Friday and 8:00 am to 3:00 pm on Saturdays. The ATMs shall operate 24 hours a day, seven days a week.
21. Registration with the United States Green Building Council (USGBC) shall be completed by the applicant and LEED certification shall be applied for by the applicant. *
22. A LEED[®]-accredited professional shall be included as a member of the design team. This professional will also be a professional engineer or architect licensed to practice in the Commonwealth of Virginia. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project so that the project will attain LEED

certification. At the time of site plan submission, the applicant will provide documentation to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) demonstrating compliance with the commitment to engage such a professional. *

23. Prior to approval of the site plan for this building, a separate agreement shall be provided for this building, a “green building escrow,” in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the PFM, in the amount of \$62,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council’s Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment. The provision to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment.

If the applicant provides to the Environment and Development Review Branch of DPZ, within one year of issuance of the RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within one year of issuance of the RUP/non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by three points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives. *

24. Irrespective of the calculation shown on Sheet 2 of the SE Plat under the “Interior Parking Lot Landscaping” indicating the number “2,676 SF”, 1,000 SF of interior parking lot landscaping will be provided by the applicant. *
25. Prior to site plan approval for this building, in lieu of the construction of an on-road bike lane along the Dolley Madison Boulevard frontage, up to \$60,000, for the cost of construction of said on-road bike lane, shall be deposited by the

applicant into the Dranesville District Walkways Fund for construction and/or maintenance of pedestrian amenities within the Dranesville District. *

26. All lighting on site shall conform to the outdoor lighting standards listed in Article 14 of the Zoning Ordinance.

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 himself 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, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. 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:

- Modified the minimum lot width requirement.
- Reaffirmed the approval of the following waivers and modifications associated with the previously approved Special Exception (SE) in favor of that shown on the SE Plat:
 - Waived the service drive requirement along Dolley Madison Boulevard.
 - Waived the on-road bike lane requirement along Dolley Madison Boulevard.
 - Waived the loading space requirement.
 - Modified the minimum front yard requirement along Dolley Madison Boulevard.
 - Modified the transitional screening requirement and a waiver of the barrier requirement to the north.

May 2, 2012

- Modified the peripheral parking lot landscaping requirement.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova
Supervisor John Foust, Dranesville District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara Berlin, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation