



FAIRFAX COUNTY

APPLICATION FILED: May 2, 2002
PLANNING COMMISSION: November 20, 2002
BOARD OF SUPERVISORS: December 9, 2002 @ 4:30 p.m.

V I R G I N I A

November 5, 2002

STAFF REPORT

APPLICATION RZ/FDP 2002-PR-016
(CONCURRENT WITH PCA 88-D-005-5)

PROVIDENCE DISTRICT

APPLICANT: West*Group Properties, LLC

PRESENT ZONING: C-3, HC, and SC

REQUESTED ZONING: PRM, HC and SC

PARCEL(S): 29-4 ((7)) A3

ACREAGE: 13.55 acres

FLOOR AREA RATIO (FAR): 3.0

OPEN SPACE: 35 percent

PLAN MAP: Mixed Use

PROPOSAL: Rezone to PRM District to permit a residential mixed use development consisting of a maximum of 1,354 dwelling units (including multifamily and single-family attached dwellings) and up to 53,760 square feet of gross floor area of secondary uses

STAFF RECOMMENDATIONS:

Staff recommends approval of RZ 2002-PR-016 and the Conceptual Development Plan subject to the execution of the draft proffers contained in Appendix 1.

Staff further recommends that the Final Development Plan be approved by the Planning Commission subject to the development conditions contained in Appendix 2.

Staff further recommends that the 200 square foot privacy yard requirement for the single-family attached dwelling units be waived.

Staff further recommends that per Par. 8 of Sect. 16-401, the Board authorize a variance of PRM use limitations (Par. 3 of Sect. 6-406) to permit the single-family attached units as shown on CDP/FDP.

Staff recommends that the transitional screening and barrier requirements between the proposed uses within the development be waived.

Staff recommends that the 600-foot maximum length for a private street requirement be waived.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Rezoning Application

RZ 2002-PR-016

Applicant: WEST GROUP PROPERTIES LLC
Filed: 05/02/2002
Area: 13.55 AC OF LAND; DISTRICT - PROVIDENCE

Proposed: RESIDENTIAL

Located: NORTHWEST QUADRANT OF THE INTERSECTION OF WESTPARK DRIVE (ROUTE 5061) AND PARK RUN DRIVE (ROUTE 6062)

Zoning: FROM C-3 TO PRM

Overlay Dist:

Map Ref Num: 029-4- /071/ A3

Final Development Plan

FDP 2002-PR-016

Applicant: WEST GROUP PROPERTIES LLC
Filed: 05/02/2002
Area: 13.55 AC OF LAND; DISTRICT - PROVIDENCE

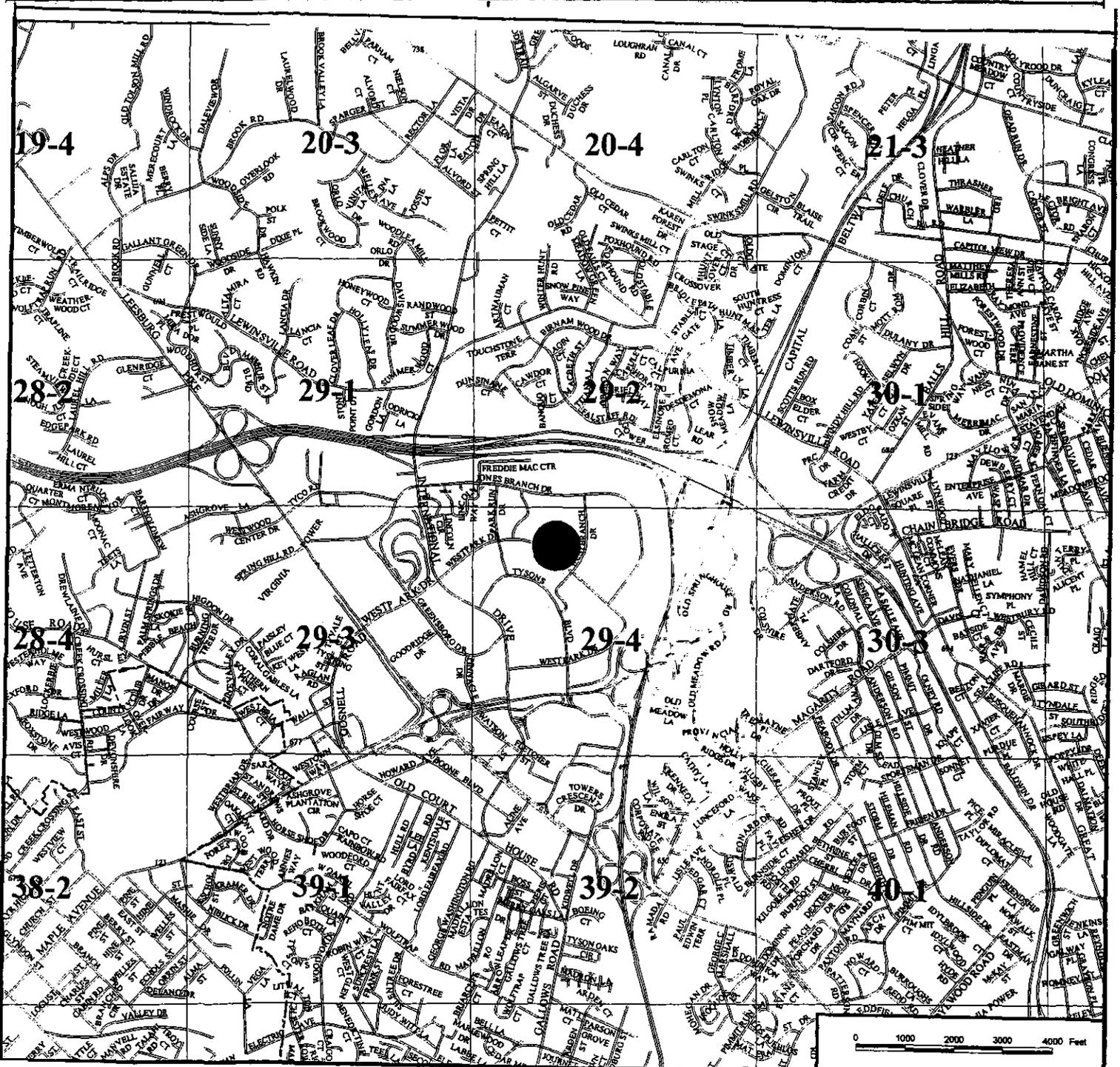
Proposed: RESIDENTIAL

Located: NORTHWEST QUADRANT OF THE INTERSECTION OF WESTPARK DRIVE (ROUTE 5061) AND PARK RUN DRIVE (ROUTE 6062)

Zoning: PRM

Overlay Dist:

Map Ref Num: 029-4- /071/ A3





FAIRFAX COUNTY

APPLICATION FILED: May 2, 2002
PLANNING COMMISSION: November 20, 2002
BOARD OF SUPERVISORS: December 9, 2002 @ 4:30 p.m.

VIRGINIA

November 5, 2002

STAFF REPORT

PCA 88-D-005-5
(CONCURRENT WITH RZ/FDP 2002-PR-016)

PROVIDENCE DISTRICT

APPLICANT: West*Group Properties, LLC

ZONING: C-3, HC and SC

PARCEL(S): 29-2 ((15)) A6, A7, A8, B1, B2, 4B2;
29-4 ((7)) A3, A4, A5, C1, C2, 1, 1A1, 1A2, 2, 3, 4, 5A, 6,
7A1, 7B, 8, 9, 10, 11A

ACREAGE: 189.49 acres

PLAN MAP: Office and Private Open Space

PROPOSAL: Amend RZ 88-D-005-5 to permit a deletion of 13.55 acres of land and to permit that land to be rezoned pursuant to RZ/FDP 2002-PR-016.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 88-D-005-5, subject to the execution of proffers consistent with those set forth in Appendix 3 of the Staff Report.

Staff recommends approval of RZ 2002-PR-016 and the Conceptual Development Plan subject to the execution of the draft proffers contained in Appendix 1.

Staff further recommends that the Final Development Plan be approved by the Planning Commission subject to the development conditions contained in Appendix 2.

Staff further recommends that the 200 square foot privacy yard requirement for the single-family attached dwelling units be waived.

Staff further recommends that per Par. 8 of Sect. 16-401, the Board authorize a variance of PRM use limitations (Par. 3 of Sect. 6-406) to permit the single-family attached units as shown on CDP/FDP.

Staff recommends that the transitional screening and barrier requirements between the proposed uses within the development be waived.

Staff recommends that the 600-foot maximum length for a private street requirement be waived.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

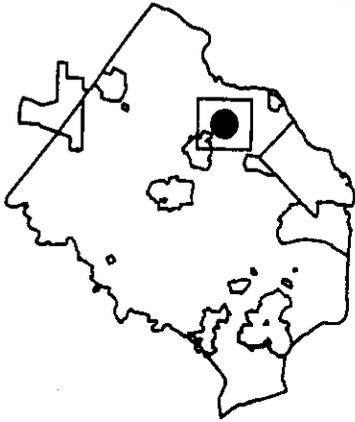
It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.



Proffered Condition Amendment

PCA 88-D-005-05



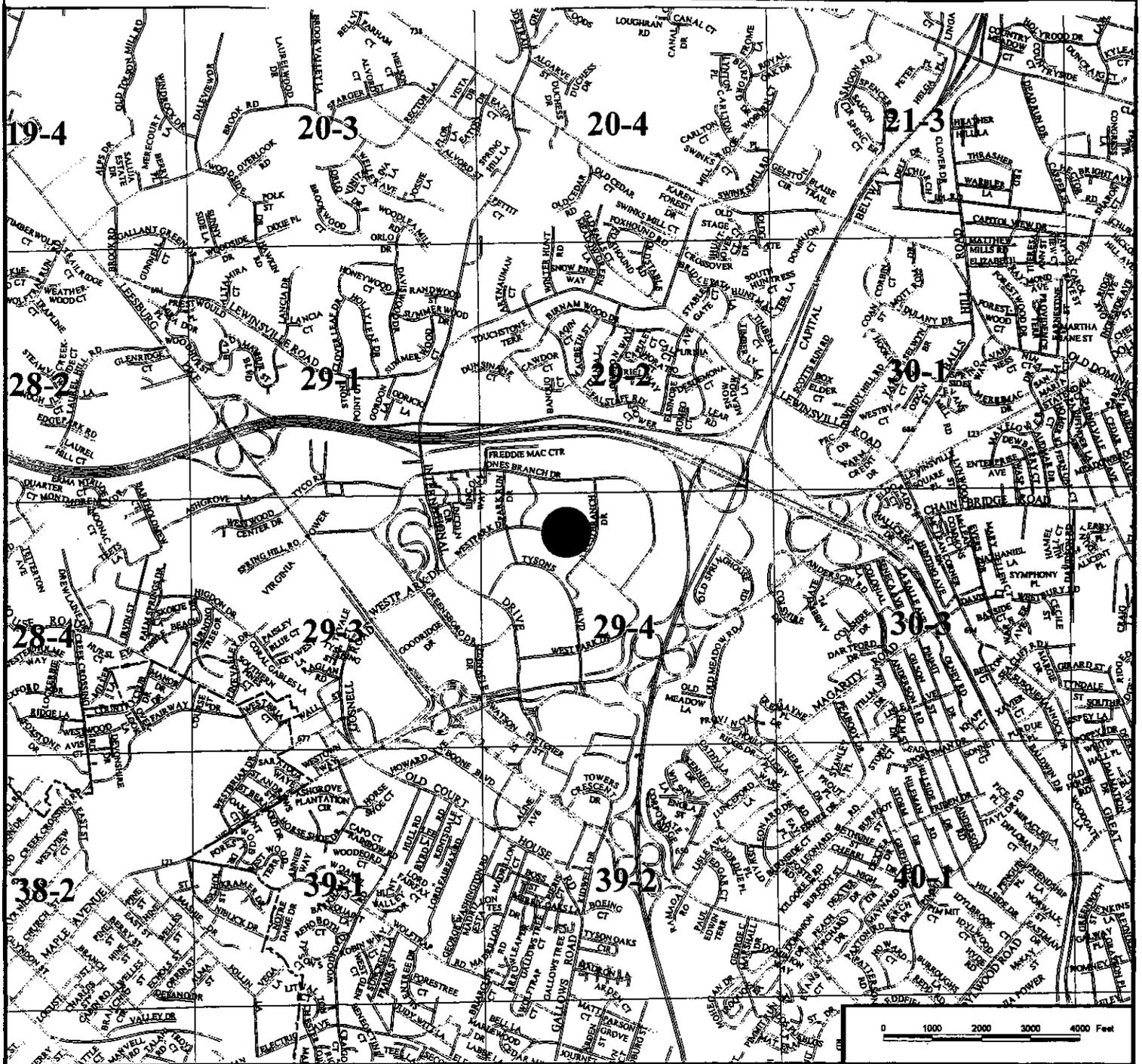
Applicant: WEST GROUP PROPERTIES LLC, WESTMAC ASSOCIATES L.P.,
GANNETT CO., INC., AND THE ASSOCIATION FOR MANUFACTURING
TECHNOLOGY
Filed: 05/02/2002
Proposed: DELETE LAND AREA
Area: 189.49 AC OF LAND; DISTRICT - PROVIDENCE

Located: GENERALLY SOUTH OF DULLES AIRPORT ACCESS
ROAD WEST OF I-495 EAST OF INTERNATIONAL
DRIVE (ROUTE 6034) NORTH OF TYSONS BOULEVARD
(ROUTE 7648)

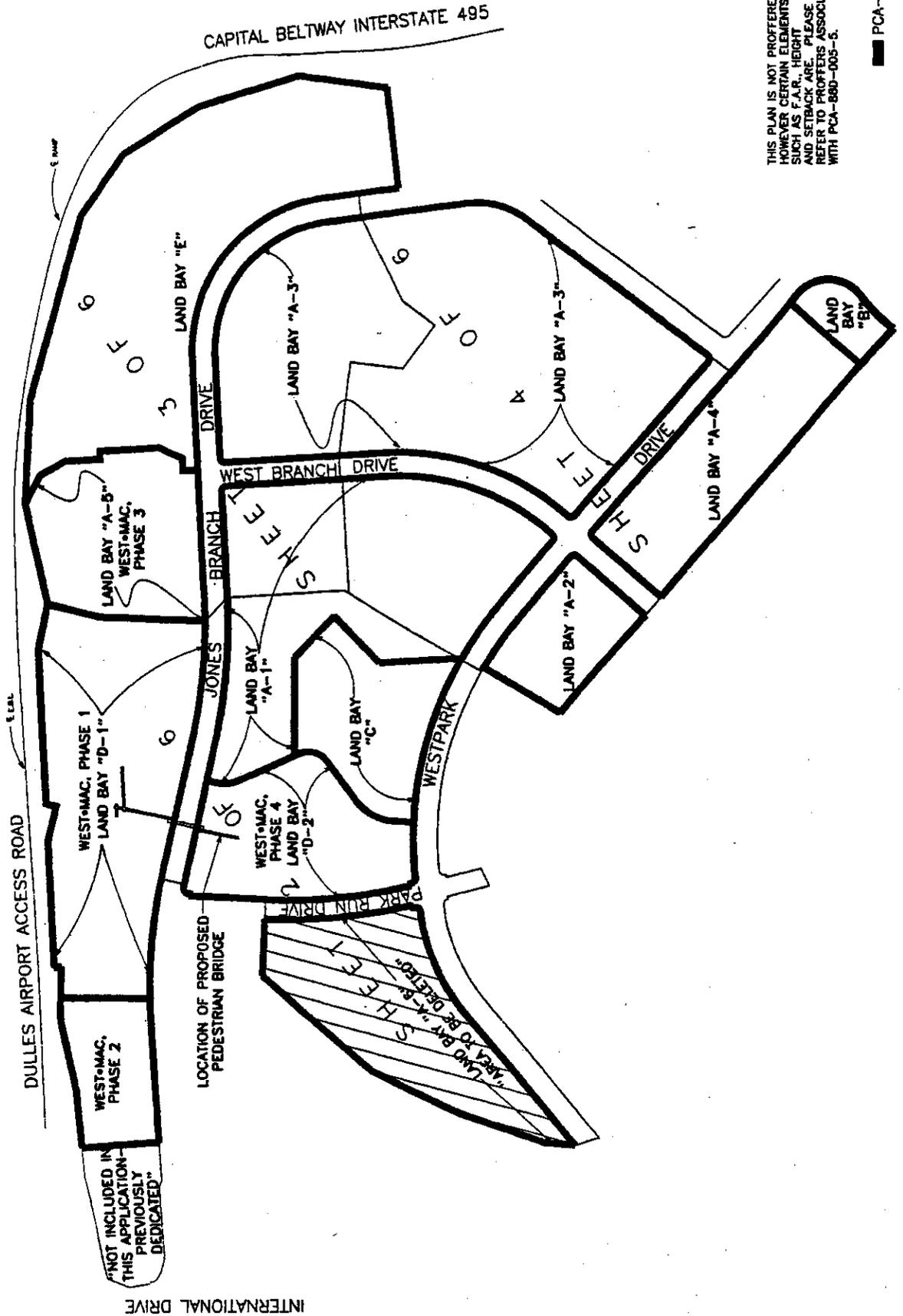
Zoning: C-3

Overlay Dist: HC SC

Map Ref Num: 029-2-11511 A6 11511 A7 11511 A8 11511
029-4-10711 A3 10711 A4 10711 A5 10711
C1 10711 C2 10711/0001 10711/0001A1 10711/0001A2 /
10711/0002 10711/0003 10711/0004 10711/0005A 10711/000
6 10711/0007A1 10711/0007B 10711/0008 10711/0009 107



*Generalized Development Plan for the Properties of
 WEST*GROUP PROPERTIES LLC, West*Mac Associates L.P.,
 the Association for Manufacturing Technology, GANNETT CO., Inc.,
 WEST*PARK ASSOCIATES L.P.*



THIS PLAN IS NOT PROFFERED;
 HOWEVER CERTAIN ELEMENTS
 SUCH AS F.A.P., HEIGHT
 AND SETBACK ARE. PLEASE
 REFER TO PROFFERS ASSOCIATED
 WITH PCA-88D-005-5.

PCA-88D-005-5

Hunterley, Nyca & Associates, Ltd.
 HUNTERLEY, NYCA & ASSOCIATES, LTD.
 1000 WASHINGTON AVENUE, SUITE 1000
 ARLINGTON, VIRGINIA 22202
 PHONE: (703) 525-1100
 FAX: (703) 525-1101
 SCALE: 1" = 200'
 DATE: 6/1/98
 REVISIONS:
 1/1/98
 2/1/98
 3/1/98
 4/1/98
 5/1/98
 6/1/98
 SHEET 1 OF 6
 FILE NO. PCA-88D-005-5
 GENERALIZED DEVELOPMENT PLAN FOR THE PROPERTIES OF
 WEST*GROUP PROPERTIES LLC, WEST*MAC ASSOCIATES L.P.,
 THE ASSOCIATION FOR MANUFACTURING TECHNOLOGY, GANNETT
 CO., INC. AND WEST*PARK ASSOCIATES L.P.
 PROVIDENCE DISTRICT
 FAYATK COUNTY
 VIRGINIA

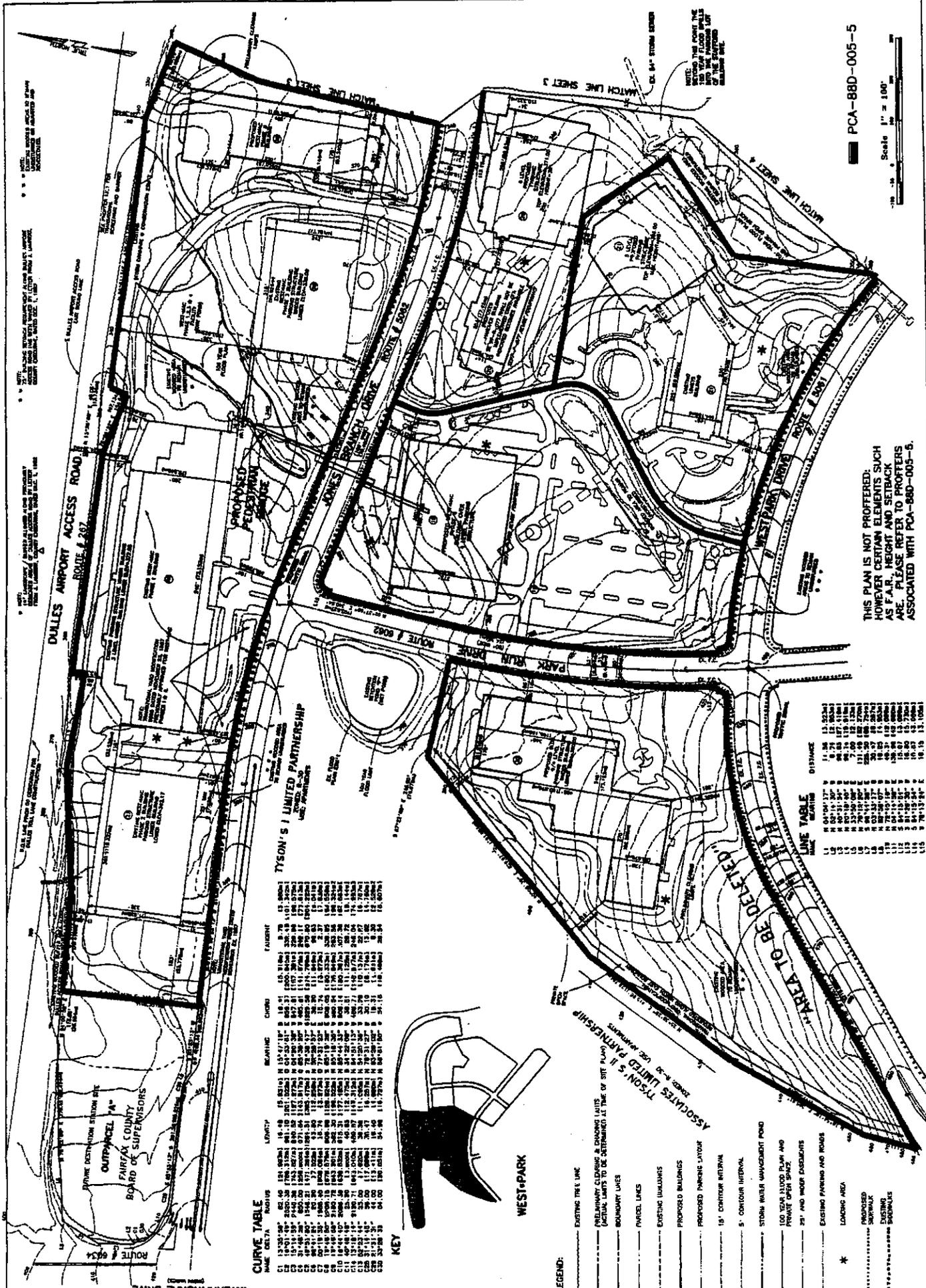


SCALE: 1" = 100'

DATE: 5/17/90

REVISIONS:

NO.	DATE	DESCRIPTION
1	5/17/90	ISSUED FOR PERMITTING
2	5/17/90	ISSUED FOR PERMITTING
3	5/17/90	ISSUED FOR PERMITTING
4	5/17/90	ISSUED FOR PERMITTING
5	5/17/90	ISSUED FOR PERMITTING
6	5/17/90	ISSUED FOR PERMITTING
7	5/17/90	ISSUED FOR PERMITTING
8	5/17/90	ISSUED FOR PERMITTING
9	5/17/90	ISSUED FOR PERMITTING
10	5/17/90	ISSUED FOR PERMITTING



CURVE TABLE

NAME	DELTA	RADIUS	LENGTH	BEARING	CHORD	TANGENT
C1	123.50	200	123.50	0	123.50	123.50
C2	157.08	200	157.08	0	157.08	157.08
C3	190.66	200	190.66	0	190.66	190.66
C4	224.24	200	224.24	0	224.24	224.24
C5	257.82	200	257.82	0	257.82	257.82
C6	291.40	200	291.40	0	291.40	291.40
C7	324.98	200	324.98	0	324.98	324.98
C8	358.56	200	358.56	0	358.56	358.56
C9	392.14	200	392.14	0	392.14	392.14
C10	425.72	200	425.72	0	425.72	425.72
C11	459.30	200	459.30	0	459.30	459.30
C12	492.88	200	492.88	0	492.88	492.88
C13	526.46	200	526.46	0	526.46	526.46
C14	560.04	200	560.04	0	560.04	560.04
C15	593.62	200	593.62	0	593.62	593.62
C16	627.20	200	627.20	0	627.20	627.20
C17	660.78	200	660.78	0	660.78	660.78
C18	694.36	200	694.36	0	694.36	694.36
C19	727.94	200	727.94	0	727.94	727.94
C20	761.52	200	761.52	0	761.52	761.52
C21	795.10	200	795.10	0	795.10	795.10
C22	828.68	200	828.68	0	828.68	828.68
C23	862.26	200	862.26	0	862.26	862.26
C24	895.84	200	895.84	0	895.84	895.84
C25	929.42	200	929.42	0	929.42	929.42
C26	963.00	200	963.00	0	963.00	963.00
C27	996.58	200	996.58	0	996.58	996.58
C28	1030.16	200	1030.16	0	1030.16	1030.16
C29	1063.74	200	1063.74	0	1063.74	1063.74
C30	1097.32	200	1097.32	0	1097.32	1097.32
C31	1130.90	200	1130.90	0	1130.90	1130.90
C32	1164.48	200	1164.48	0	1164.48	1164.48
C33	1198.06	200	1198.06	0	1198.06	1198.06
C34	1231.64	200	1231.64	0	1231.64	1231.64
C35	1265.22	200	1265.22	0	1265.22	1265.22
C36	1298.80	200	1298.80	0	1298.80	1298.80
C37	1332.38	200	1332.38	0	1332.38	1332.38
C38	1365.96	200	1365.96	0	1365.96	1365.96
C39	1399.54	200	1399.54	0	1399.54	1399.54
C40	1433.12	200	1433.12	0	1433.12	1433.12
C41	1466.70	200	1466.70	0	1466.70	1466.70
C42	1500.28	200	1500.28	0	1500.28	1500.28
C43	1533.86	200	1533.86	0	1533.86	1533.86
C44	1567.44	200	1567.44	0	1567.44	1567.44
C45	1601.02	200	1601.02	0	1601.02	1601.02
C46	1634.60	200	1634.60	0	1634.60	1634.60
C47	1668.18	200	1668.18	0	1668.18	1668.18
C48	1701.76	200	1701.76	0	1701.76	1701.76
C49	1735.34	200	1735.34	0	1735.34	1735.34
C50	1768.92	200	1768.92	0	1768.92	1768.92
C51	1802.50	200	1802.50	0	1802.50	1802.50
C52	1836.08	200	1836.08	0	1836.08	1836.08
C53	1869.66	200	1869.66	0	1869.66	1869.66
C54	1903.24	200	1903.24	0	1903.24	1903.24
C55	1936.82	200	1936.82	0	1936.82	1936.82
C56	1970.40	200	1970.40	0	1970.40	1970.40
C57	2003.98	200	2003.98	0	2003.98	2003.98
C58	2037.56	200	2037.56	0	2037.56	2037.56
C59	2071.14	200	2071.14	0	2071.14	2071.14
C60	2104.72	200	2104.72	0	2104.72	2104.72
C61	2138.30	200	2138.30	0	2138.30	2138.30
C62	2171.88	200	2171.88	0	2171.88	2171.88
C63	2205.46	200	2205.46	0	2205.46	2205.46
C64	2239.04	200	2239.04	0	2239.04	2239.04
C65	2272.62	200	2272.62	0	2272.62	2272.62
C66	2306.20	200	2306.20	0	2306.20	2306.20
C67	2339.78	200	2339.78	0	2339.78	2339.78
C68	2373.36	200	2373.36	0	2373.36	2373.36
C69	2406.94	200	2406.94	0	2406.94	2406.94
C70	2440.52	200	2440.52	0	2440.52	2440.52
C71	2474.10	200	2474.10	0	2474.10	2474.10
C72	2507.68	200	2507.68	0	2507.68	2507.68
C73	2541.26	200	2541.26	0	2541.26	2541.26
C74	2574.84	200	2574.84	0	2574.84	2574.84
C75	2608.42	200	2608.42	0	2608.42	2608.42
C76	2642.00	200	2642.00	0	2642.00	2642.00
C77	2675.58	200	2675.58	0	2675.58	2675.58
C78	2709.16	200	2709.16	0	2709.16	2709.16
C79	2742.74	200	2742.74	0	2742.74	2742.74
C80	2776.32	200	2776.32	0	2776.32	2776.32
C81	2809.90	200	2809.90	0	2809.90	2809.90
C82	2843.48	200	2843.48	0	2843.48	2843.48
C83	2877.06	200	2877.06	0	2877.06	2877.06
C84	2910.64	200	2910.64	0	2910.64	2910.64
C85	2944.22	200	2944.22	0	2944.22	2944.22
C86	2977.80	200	2977.80	0	2977.80	2977.80
C87	3011.38	200	3011.38	0	3011.38	3011.38
C88	3044.96	200	3044.96	0	3044.96	3044.96
C89	3078.54	200	3078.54	0	3078.54	3078.54
C90	3112.12	200	3112.12	0	3112.12	3112.12
C91	3145.70	200	3145.70	0	3145.70	3145.70
C92	3179.28	200	3179.28	0	3179.28	3179.28
C93	3212.86	200	3212.86	0	3212.86	3212.86
C94	3246.44	200	3246.44	0	3246.44	3246.44
C95	3280.02	200	3280.02	0	3280.02	3280.02
C96	3313.60	200	3313.60	0	3313.60	3313.60
C97	3347.18	200	3347.18	0	3347.18	3347.18
C98	3380.76	200	3380.76	0	3380.76	3380.76
C99	3414.34	200	3414.34	0	3414.34	3414.34
C100	3447.92	200	3447.92	0	3447.92	3447.92

LINE TABLE

LINE NO.	STARTING POINT	ENDING POINT	DISTANCE
L1	0+00	0+10	10.00
L2	0+10	0+20	10.00
L3	0+20	0+30	10.00
L4	0+30	0+40	10.00
L5	0+40	0+50	10.00
L6	0+50	0+60	10.00
L7	0+60	0+70	10.00
L8	0+70	0+80	10.00
L9	0+80	0+90	10.00
L10	0+90	1+00	10.00
L11	1+00	1+10	10.00
L12	1+10	1+20	10.00
L13	1+20	1+30	10.00
L14	1+30	1+40	10.00
L15	1+40	1+50	10.00
L16	1+50	1+60	10.00
L17	1+60	1+70	10.00
L18	1+70	1+80	10.00
L19	1+80	1+90	10.00
L20	1+90	2+00	10.00
L21	2+00	2+10	10.00
L22	2+10	2+20	10.00
L23	2+20	2+30	10.00
L24	2+30	2+40	10.00
L25	2+40	2+50	10.00
L26	2+50	2+60	10.00
L27	2+60	2+70	10.00
L28	2+70	2+80	10.00
L29	2+80	2+90	10.00
L30	2+90	3+00	10.00
L31	3+00	3+10	10.00
L32	3+10	3+20	10.00
L33	3+20	3+30	10.00
L34	3+30	3+40	10.00
L35	3+40	3+50	10.00
L36	3+50	3+60	10.00
L37	3+60	3+70	10.00
L38	3+70	3+80	10.00
L39	3+80	3+90	10.00
L40	3+90	4+00	10.00
L41	4+00	4+10	10.00
L42	4+10	4+20	10.00
L43	4+20	4+30	10.00
L44	4+30	4+40	10.00
L45	4+40	4+50	10.00
L46	4+50	4+60	10.00
L47	4+60	4+70	10.00
L48	4+70	4+80	10.00
L49	4+80	4+90	10.00
L50	4+90	5+00	10.00
L51	5+00	5+10	10.00
L52	5+10	5+20	10.00
L53	5+20	5+30	10.00
L54	5+30	5+40	10.00
L55	5+40	5+50	10.00
L56	5+50	5+60	10.00
L57	5+60	5+70	10.00
L58	5+70	5+80	10.00
L59	5+80	5+90	10.00
L60	5+90	6+00	10.00
L61	6+00	6+10	10.00
L62	6+10	6+20	10.00
L63	6+20	6+30	10.00
L64	6+30	6+40	10.00
L65	6+40	6+50	10.00
L66	6+50	6+60	10.00
L67	6+60	6+70	10.00
L68	6+70	6+80	10.00
L69	6+80	6+90	10.00
L70	6+90	7+00	10.00
L71	7+00	7+10	10.00
L72	7+10	7+20	10.00
L73	7+20	7+30	10.00
L74	7+30	7+40	10.00
L75	7+40	7+50	10.00
L76	7+50	7+60	10.00
L77	7+60	7+70	10.00
L78	7+70	7+80	10.00
L79	7+80	7+90	10.00
L80	7+90	8+00	10.00
L81	8+00	8+10	10.00
L82	8+10	8+20	10.00
L83	8+20	8+30	10.00
L84	8+30	8+40	10.00
L85	8+40	8+50	10.00
L86	8+50	8+60	10.00
L87	8+60	8+70	10.00
L88	8+70	8+80	10.00
L89	8+80	8+90	10.00
L90	8+90	9+00	10.00
L91	9+00	9+10	10.00
L92	9+10	9+20	10.00
L93	9+20	9+30	10.00
L94	9+30	9+40	10.00
L95	9+40	9+50	10.00
L96	9+50	9+60	10.00
L97	9+60	9+70	10.00
L98	9+70	9+80	10.00
L99	9+80	9+90	10.00
L100	9+90	10+00	10.00

Huntley, Nye & Associates, Ltd.
 ENGINEERS & ARCHITECTS • LAND SURVEYORS
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, COLORADO 80202
 PHONE: 733-1111
 FAX: 733-1112



GENERALIZED DEVELOPMENT PLAN FOR THE PROPERTIES OF
 WEST-GROUP PROPERTIES LLC, WEST • MAC ASSOCIATES LP,
 CO., INC. AND WEST-PARK ASSOCIATES LP.
 PROVIDENCE DISTRICT
 FAYATX COUNTY
 VIRGINIA

SCALE: 1" = 100'
 DATE: 9/2/79
 SHEET: 3 of 6
 FILE NO.: 88-140

LEGEND:
 PRELIMINARY CLEARING & DRIVING LIMITS
 (ACTUAL LIMITS TO BE DETERMINED AT TIME OF SITE PLAN)
 EXISTING TREE LINE

- BOUNDARY LINES
- PARCEL LINES
- EXISTING BUILDINGS
- PROPOSED BUILDINGS
- PROPOSED PARKING LAYOUT
- 10' CONTIGUOUS INTERVAL
- 5' CONTIGUOUS INTERVAL
- STORM WATER MANAGEMENT POND
- 100 YEAR FLOOD PLAIN AND
 FLOOD CATCH BASIN
- 25' AND WIDER CULVERTS
- EXISTING PARKING AND ROADS
- LOADING AREA
- PROPOSED
 SIDEWALK
- EXISTING
 SIDEWALK

NOTE:
 EXISTING ROAD WIDTH TO REMAIN
 UNLESS SHOWN OTHERWISE



CURVE TABLE

NAME	CHORD	CHORD BEARING	CHORD BEARING						
C1	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C2	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C3	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C4	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C5	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C6	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C7	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C8	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C9	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00
C10	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00	S 89° 11' 00" E	100.00

KEY:
 THIS PLAN IS NOT PROFFERED;
 HOWEVER CERTAIN ELEMENTS
 SUCH AS P.A.M., HEIGHT
 AND SETBACK ARE. PLEASE
 REFER TO PROFFERS ASSOCIATED
 WITH PCA-88D-005-3.



PCA-88D-005-5
 Scale 1" = 100'

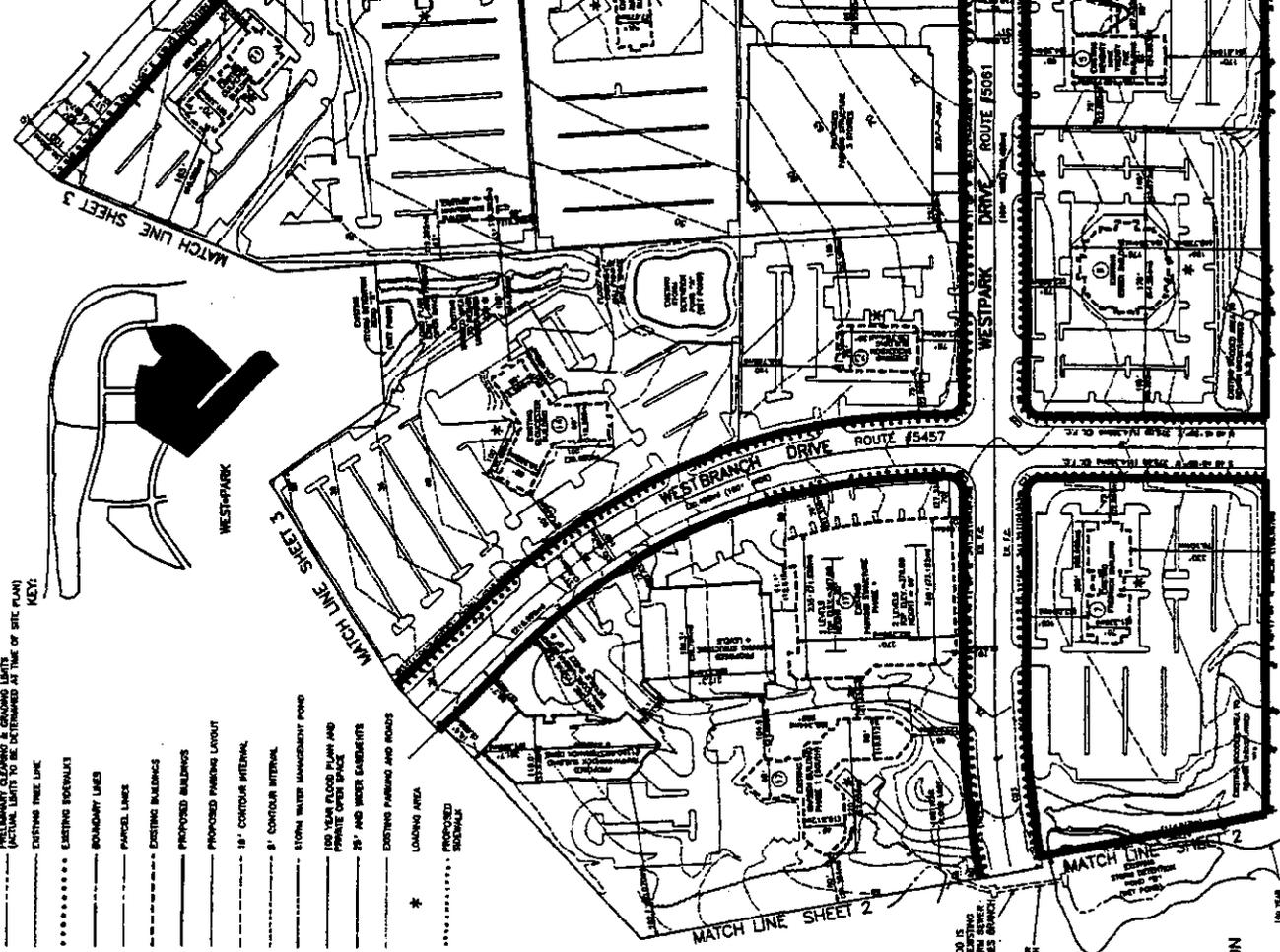


SCALE: 1" = 100'
DATE: 08/04/08
PROJECT: WESTPARK SUBDIVISION PARCEL B
DRAWN BY: J. HUNTER
CHECKED BY: J. HUNTER
DATE: 08/04/08
PROJECT: WESTPARK SUBDIVISION PARCEL B
DRAWN BY: J. HUNTER
CHECKED BY: J. HUNTER

CURVE TABLE:

NAME	MEASURES	ARC	DELTA	TANGENT	CHORD	CURVED BEARING
C12	300.00	108.72	35.26	54.00	288.00	114.00
C18	200.00	72.48	23.51	36.00	192.00	76.00
C21	100.00	36.24	11.75	18.00	96.00	38.00
C22	50.00	18.12	5.88	9.00	48.00	19.00
C23	25.00	9.06	2.94	4.50	24.00	9.50
C24	12.50	4.53	1.47	2.25	12.00	4.75
C25	6.25	2.27	0.73	1.12	6.00	2.37
C26	3.12	1.13	0.37	0.56	3.00	1.19
C27	1.56	0.57	0.18	0.28	1.50	0.59

NOTE: SHEDDING AREAS TO REMAIN UNDISTURBED OR REVEGETATED.



THIS PLAN IS NOT PROVIDED;
 HOWEVER CERTAIN ELEMENTS
 SUCH AS F.A.R., HEIGHT
 AND SETBACK ARE. PLEASE
 REFER TO PROFFERS ASSOCIATED
 WITH PCA-88D-005-6.

- LEGEND:**
- PRELIMINARY CLEARING & GRADING LIMITS (ACTUAL LIMITS TO BE DETERMINED AT TIME OF SITE PLAN)
 - EXISTING TREE LINE
 - EXISTING FOOTPRINTS
 - BOUNDARY LINES
 - PARCEL LINES
 - EXISTING BUILDINGS
 - PROPOSED BUILDINGS
 - PROPOSED PARKING LAYOUT
 - 10' CONTOUR INTERNAL
 - 5' CONTOUR INTERNAL
 - STORM WATER MANAGEMENT POND
 - 100 YEAR FLOOD PLAIN AND PRIVATE OPEN SPACE
 - 25' AND WIDER EASEMENTS
 - EXISTING PARKING AND ROADS
 - LOADING AREA
 - PROPOSED SIDEWALK

Scale 1" = 100'

TYSONS II PARCEL 3

WESTPARK SUBDIVISION PARCEL B

PCA-88D-005-6

■ TYSONS WESTPARK A-6 ■

RZ-2002-PR-0162
 FDP-2002-PR-1064

CONCEPTUAL/FINAL DEVELOPMENT PLAN

CONCURRENT WITH PCA 88-D-005-5

PROVIDENCE DISTRICT
 FAIRFAX COUNTY, VIRGINIA

MARCH 7, 2002
 REVISED MAY 1, 2002
 REVISED JUNE 17, 2002
 REVISED JULY 18, 2002
 REVISED AUGUST 1, 2002
 REVISED SEPTEMBER 20, 2002
 REVISED OCTOBER 17, 2002
 REVISED OCTOBER 31, 2002

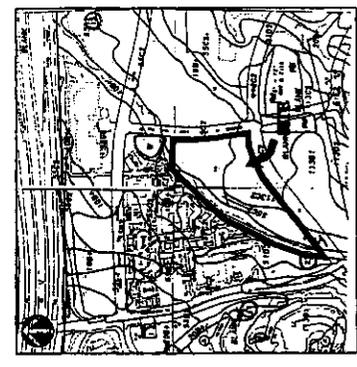
SHEET INDEX

- 1. COVER SHEET
- 2. COVER NOTES/TABULATIONS
- 3. CIVIL/PLUMBING PLAN/STREETS/POLE SECTION
- 4. ELECTRICAL PLAN
- 5A. DETAILS
- 6. CENTER PLAZA DETAIL
- 6A. PERISTYLE CIRCULATION PLAN
- 7. PERISTYLE GARAGE PLAN
- 8. SECTION A
- 9. SECTION B
- 9. SECTION C
- 9A. ELEVATION/SECTION D
- 9B. ELEVATION/SECTION F
- 10. ELEVATIONS
- 10A. SITE ELEVATIONS
- 10B. PROSPECTIVE
- 12. EXISTING CONDITIONS/EXISTING VEGETATION MAP
- 13. HEIGHT/DENSITY/PERMITS DEMONSTRATION
- 14. TRASSING PLAN
- 15. TRASSING PLAN
- 16. STREETS/POLE EXHIBIT

ARCHITECTS/PLANNERS
 LEONARD ARCHITECTURAL GROUP INC.
 ARCHITECTS/PLANNERS
 160 WESTWOOD CENTER DRIVE
 SUITE 400
 VIENNA, VIRGINIA 22181
 (703) 761-9944

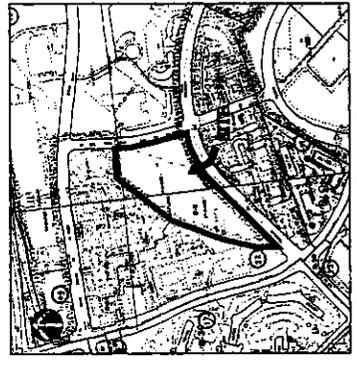
APPLICANT
 WEST-GROUP PROPERTIES LLC (OWNED)
 COO WEST-GROUP MANAGEMENT LLC (APPLICANT/AGENT)
 1800 ANDERSON ROAD
 MCLEAN, VIRGINIA 22101
 (703) 355-9400
 MR. THOMAS FLEURY

ENGINEER
 VTKA INC.
 1800 GREENBROOK DRIVE
 SUITE 100
 MCLEAN, VIRGINIA 22101
 (703) 442-7600



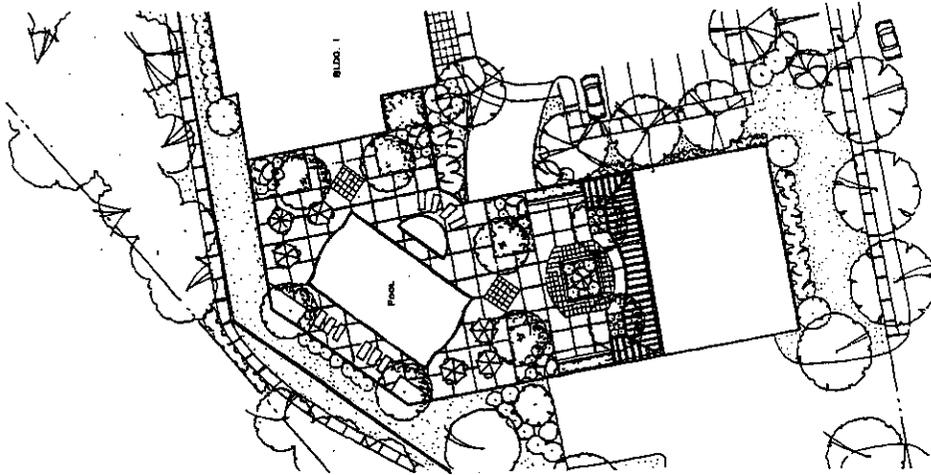
SOILS MAP
 SCALE 1"=50'

TM NO. 29-4 (07) A-3

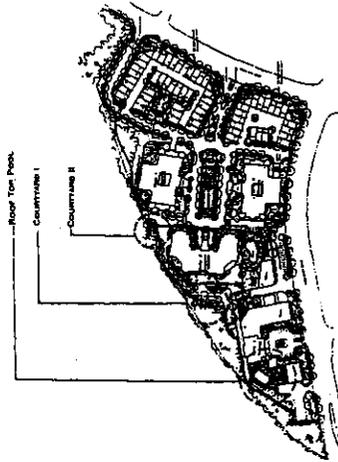


VICINITY MAP
 SCALE 1"=50'

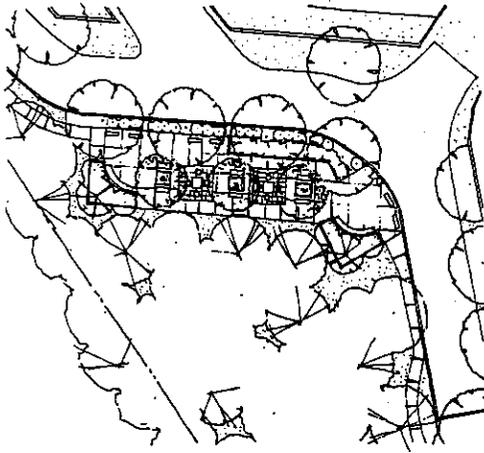
TM NO. 29-4 (07) A-3



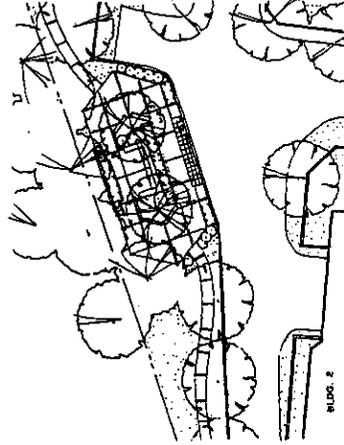
ROOFTOP POOL DETAIL



Roof Top Pool
Courtyard I
Courtyard II



COURTYARD DETAIL I



COURTYARD DETAIL II



5/1/13



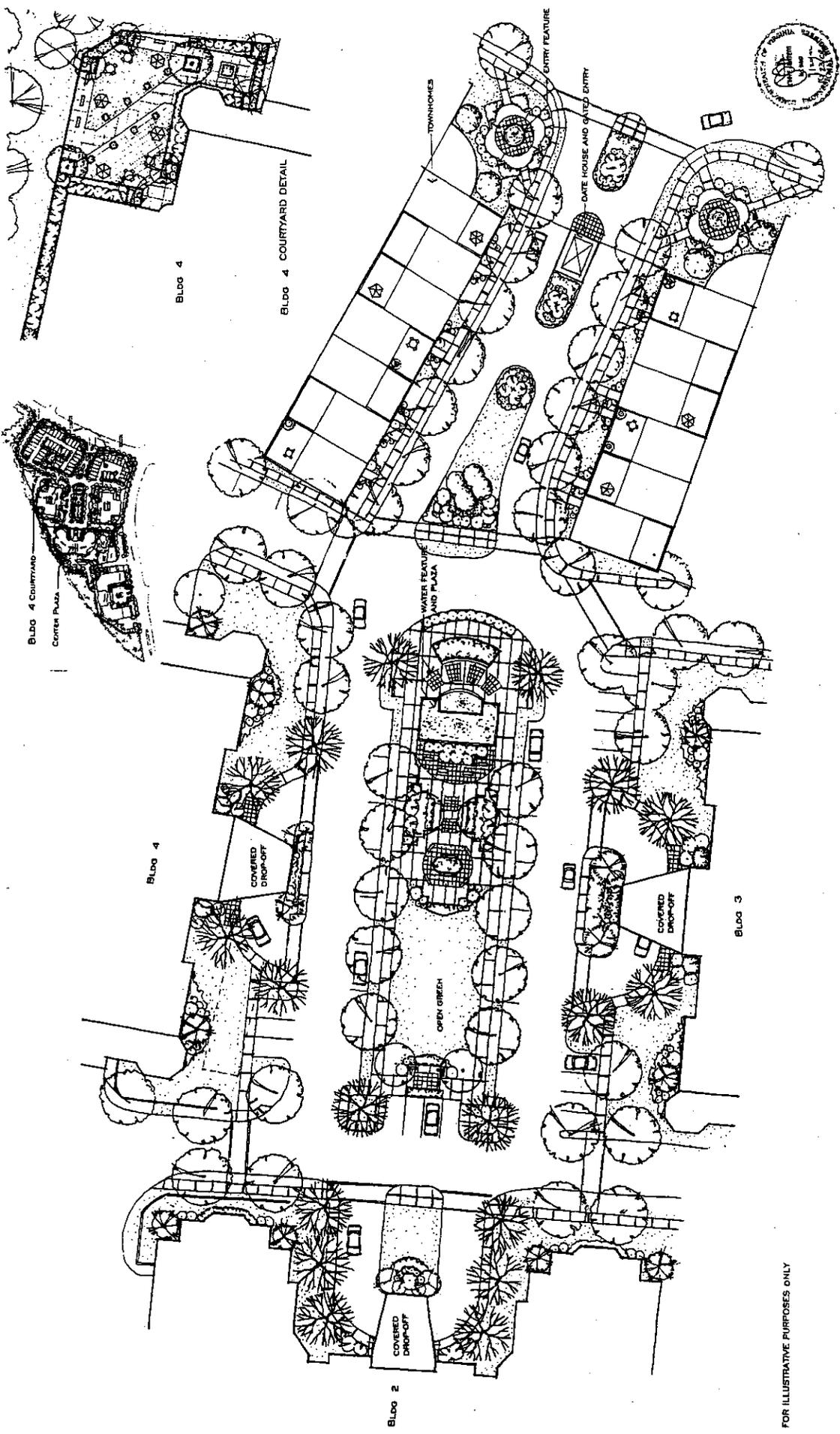
DETAIL

WEST PARK

TYSON'S CORNER
WESTON J.A.02 OCTOBER 16, 2002
WESTGROUP MANAGEMENT, L.L.C.

THE LESSARD ARCHITECTURAL GROUP INC.
6505 Westwood Center Drive, Suite 400, Weston, FL 32790-3344 Tel: 2032790344 Fax: 2032790345

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WEST PARK

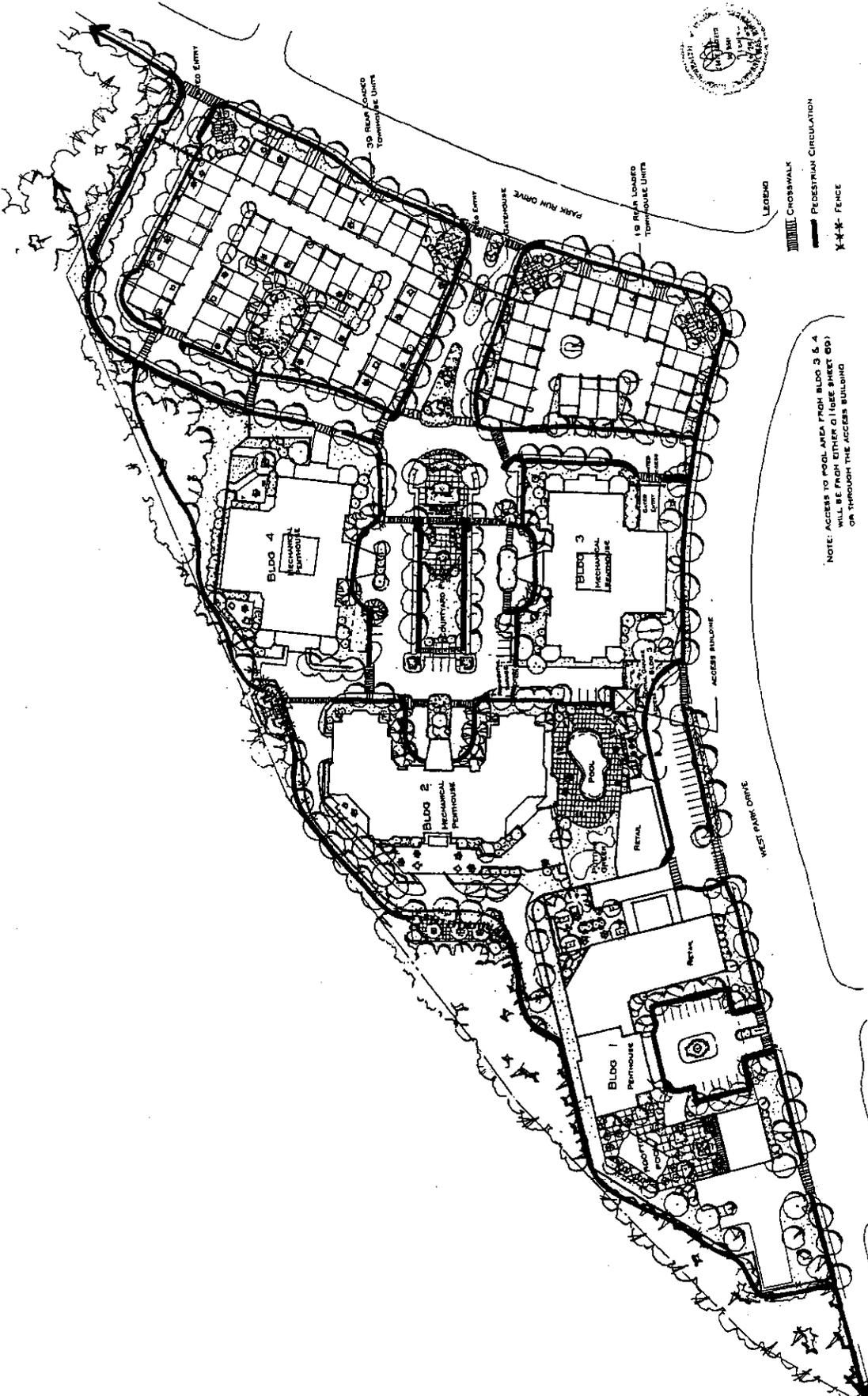
TYSON'S CORNER
 WESTCO 1 A.D.E
 WESTOROUGH MANAGEMENT, L.L.C.

CENTER PLAZA DETAIL

THE LESSARO ARCHITECTURAL GROUP INC.
 6503 Westwood Center Drive, Suite 400, Dallas, TX 75218 1027863544 fax 1027863549



6/13



NOTE: ACCESS TO POOL AREA FROM BLDG 3 & 4
WILL BE FROM EITHER 01 (SEE SHEET 05)
OR THROUGH THE ACCESS BUILDING

6A/13



0 25 50 100
1" = 50'

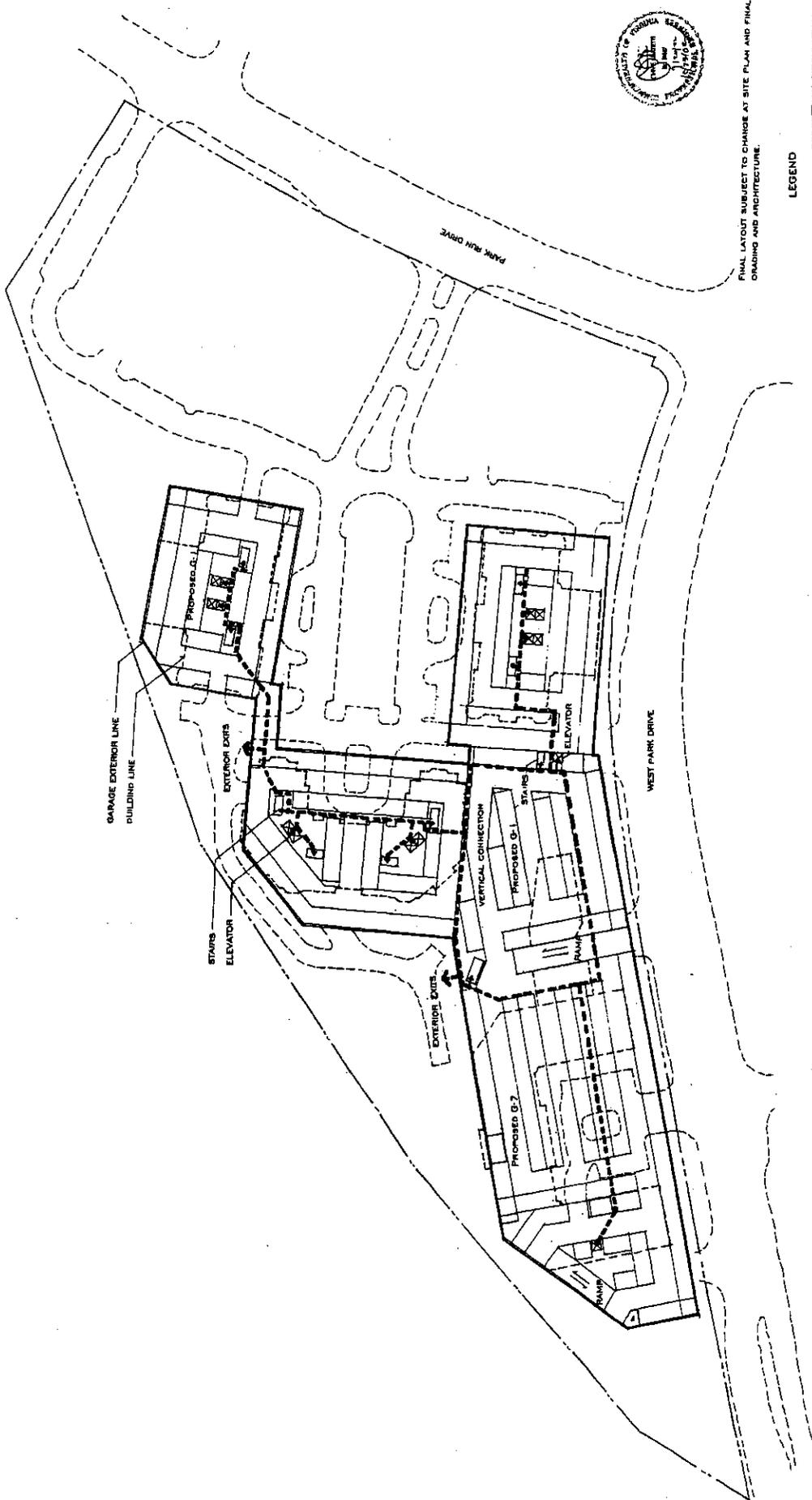
PEDESTRIAN CIRCULATION PLAN

WEST PARK
TURNS CORNER
WESTGOLF MANAGEMENT, LLC

REVISIONS
AUGUST 16, 2002 - REVISED OCTOBER 17, 2002

THE LESSARD ARCHITECTURAL GROUP, INC.
4803 Westwood Drive, Suite 400, Vienna, VA 22182 703/460-3344 or 703/760-3218

WESTGOLF MANAGEMENT, LLC



FINAL LAYOUT SUBJECT TO CHANGE AT SITE PLAN AND FINAL CHANGING AND ARCHITECTURE.

LEGEND
 ■■■■■ PEDESTRIAN CIRCULATION

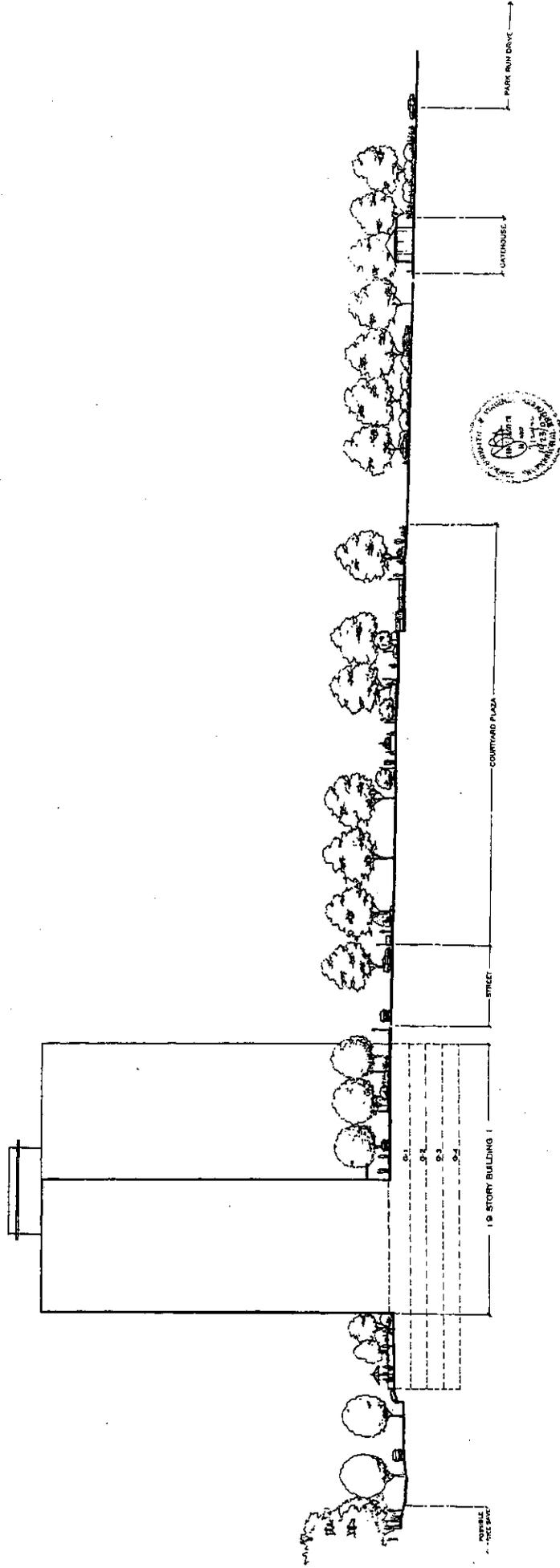
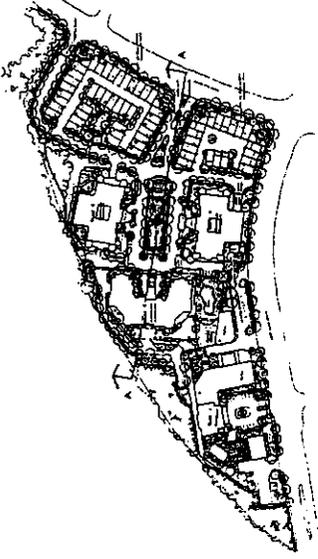
WEST PARK
 TYPON'S CORNER, VA
 REN 121A.00 JULY 15, 2002 REVISED OCTOBER 17, 2002
WESTGROUP MANAGEMENT, L.L.C.

COMPOSITE GARAGE PLAN

THE LESSARD ARCHITECTURAL GROUP INC.
 6403 Westchester Centre Drive, Suite 500, Vienna, VA 22182 703-760-6344 fax 703-760-8256

0 25' 50' 100'
 SCALE 1" = 50'
 6/8/13

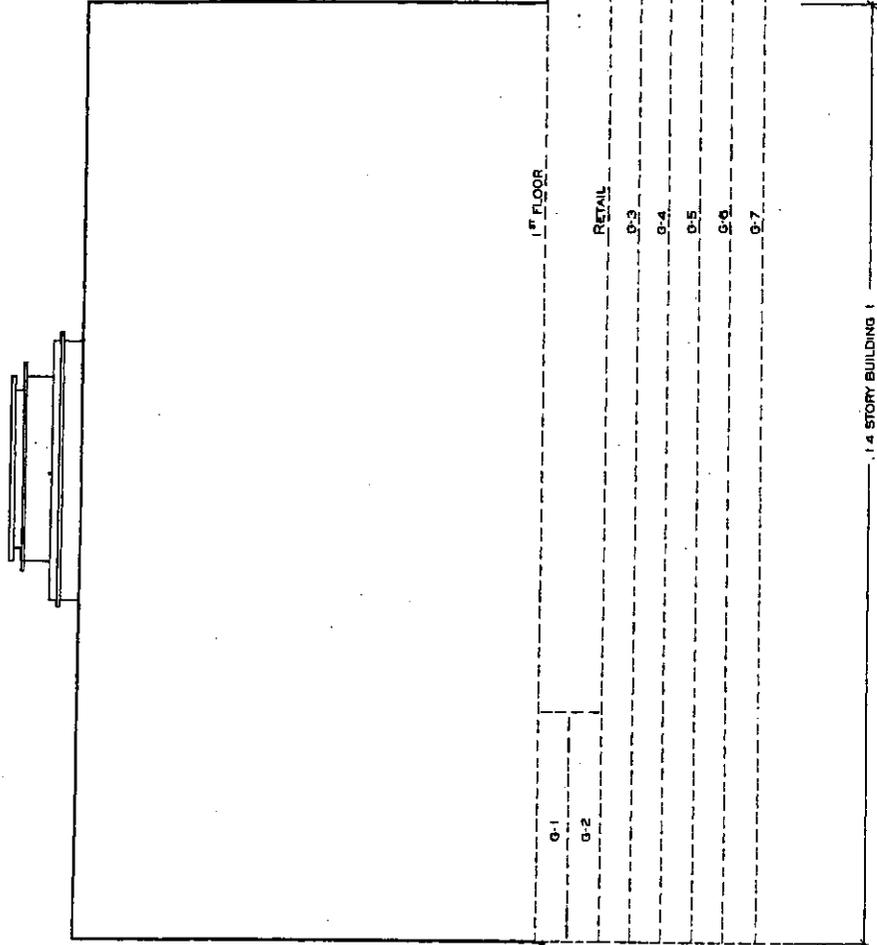
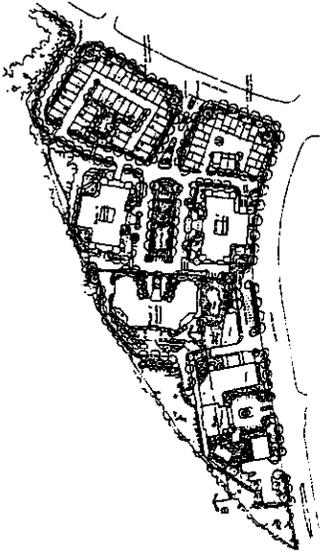
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WEST PARK SECTION A
 WYSONS CORNER BUILDING 2
 7/13

REVISIONS CORNER
 DATE: JUNE 14, 2002 REVISED OCTOBER 17, 2002
 WESTGROUP MANAGEMENT, LLC

THE LESSARD ARCHITECTURAL GROUP INC.
 1803 WILLOWOOD CENTER DRIVE, SUITE 400, WILSON, VA 22152 703/760-0344 FAX 703/760-0318
 NTS



FOR ILLUSTRATIVE PURPOSES ONLY

WEST PARK

SECTION B
BUILDING I

TYSON'S CORNER
WISD001A.02 JUNE 14, 2002 - REVISED OCTOBER 17, 2002

WESTGROUP MANAGEMENT, LLC.

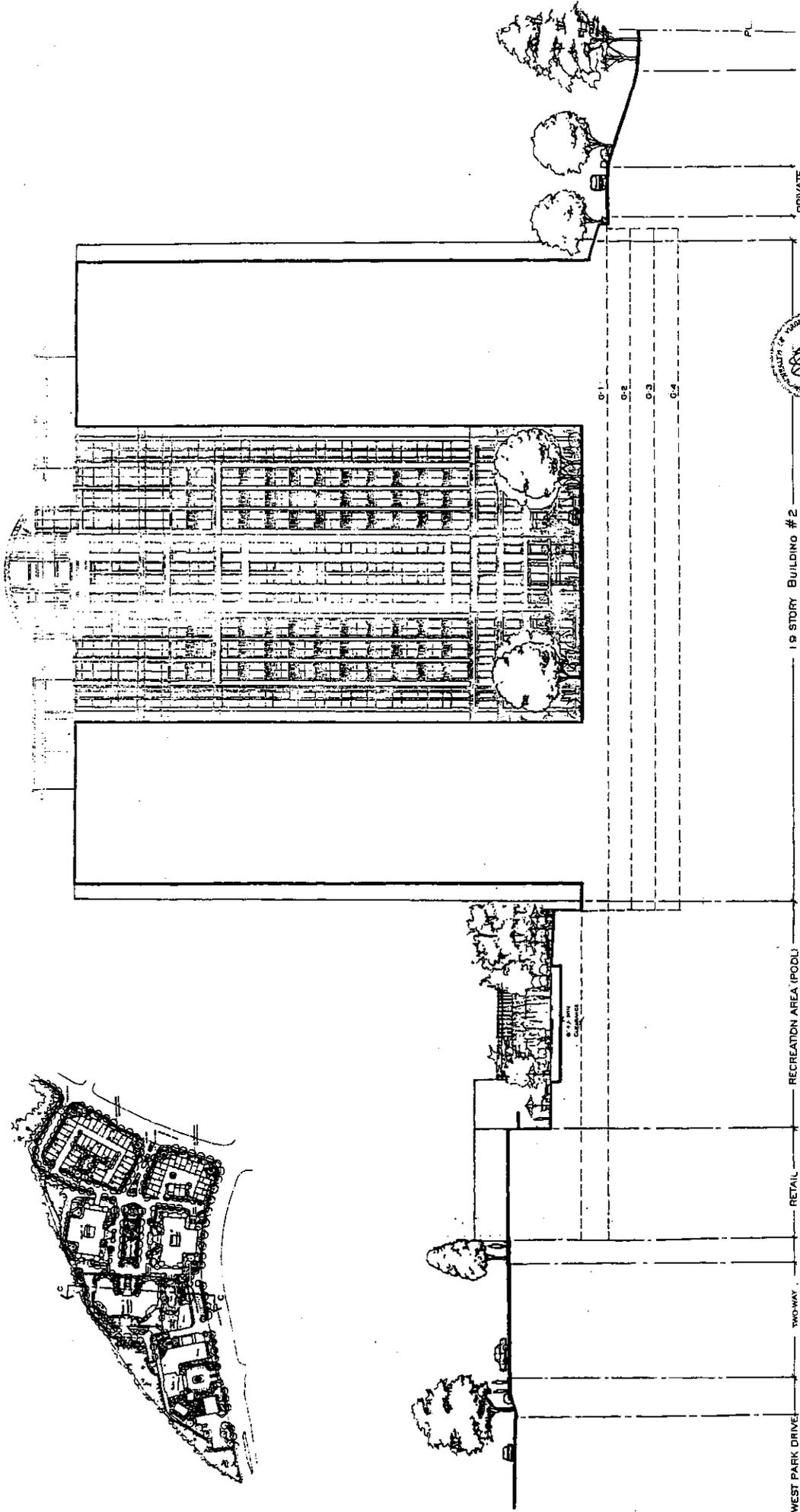
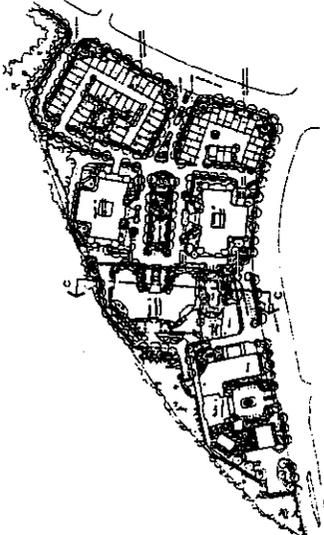
THE LESSARD ARCHITECTURAL GROUP INC.

6403 Wisconsin Center Drive, Suite 400, Wauwatosa, WI 53214 7037609344 fax 7037609319

8/13

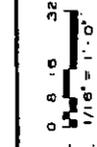
0 8 16 32
1/16" = 1'-0"

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FOR ILLUSTRATIVE PURPOSES ONLY

9/13



WEST PARK DRIVE

19 STORY BUILDING #2

RECREATION AREA (PODIUM)

RETAIL

TWO-WAY WITH PARKING

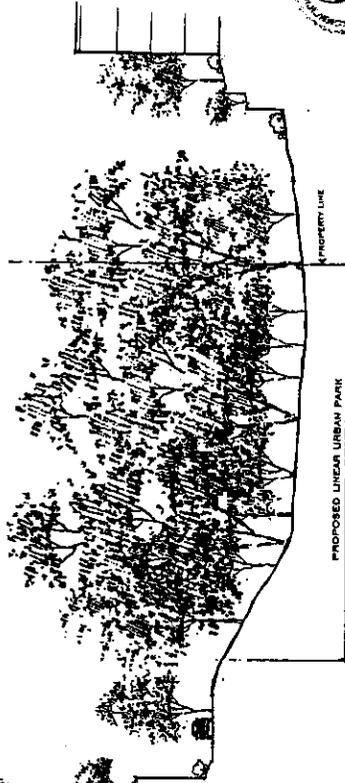
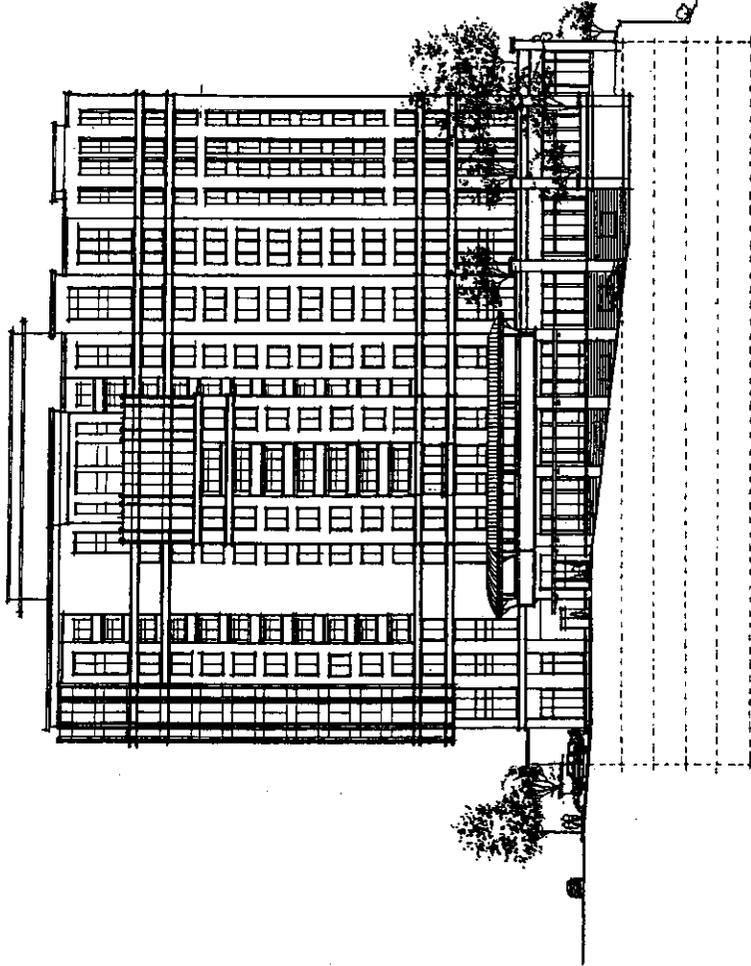
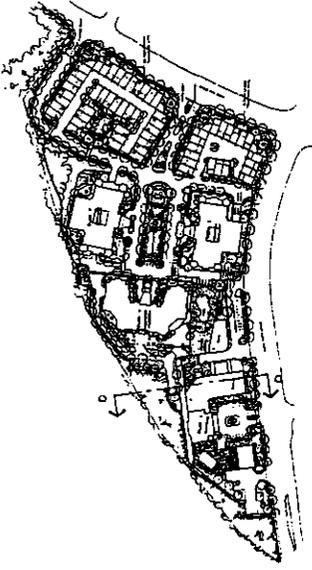
SECTION C
BUILDING 2

WEST PARK
TYSON'S CORNER
RENTAL CORNER
WESTGROUP MANAGEMENT, LLC.

THE LESSARD ARCHITECTURAL GROUP INC.
6803 Westridge Court Drive, Suite 400, Waukegan, IL 60087
TEL: 847.466.8344 FAX: 847.466.8348

REVISED SEPTEMBER 20, 2002
WESTGROUP MANAGEMENT, LLC.

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WEST PARK — SECTION D/
TYSON'S CORNER — **SIDE ELEVATION**
RENT 1.21 C.O.O. — **BUILDING 1 & RETAIL**
WESTGROUP MANAGEMENT, LLC.

9A / 13

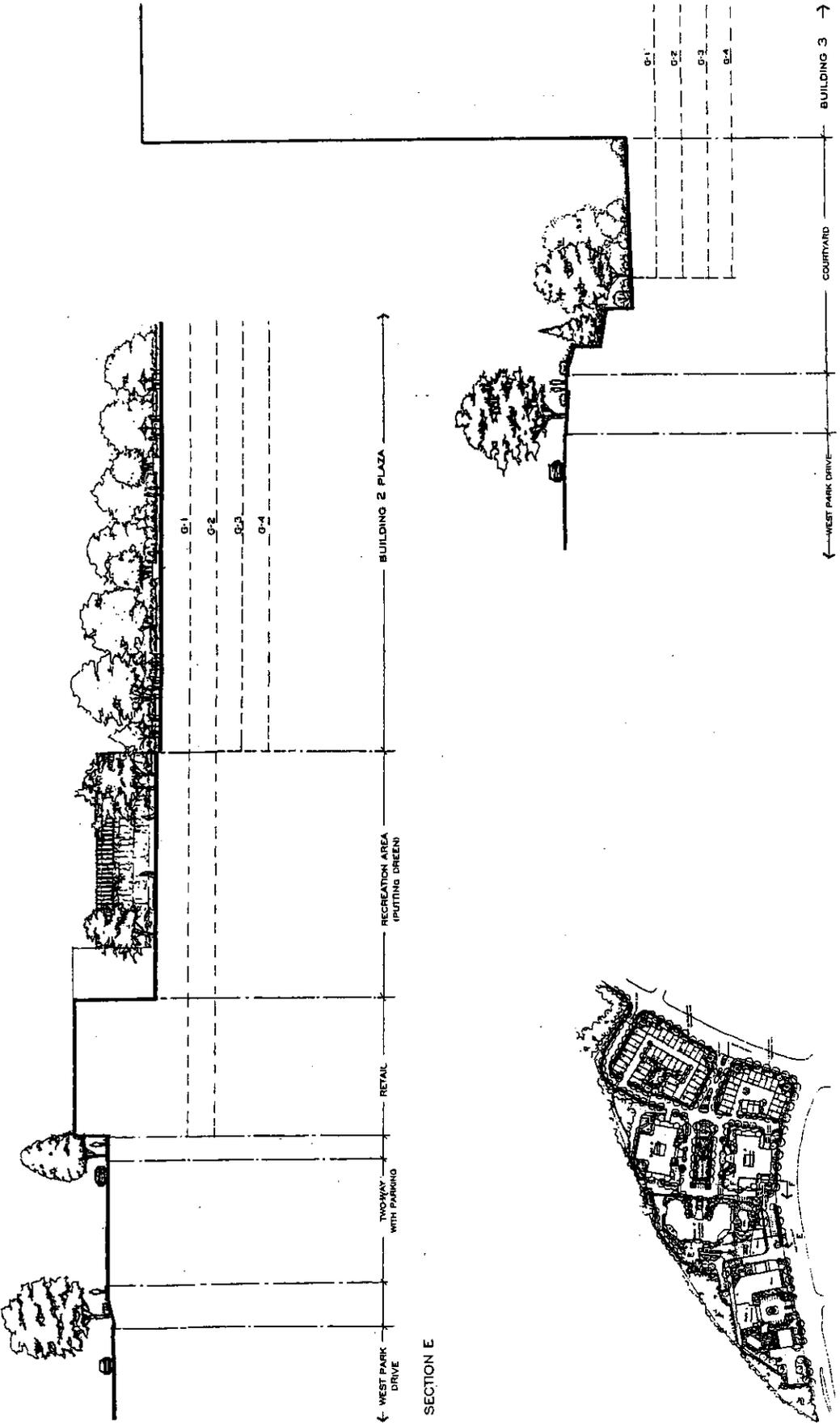


THE LESSARD ARCHITECTURAL GROUP INC.
 8102 Westwood Center Drive, Suite 400, Vienna, VA 22182 703.760.5344 fax 703.760.5318

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98/
13



WEST PARK

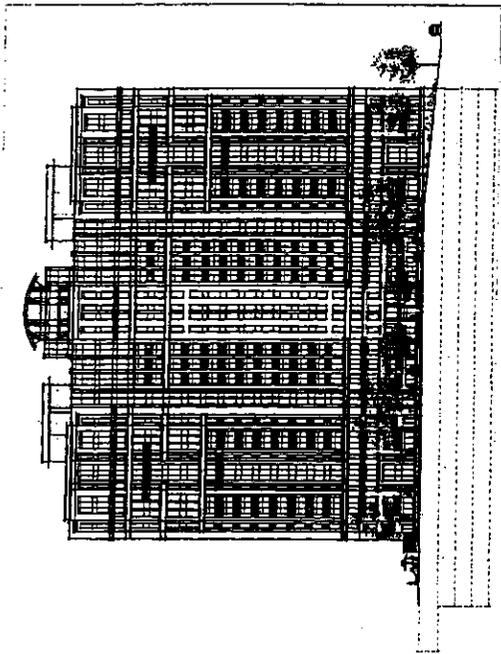
TYSON'S CORNER
REN 12.10.00 JULY 29, 2002 REVISED OCTOBER 17, 2002

WESTGROUP MANAGEMENT, LLC.

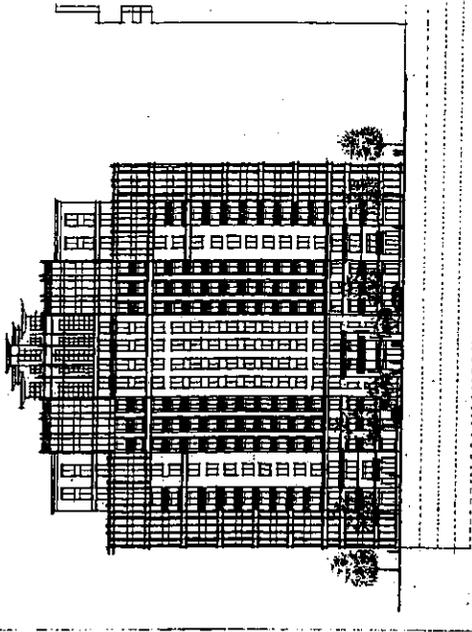
SECTIONS

THE LESSARD ARCHITECTURAL GROUP INC.
8503 Westwood Green Drive, Suite 400, York, PA 17403 717-760-9244 fax 717-760-9288

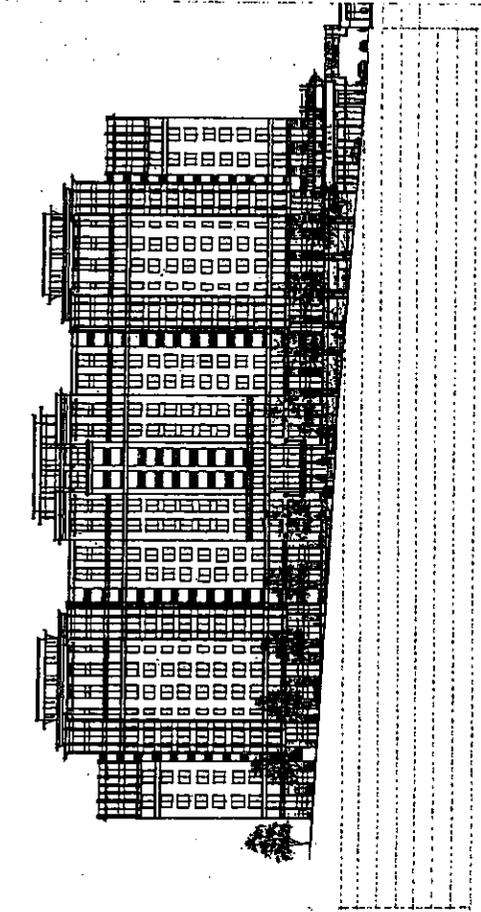
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FRONT ELEVATION BUILDING 2



FRONT ELEVATION BUILDING 3



BUILDING 1 | ELEVATION

FOR ILLUSTRATIVE PURPOSES ONLY

WEST PARK

TYSON'S CORNER
 REN | 21.C.00 | JUNE 14, 2002 | REVISED SEPTEMBER 20, 2002

WESTGROUP MANAGEMENT, LLC.

ELEVATIONS
 MULTIFAMILY

THE LESSARD ARCHITECTURAL GROUP INC.
 6802 Woodloch Court Drive, Suite 400, Vienna, VA 22182 703/760-9344 fax 703/760-9328

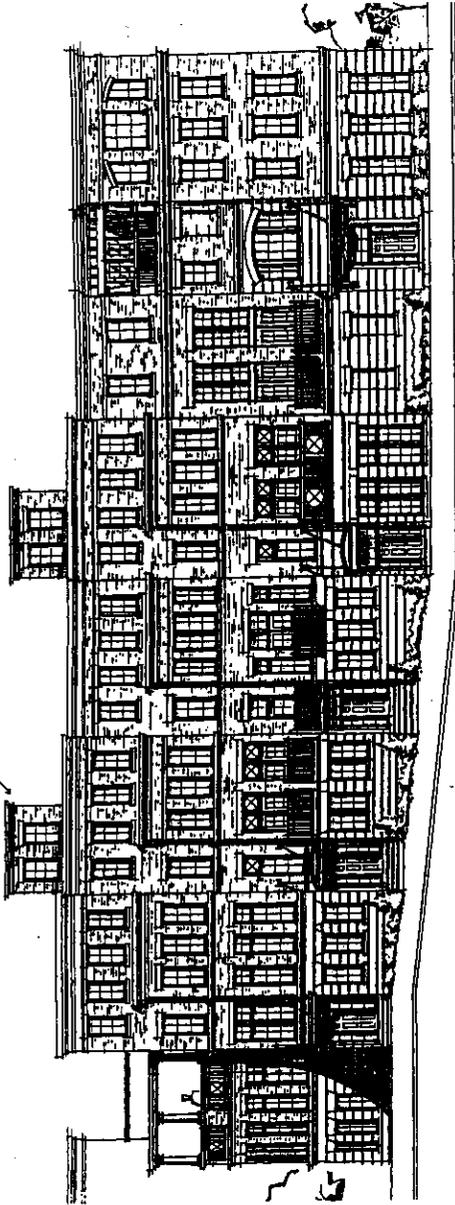
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NTS

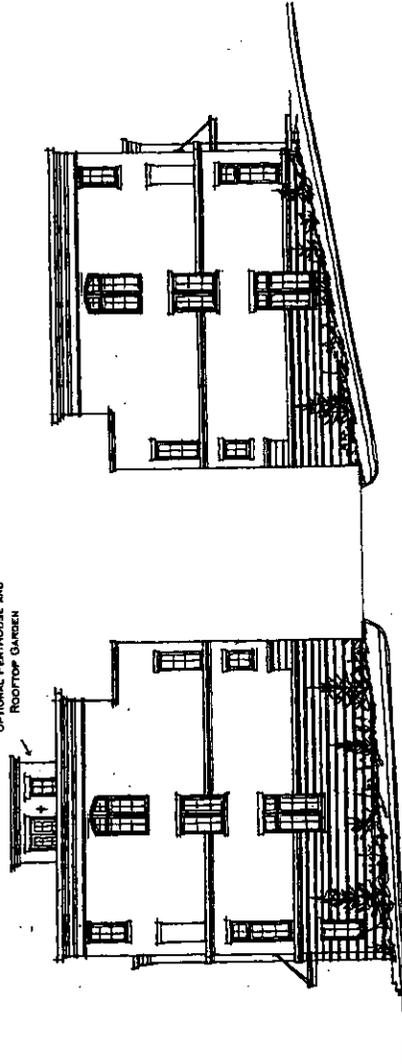
10/13



OPTIONAL PENTHOUSE AND
ROOFTOP GARDEN



OPTIONAL PENTHOUSE AND
ROOFTOP GARDEN



WEST PARK

TYSON'S CORNER
RENTAL CO. JUNE 14, 2002 REVISED OCTOBER 17, 2002
WESTGROUP MANAGEMENT, LLC.

ELEVATIONS TOWNHOUSE

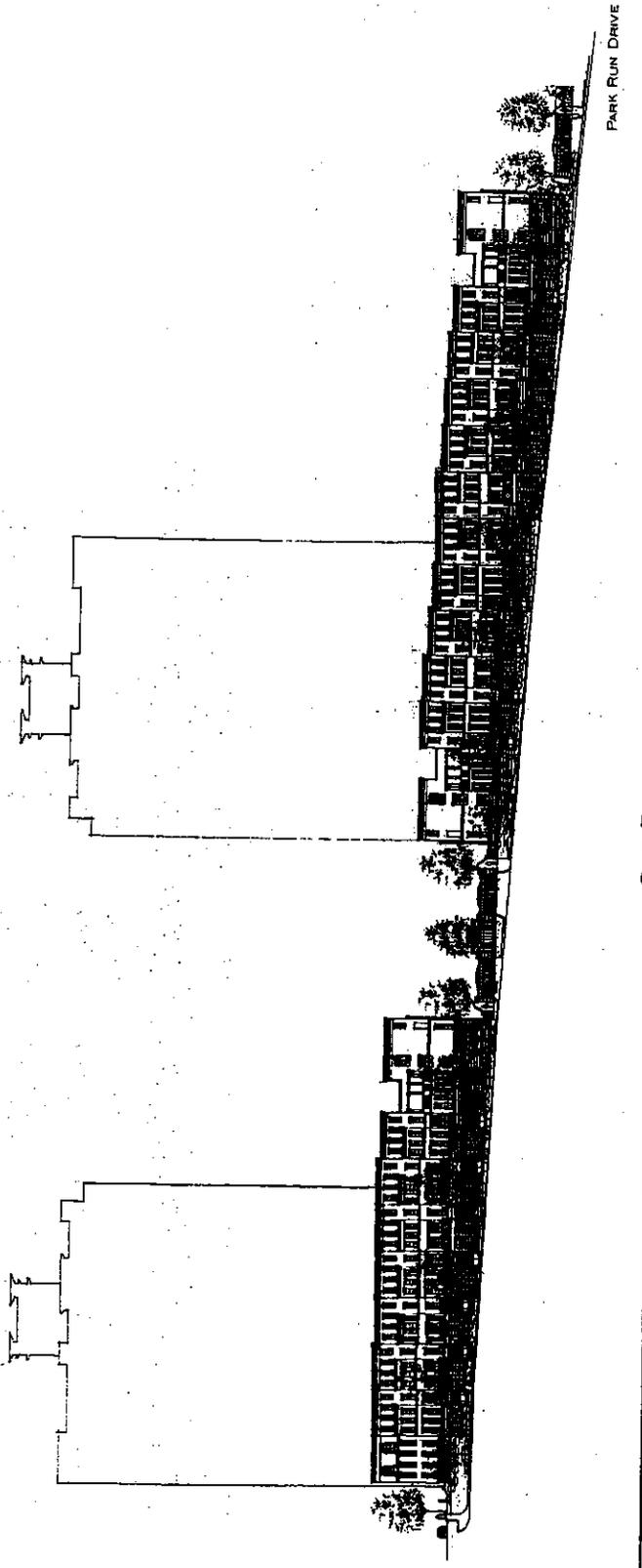
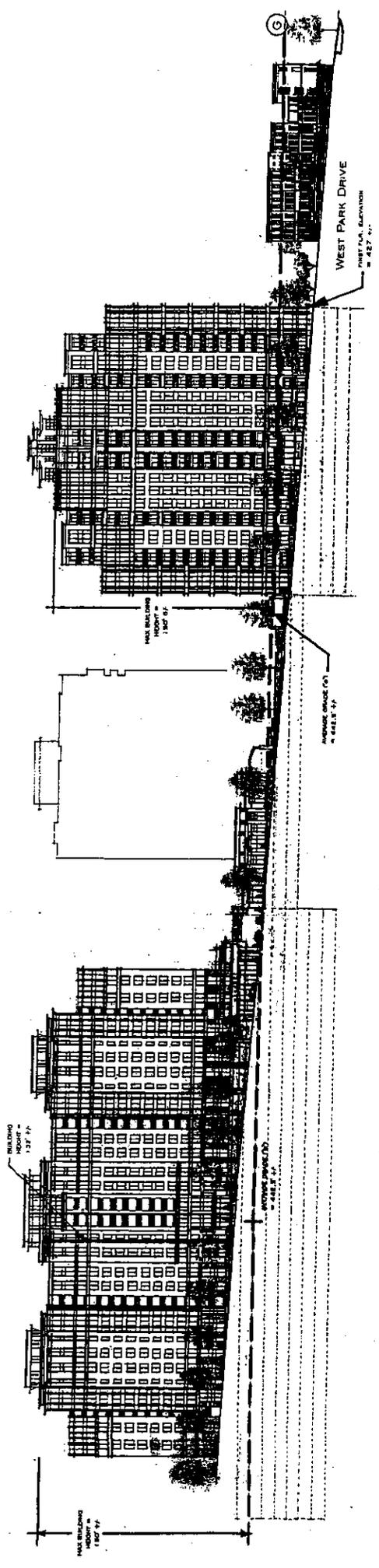
THE LESSARD ARCHITECTURAL GROUP INC.
8503 Inwood Court Drive, Suite 400, Niles, WI 53151 7087693344 fax 7087693348

ILLUSTRATIVE PURPOSES ONLY

NTS

11/13





WEST PARK
 THE LEEBARD ARCHITECTURAL GROUP, INC.
 10/27/02

SITE ELEVATIONS

REVISED OCTOBER 17, 2002

THE LEEBARD ARCHITECTURAL GROUP, INC.
 10/27/02



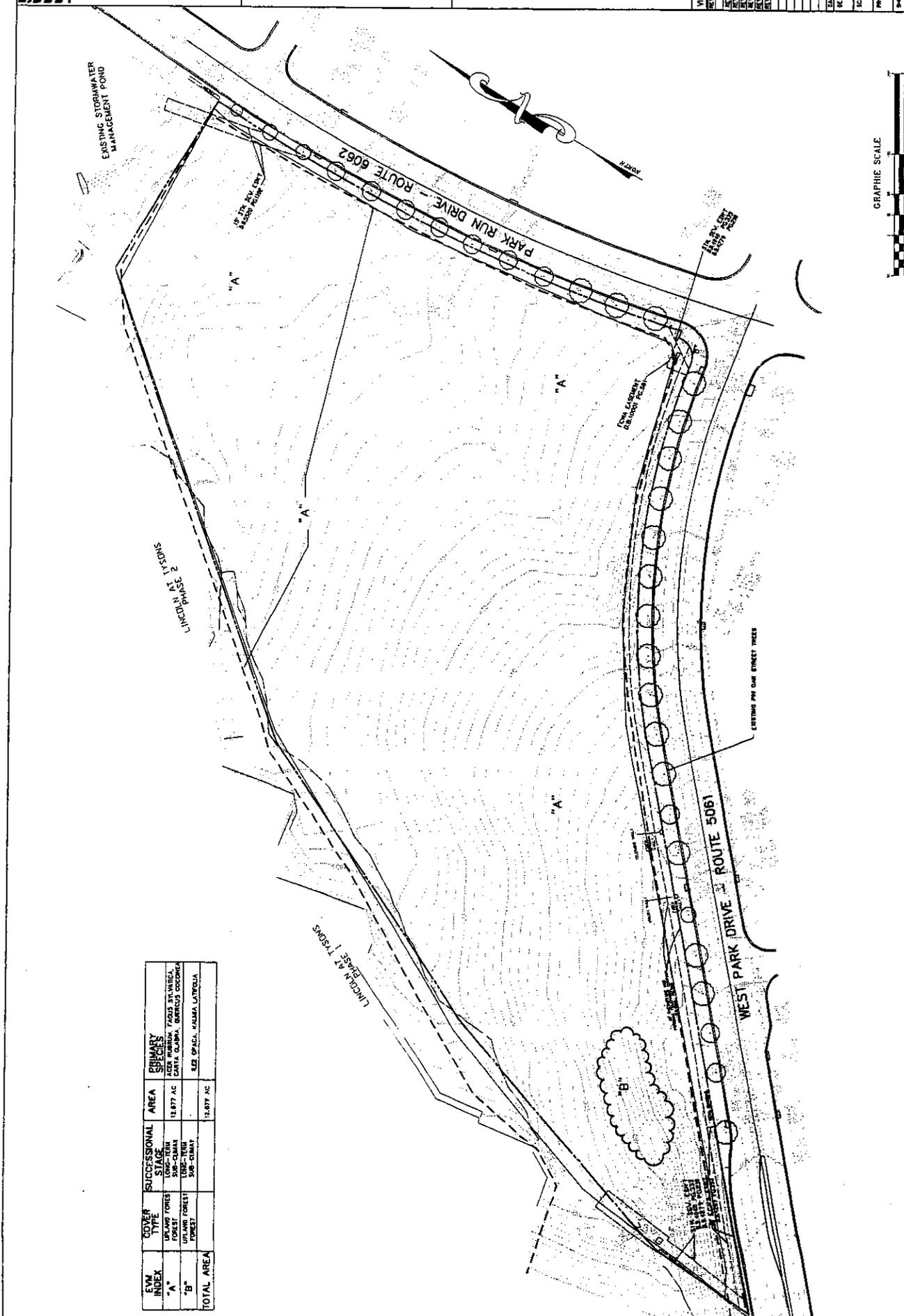


PROJECT: 1910 W. BROADWAY, WASHINGTON, D.C. 20005
 DATE: 08/14/01
 DRAWN BY: J. J. WILSON
 CHECKED BY: J. J. WILSON
 PROJECT NO.: 01-100

TYSONS WESTPARK A-6
 PHONOCES DISTRICT
 PARK COUNTY, WISCONSIN

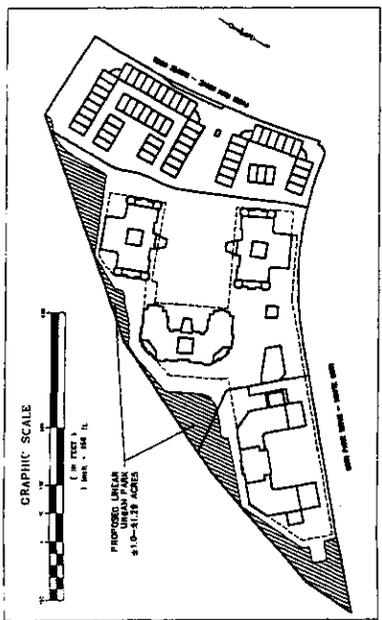
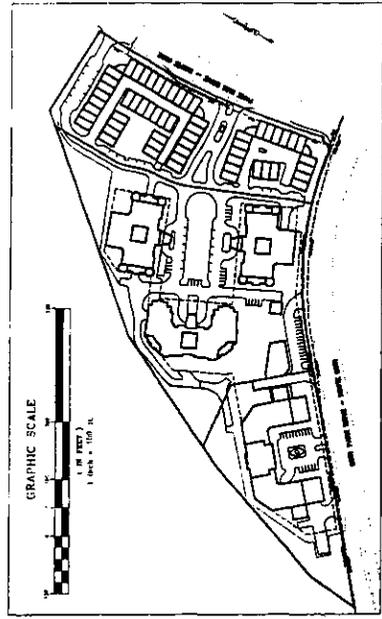
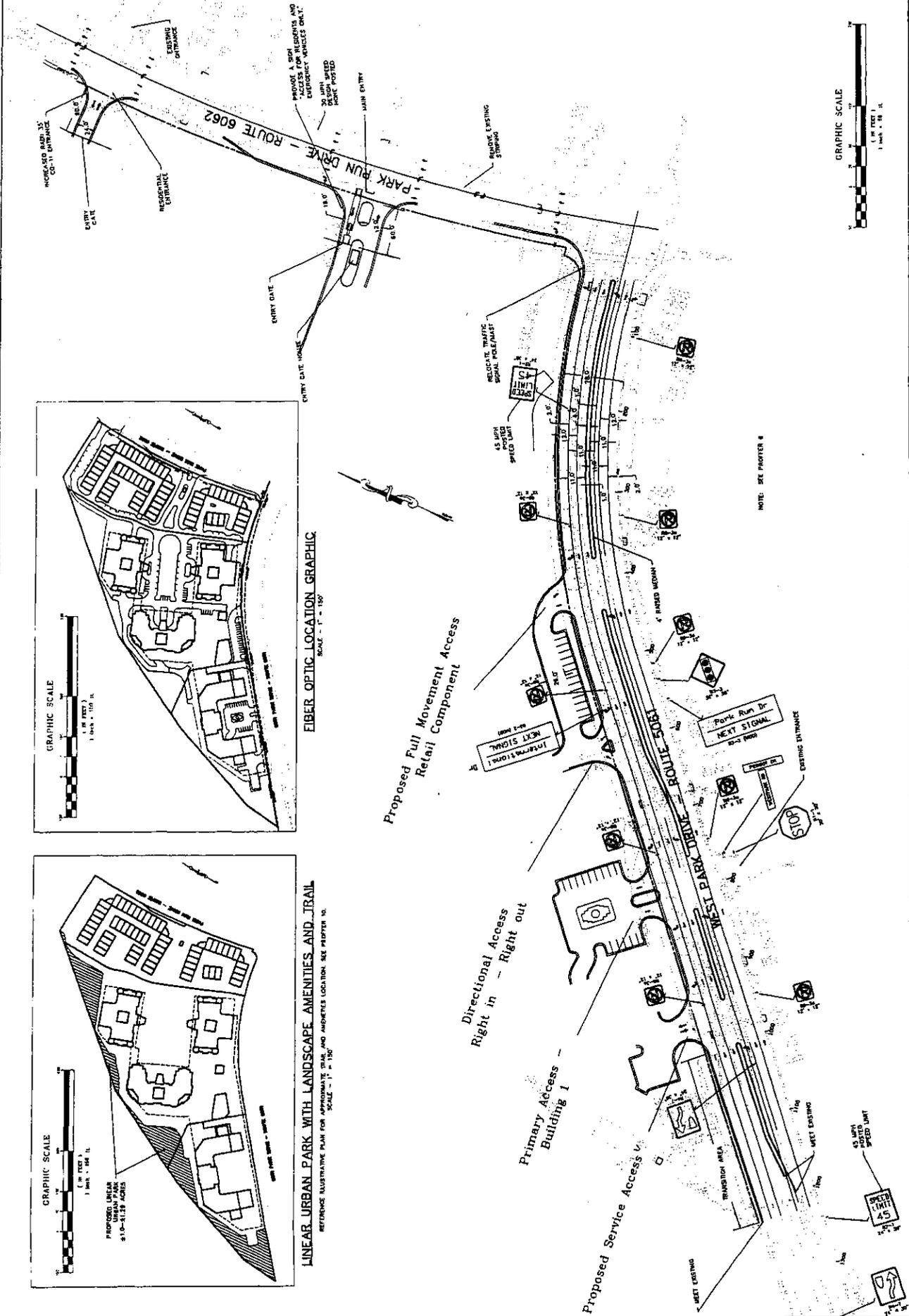
EXISTING VEGETATION/
 EXISTING CONDITIONS/
 MAP

DATE	BY	REVISIONS
08/14/01	J. J. WILSON	REV. 1: INITIAL
08/14/01	J. J. WILSON	REV. 2: REVISED
08/14/01	J. J. WILSON	REV. 3: REVISED
08/14/01	J. J. WILSON	REV. 4: REVISED
08/14/01	J. J. WILSON	REV. 5: REVISED
08/14/01	J. J. WILSON	REV. 6: REVISED
08/14/01	J. J. WILSON	REV. 7: REVISED
08/14/01	J. J. WILSON	REV. 8: REVISED
08/14/01	J. J. WILSON	REV. 9: REVISED
08/14/01	J. J. WILSON	REV. 10: REVISED
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08/14/01	J. J. WILSON	REV. 14: REVISED
08/14/01	J. J. WILSON	REV. 15: REVISED
08/14/01	J. J. WILSON	REV. 16: REVISED
08/14/01	J. J. WILSON	REV. 17: REVISED
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08/14/01	J. J. WILSON	REV. 19: REVISED
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08/14/01	J. J. WILSON	REV. 21: REVISED
08/14/01	J. J. WILSON	REV. 22: REVISED
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08/14/01	J. J. WILSON	REV. 24: REVISED
08/14/01	J. J. WILSON	REV. 25: REVISED
08/14/01	J. J. WILSON	REV. 26: REVISED
08/14/01	J. J. WILSON	REV. 27: REVISED
08/14/01	J. J. WILSON	REV. 28: REVISED
08/14/01	J. J. WILSON	REV. 29: REVISED
08/14/01	J. J. WILSON	REV. 30: REVISED
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EVM INDEX	COVER TYPE	SUCCESSIONAL STAGE	AREA	PRIMARY SPECIES
"A"	UPLAND FOREST	LOW-THRU	13.877 AC	ACER, PARNASSIA, FAGUS, SALICATA, CORYLUS, QUERCUS, SERRULATA, QUERCUS, COCCIFERA
"B"	UPLAND FOREST	LOW-THRU	13.877 AC	QUERCUS, SERRULATA, QUERCUS, COCCIFERA
TOTAL AREA			27.754 AC	





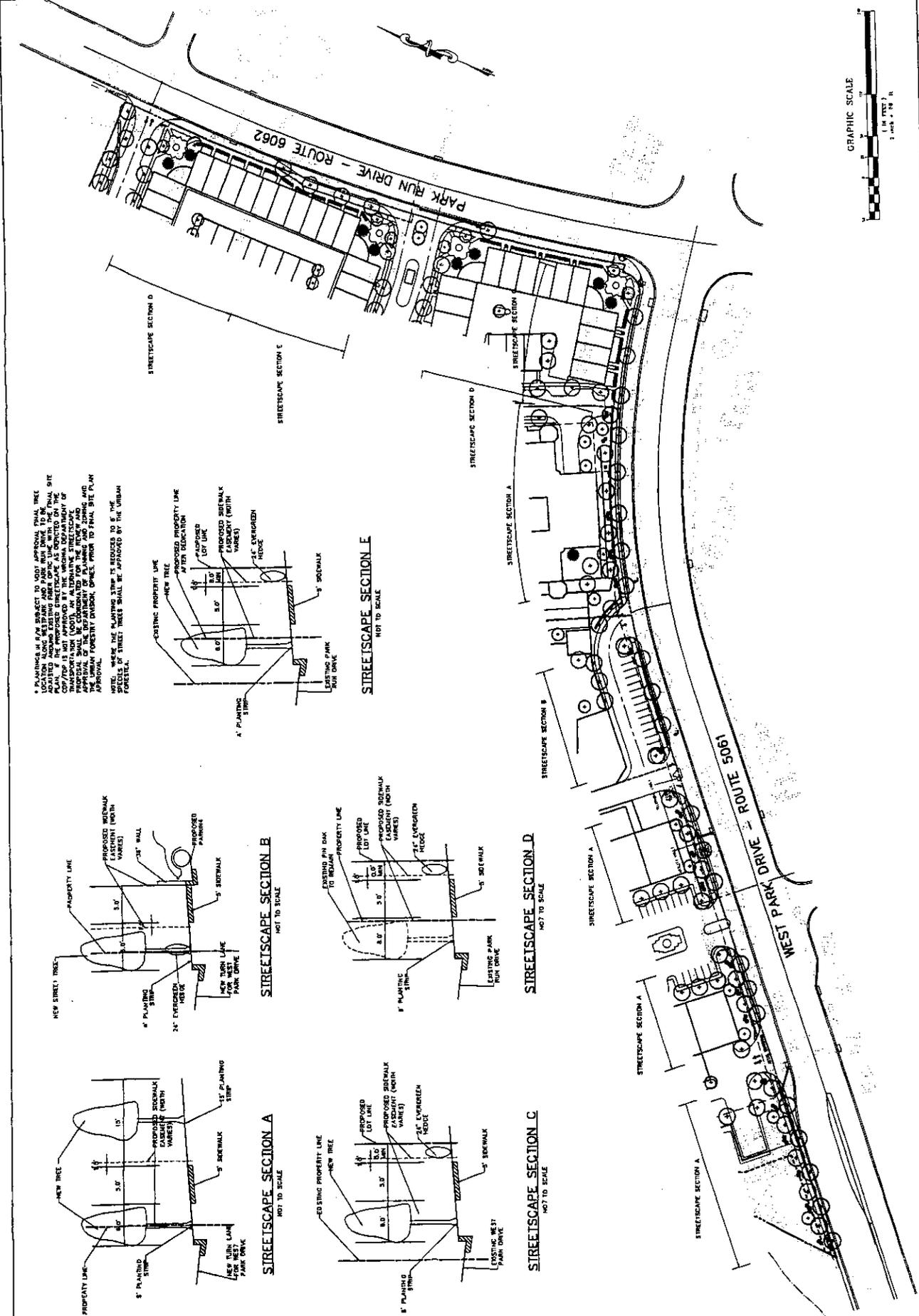
FIBER OPTIC LOCATION GRAPHIC
SCALE - 1" = 100'

LINEAR URBAN PARK WITH LANDSCAPE AMENITIES AND TRAIL
SCALE - 1" = 100'

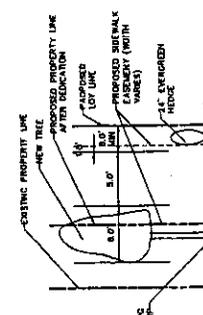
NOTE: SEE PROFFER #



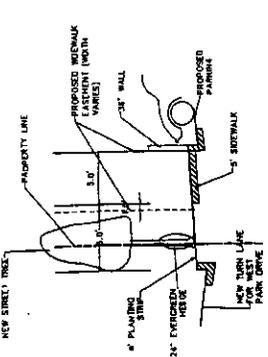
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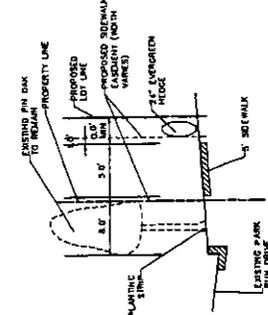
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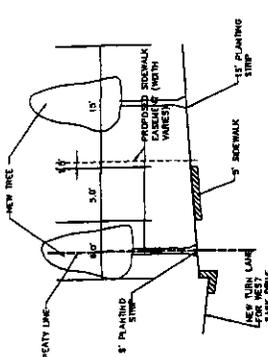
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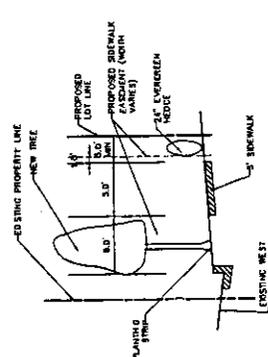
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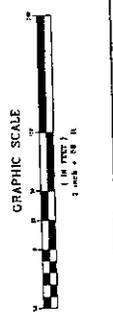
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STREETSCAPE SECTION A
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STREETSCAPE SECTION C
 NOT TO SCALE



**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

PCA 88-D-005-5

The applicant seeks approval of a Proffered Condition Amendment (PCA) to delete Parcel 29-3 ((3)) A3 from the overall 189.49 acre land area (excluding the previously dedicated land area for the bus transfer station) governed by the proffers associated with RZ 88-D-005. The subject 189.49 acre site is known as the West*Park Office Park. The applicant seeks to take the 13.55 acre Parcel A-3, which is located in the northwest quadrant of Park Run Drive and West*Park Drive and known as Land Bay A-6, and its associated floor area ratio (FAR) out of the West*Park development in order to rezone it to the PRM (Planned Residential Mixed Use) District. By deleting Land Bay A-6 and its associated gross floor area (GFA), the overall land area in West*Park would be reduced from 189.49 acres to 175.94 acres and the overall development potential of West*Park would be reduced from 0.6096 to 0.5812 FAR. With this deletion of land area, only 5,496 SF of GFA will be left in Land Bay A, which means that unless buildings with Land Bay A are demolished, no further construction within Land Bay A is possible. In addition, pursuant to this PCA Land Bay C would be consolidated into Land Bay A. The proposed PCA does not impact the gross floor area (GFA) allocated to Land Bays B, D and E. Furthermore, the uses and other proffered commitments for West*Park will also remain unchanged.

RZ/FDP 2002-PR-016

The applicant, West*Group, seeks to rezone the subject 13.55 acre site from the C-3 District to the PRM (Planned Development Residential Mixed Use) District in order to permit a high-rise multifamily residential development with single-family attached units and support retail at a 3.0 floor area ratio (FAR). This area is currently allocated 590,033 SF of GFA under the existing zoning. Within the Tysons Corner Urban Center, the Comprehensive Plan encourages the conversion of planned non-residential use to housing in areas where the Land Unit Recommendations identify housing as a desirable option. The Plan recommends a ratio for converting planned non-residential intensity to residential use of one non-residential square foot for three residential square feet. As such, the applicant proposes to convert the existing 590,033 of non-residential GFA to 1,770,100 GFA of residential uses.

The application proposes a maximum of 1,354 residential units. The majority of these units (1,296) would be multifamily dwelling units contained in four, 150-foot high-rise buildings. Up to 58 units would be single-family attached units, located along the eastern perimeter of the site. The applicant also proposes between 30,000 to 53,760 SF of retail and other secondary uses, including a possible grocery store in the westernmost multifamily building (High-Rise Building 1).

The applicant is also seeking the following waivers and modifications:

- A waiver of the 200 square foot privacy yard requirement for the proposed single-family attached units;
- A variance of the PRM use limitations to permit the single-family attached units as shown on CDP/FDP;
- A waiver of the transitional screening and barrier requirements between the proposed multifamily and single-family attached units within the development;
- A waiver of the 600-foot maximum length for a private street requirement; and
- A modification of the 16 required loading spaces for multifamily residences to permit 10 spaces.

LOCATION AND CHARACTER

West*Park Office Park

West*Park is 189.49 acres in size, zoned C-3 and comprised of five land bays (Land Bays A through E). Within the Comprehensive Plan, West*Park is designated as Sub-units L-1 and L-3 of the Tysons Corner Urban Center. The site is improved with high-density office, institutional, governmental, and cultural uses.

Surrounding uses along the boundary of West*Park include the following:

Direction	Use	Zoning	Plan
North	Dulles Airport Access Road; Single family detached dwellings (McLean Hamlet)	ROW; R-2	Right-of-way; Residential, 2-3 du/ac
South	Retail (Galleria) & Office; Multifamily Residential (Avalon)	PDC; PDH-30	Mixed Use
East	Interstate 495 (Cap. Beltway); Office & Hotel (McLean Hilton)	ROW; C-4; C-7	Right-of-way; Office
West	Multifamily residential (The Lincoln & the Rotunda)	R-30	Residential, 20+ du/ac

Land Bay A-6

The subject site, which contains 13.55 acres, is located in the northwest quadrant of the intersection of West*Park Drive and Park Run Drive, is undeveloped, and is completely forested. The site slopes steeply (dropping

approximately 100 feet) from the southwest corner of the site to the northeast corner of the site.

Surrounding uses along the boundary of Land Bay A-6 include:

Direction	Use	Zoning	Plan
North	Multifamily residential (The Lincoln and Fountains of McLean)	R-30	Residential, 20+ du/ac
South	Multifamily Residential (Avalon)	PDH-30	Mixed Use
East	Office (Freddie Mac)	C-3	Office
West	Multifamily residential (The Lincoln & Fountains of McLean)	R-30	Residential, 20+ du/ac

BACKGROUND

On October 15, 1990, the Board of Supervisors (BOS) approved RZ 88-D-005 to rezone 193.54 acres of land from the I-3 and I-4 Districts to the C-3 District. The approval permitted a floor area ratio (FAR) of 0.54 on the property, or a total of 4,691,753 square feet (SF) of gross floor area (GFA). This property is known as West*Park and is comprised of Sub-units L-1 and L-3 of the Tysons Corner Urban Center in the Comprehensive Plan.

On October 31, 1994, the BOS approved PCA 88-D-005 to divide the overall 193.54 acres contained within the West*Park site into five (5) Land Bays (A through E); to establish the C-3 Zoning District regulations for yard requirements; to amend the proffers to allow construction of Pond C in accordance with the Chesapeake Bay Preservation Ordinance; to establish a 90 foot height limitation and a 75 foot height limitation for those buildings along the Dulles Access Airport Road (DAAR) unless increased by special exception; and to redesignate certain Environmental Quality Corridor (EQC) lands as private open space in accordance with the Comprehensive Plan.

On September 18, 1995, the BOS approved PCA 88-D-005-02 to increase the overall allowable FAR within West*Park from 0.54 FAR (4,691,753 SF of GFA) to a maximum of 0.599 FAR (5,200,000 SF of GFA).

On March 22, 1999, the BOS approved PCA 88-D-005-03 to increase the proffered density at West*Park from 0.599 FAR (5,200,000 SF of GFA) to 0.6096 FAR (5,297,325 SF of GFA). PCA 88-D-005-3 also amended the Transportation Demand Management (TDM) proffer to provide both a private and a public TDM program. The private program was to be run by the applicant and it included the current members of the TYTRAN program. The County would continue to run the public program for those companies within Tysons which employ more than 100 people and which did not participate in TYTRAN.

On July 26, 1999, the BOS approved PCA 88-D-005-04 to create a new land bay (Land Bay A-6) and to change the boundaries and site area of Land Bays A-1 and D-2. As a result of these changes to the site area, the floor area ratios (FAR) for Land Bay A and Land Bay D were altered slightly. Land Bay A decreased from 0.48 FAR to 0.47 FAR and Land Bay D increased from 0.69 FAR to 0.73 FAR. However, the overall FAR for West*Park remained unchanged at 0.6096 FAR. In addition, the overall land area, uses, and other proffered commitments for West*Park remained unchanged.

Copies of the previously approved proffers are attached as exhibits to the draft proffers for PCA 88-D-005-5, which is contained in Appendix 3.

COMPREHENSIVE PLAN PROVISIONS (Appendix 6)

Plan Area: McLean Planning District, Area II

Planning Sector: Tysons Corner Urban Center
Land Unit L, Sub-Unit L-1

Plan Map: Mixed Use

Plan Text:

Beginning on page 116 of 146 in the Area II text, the Tysons Corner Urban Center, LAND UNIT RECOMMENDATIONS, Land Unit L, the 2000 Comprehensive Plan states:

*Land Unit L is comprised of about 250 acres, bounded by the Dulles Airport Access Road (DAAR) on the north, the Capital Beltway on the east, Land Unit N on the south and the Lincoln apartments on the west. Land Unit L contains the West*Park development which is the largest office park in Tysons Corner. In 1993, existing land use is predominantly office use which is developed on about 65% of the land unit's acreage, the other 35% being vacant*

The portion of Land Unit L that is north of Westpark Drive is the West Park non-core area, one of the two largest land units in Tysons Corner, the other being West Gate (Land Unit R). Both areas have developed as office parks with

a predominantly campus-like setting, and the vision for both is to continue their development in predominantly office uses. Additional development in the West Park Land Unit will be primarily infill office buildings on the vacant parcels. Opportunities exist to introduce a housing component. Further opportunities exist for higher intensity development, if supported by a rail transit station.

In the event that rail is extended through Tysons Corner, a rail station may be located in proximity to the southern most portion of this land unit (i.e. Sub-unit L-3). An express bus station, the Tysons Westpark Transit Station, is already planned for a site in Sub-unit L-1 adjacent to the DAAR at the intersection of Jones Branch Drive and International Drive. Future express bus service is planned from Washington Dulles International Airport to the West Falls Church-VT/UVA Metro Station.

Guidance for evaluating development proposals for this land unit is contained in the Area-wide Recommendations, the Land Unit Recommendations and the Development Review Guidelines Sections of the Plan. Specific Guidance for uses and intensities as envisioned in the Plan are provided in the sub-unit text below. Achieving planned intensity is predicated upon successfully incorporating these recommendations and guidelines into development proposals. In addition, urban design and transportation guidelines are set forth in the Development Review Guidelines Section.

SUB-UNIT L-1

Sub-unit L-1 is planned for office use with support retail and service uses up to an average .55 FAR for Sub-units L-1 and L-3 combined. The combined sub-units should not exceed a maximum of 4,700,000 square feet of non-residential gross floor area. New development and/or redevelopment should integrate the parcels of the sub-unit through pedestrian linkages and urban design amenities.

Option without Rail

As an option, residential use is appropriate on any portion of the sub-unit. In any development proposal submitted under this option, planned non-residential intensity can be replaced by residential use as provided under the Alternative Land Use Guidelines in the Area-wide Recommendations section.

Height Limit: Up to 75 feet north of Jones Branch Road and west of the EQC located in the vicinity of the DAAR/ Capital Beltway interchange; up to 125 feet south of Jones Branch Road; up to 150 feet in the rest of the sub-unit. Building heights at or near the top of the limit can be achieved if the result is more usable open space, improved pedestrian circulation and urban design amenities. In

addition, a variety of roof-top elevations should be provided in the sub-unit with the maximum heights used to help establish focal point(s) (see the Building Heights Map, Figure 10, and Building Height Guidelines).

If a rapid rail station site is located in proximity to this Sub-unit, maximum building heights within 1,600 feet of the station platform may increase up to 30%. All transit related height increases should be consistent with the Building Height Guidelines and the resulting height should not adversely impact the character and development of adjacent and nearby lands or neighborhoods.

On pages 34 and 35 in the Area II text, the Tysons Corner Urban Center, the LAND USE GUIDELINES, the 2000 Comprehensive Plan states:

Alternative Land Uses

When an alternative land use can be demonstrated to be compatible with the surrounding development and when the Plan's transportation needs, pedestrian orientation, and other aspects are adequately addressed, such uses can be considered. The following land uses are those alternatives which may be considered in addition to those specifically identified in the Land Unit Recommendations.

- In areas where the Land Unit Recommendations identify housing as a desirable option, additional housing should be encouraged by converting planned non-residential use to housing: when a viable, quality living environment can be created which provides recreational facilities and other amenities for the residents; where the development is compatible with surrounding uses; where it generates less peak-hour traffic impacts than the specific land unit or sub-unit recommendation; and where its scale is similar to the planned non-residential use. Logical and substantial parcel consolidation should be encouraged that results in well-designed projects which function efficiently and do not preclude other properties from developing in accord with the Plan. The ratio for converting planned non-residential intensity to residential use should be 1:3 (one non-residential square foot for three residential square feet); to ensure a compatible scale, the maximum intensity increase under the replacement ratio should not be greater than 50% above the planned non-residential intensity. The application of this conversion ratio is illustrated in Figure 8. In transit station areas, the 1:3 conversion ratio should only apply when its application would result in a development that is at least 1/3 housing. Where the development in a transit area would not be at least 1/3 housing, the conversion ratio should be 1:1 non-residential to residential.*

Alternative types of housing should be encouraged to integrate into predominantly non-residential developments, in order to provide a variety of

housing, including affordable housing, within this employment center. Since the planned non-residential intensities are relatively high throughout most of Tysons Corner, the housing type (when the above conversion is used) should be limited to multi-family development. Multi-family development has the design flexibility that is necessary to integrate within non-residential areas, and provide a comparable and compatible scale.”

On pages 54 through 56 in the Area II text, the Tysons Corner Urban Center, the LAND USE GUIDELINES, the 2000 Comprehensive Plan states:

Guidelines for Areas Outside the Core

In the Land Use Concept, the areas outside the Core are designated Non-Core and Transitional Areas. These areas include retail, office, and residential uses that are generally more suburban in character. Much of the office development is in the form of suburban office parks with large open areas or wooded buffers between buildings. Surface parking predominates. Aside from a relatively small number of warehouse and distribution uses, the industrial area includes a wide variety of retail sales and service uses in warehouse-style buildings. The garden apartments and townhouses are typically suburban. Exceptions are the more urban high-rise apartments found next to the Capital Beltway and the high-intensity mixed-use development on the southern edge of Route 7, across from the Tysons Corner Center.

Development is auto-oriented, another suburban characteristic, requiring an auto trip for most activities and lunch hour errands. Sidewalks and trails are not consistently provided: some areas do not have any or the facilities are intermittent. The provision of interparcel connections is most successful in the office parks, but fails in other areas where each building has been developed in isolation from those around it. In addition, distances between different types of uses and the lack of pedestrian amenities discourage walking. The urban design challenge is to make these areas more accessible for people and to enhance the visual quality of some areas. The following guidelines and example of the streetscape design concept are intended to help meet these goals for Non-Core areas except parcels fronting Route 7. (See the Route 7 Boulevard Concept for design guidance adjacent to Route 7.)

Guidelines: Improved Circulation and Parking

- *Build sidewalks and trails indicated on the Pedestrian Systems Map and proposed in the Land Unit Recommendations to ensure easy mobility between uses. When feasible, build interparcel connections for vehicles as well, to limit unnecessary trips in and out of the parcel to get to adjacent parcels.*

- *Encourage improved parking lot design to ensure pedestrian safety by building some pedestrian walkways between parking aisles, as well as pedestrian crosswalks to the building.*
- *Provide shelters at transit stops (including existing bus stops) that protect patrons from the weather, and that are safe, easy to maintain and relatively vandal-proof.*

Guidelines: Improving Visual Image and Identity

All the following guidelines are encouraged:

- *For multi-building complexes, establish an architectural theme utilizing similar materials and relating building elements such as materials, entries, windows, and roof lines.*
- *Design retail development in physically unified complexes, not as scattered buildings with separate circulation and sometimes conflicting access points. Retail development with freestanding structures should generally be discouraged, unless coordinated design, access and circulation can be provided.*
- *Integrate the design of parking structures with that for the buildings being served, so that the whole complex is unified.*
- *Improve parking lot landscaping with shade trees and other plant materials, both along the aisles and at the ends, while maintaining good visibility for drivers. Break up large parking lots into smaller lots by using planting areas as dividers.*
- *Incorporate plazas or courtyards at major buildings or to serve a group of buildings. Such plazas could include distinctive paving to define them, as well as seating, landscaping, lighting and water features.*
- *Coordinated lighting and signage plans for a given development complex are encouraged, to reinforce the complex's identity through clearly recognizable common features. In addition, a coordinated streetscape plan, including street tree types, street furniture, signage and lighting should be provided. These plans should be coordinated not only within a development, but also be compatible with adjacent properties. Signage should be designed appropriately for its location and purpose.*
- *Provide a well-landscaped, high-quality image both toward the primary street entrance and on any facade that can be seen from adjacent buildings or side streets. Provide color, texture and seasonal visual interest in the landscaping*

scheme. Select low-maintenance materials for areas not likely to receive consistent maintenance.

- *Undergrounding of utilities should be encouraged and should be coordinated with future roadway improvements.*

Since the character of non-core areas varies the most, the design concept indicates flexibility in building placement; however, projects should provide at least the minimum streetscape and sidewalk widths. The following streetscape design concept example and illustrations provide measurable detail to ensure that basic aspects of the Non-core Concept can be implemented. The actual dimensions will vary from the example based on site specific conditions. Implementation will occur through development proposals for those aspects addressing private property and adjacent public rights-of-way, and through the Capital Improvement Program (CIP) and/or joint public/private funding efforts for segments of public rights-of-way as roadways are improved. In situations where development or redevelopment is not likely to occur, implementing the streetscape design concept may require public/private cooperation in providing funding for these improvements. The following streetscape design concept and illustrations apply to areas outside the Core, except for the areas adjacent to Route 7, Route 123, International Drive and Gallows Road, which are to be addressed by the guidance under Streetscape Design Concept for Major Roadways.

**Example of Non-Core Areas Streetscape Design Concept
(See Illustration, Figure 15):**

- *Treatment of sidewalks with planting strip next to roadways: For continuity, a minimum 4-foot sidewalk with 6-foot planting strip should be provided next to the road. Special pavement treatments and trees in tree grates could be considered as alternatives to vegetation in the planting strip. Vegetation within planting strips should be low maintenance, and include grasses, ground cover, flowering plants, and/or ornamental shrubs. In addition, street furniture and other pedestrian amenities are encouraged to be placed within the planting strip.*
- *Building setbacks/angle of bulk plane: Setbacks or front yards of 25 to 40 feet would achieve the goal of bringing new buildings closer to the roadway. The lesser front yard or setback is appropriate when no parking is located in front yard. With the larger front yards (greater than 25 feet to 40 feet), a 10-foot landscape/pedestrian activity area should be provided between the sidewalk and any parking or buildings. This 10-foot area could include a variety of treatments, including but not limited to the following: a landscaped plaza with seating and lighting; formal arrangements of trees (bosques); informally grouped trees and other plantings; and any of the above with*

public art or a water feature. A site's design may vary from these standards when greater setbacks are needed to create a focal point through the grouping of buildings, to infill within the constraints of existing structures, or to preserve natural features (i.e. steep slopes, dense vegetation, flood plain, etc.).

To encourage the siting of buildings closer to the street, the allowable angle of bulk plane should be reduced. For example, 20 to 25 degree angles of bulk plane should be provided to ensure that portions of buildings with maximum heights are away from the front yard pedestrian areas in order to maintain the area's pedestrian scale (see Figure 15).

- *Street trees for the planting strip next to the sidewalk: Major shade trees that can be walked under should be planted with spacing of 40 to 50 feet on center, using trees that are at least 3 inch caliper in size at the time of planting. The trees should be hardy and require little to no maintenance, and be resistant to disease, heat and pollution. Special pavement treatments and trees in tree grates could be considered as alternatives to vegetation in the planting strip.*

When street trees and other plantings are to be located in proximity to roadways or within medians, special attention to clear zones, as well as safety and sight distance, should be observed in the design of streetscape for development proposals. Modification to the above streetscape guidance should occur when necessary to conform to applicable Virginia Department of Transportation (VDOT) requirements and guidelines.

ANALYSIS

Generalized Development Plan (GDP) (Copy at front of staff report)

Title of GDP:	Generalized Development Plan for the Properties of West*Group Properties LLC, West*Mac Associates and the Association for Manufacturing Technology
Prepared By:	Huntley, Nyce and Associates, Ltd.
Original and Revision Dates:	September 5, 1990, as revised through July 16, 2002

Description of the Generalized Development Plan (GDP) for PCA 88-D-005-5

A reduction of the applicant's GDP is attached to the front of this report. It should be noted that the only changes to the GDP are the deletion of Land Bay A-6 and the consolidation of Land Bays A and C.

Consistent with previous applications for West*Park, only certain elements of the GDP are proffered, not the entire plan. Specific elements of the GDP which were previously proffered and will remain proffered include: (1) the overall maximum intensity for West*Park and the maximum intensity for each of the five land bays; (2) building heights; (3) setbacks; (4) landscaping; (5) transitional screening and barriers; (6) sidewalks and trails; (7) stormwater management and best management practices; (8) conservation/storm drain easements; (9) conceptual limits of clearing and grading; and, (10) private open space. It should be noted that the building size, location and footprints depicted on Sheets 2, 3, and 4 of the GDP are not proffered. However, the current proffers do require the applicant to return all site plans to the Planning Commission for review for conformance with the proffers.

The GDP contains six (6) sheets. Sheet 1 is the cover sheet. It depicts the location of each of the five land bays (Land Bays A through E) that make up West*Park. The cover sheet designates the new boundaries of the site with the elimination of Land Bay A-6 and the consolidation of Land Bay C with Land Bay A.

Sheets 2, 3, and 4 show the locations of the existing and proposed buildings within Land Bay A. Consistent with the previous approvals, the GDP submitted with PCA 88-D-005-5 is not proffered as to the size, location or footprint of these proposed buildings. The locations of the existing and proposed buildings within the portion of Land Bay A that will remain zoned C-3 have not been changed from that shown on previous GDPs.

Sheet 5 provides the notes and site/building data tabulations for the constructed buildings, and the floor area ratio computation tabulations. Due to the elimination of the 13.55 acre Land Bay A-6 and its associated density, the overall land area for the subject site has been reduced from 189.49 acres to 175.94 acres and the overall intensity of West*Park would be reduced from 0.6096 to 0.5812 FAR. With this reduction of land area and overall development potential, 5,496 SF of GFA will be left in Land Bay A. As a result, no new construction would be possible within Land Bay A without the demolition of existing buildings. In addition, the site tabulations reflect the consolidation of Land Bay C with Land Bay A. The proposed PCA does not impact the gross floor area (GFA) allocated to Land Bays B, D and E.

Sheet 6 provides a typical landscape layout for West*Park.

Conceptual/Final Development Plan (CDP/FDP) for RZ/FDP 2002-PR-016
(Copy at front of staff report)

Title of CDP/FDP: Tysons West*Park A-6
Prepared By: VIKA, Inc.
Original and Revision Dates: March 7, 2002 as revised through
October 17, 2002

Description of the Proposed Development:

This application proposes to develop a residential mixed-use development consisting of approximately 1,770,100 square feet of gross floor area (GFA), which would consist primarily of four multifamily, high-rise buildings. The proposed uses include a maximum of 1,354 dwelling units. While the majority of the dwellings will be located in high-rise structures, approximately 190,558 square feet of GFA would be used for single-family attached dwelling units within the footprints as generally shown on CDP/FDP. There may be as many as 58 single-family attached dwellings; however, this number may change as the applicant seeks the ability to vary the width of the townhouses from 22 to 36 feet wide within the footprints shown on the CDP/FDP. If less than 58 single-family attached units are constructed, those units not constructed could be allocated within the multifamily buildings. The applicant has also proffered to provide Affordable Dwelling Units (ADUs) equal to twelve and one-half percent (12 ½ %) of the number of single-family attached residential units developed on the subject site. Under the proffers, these ADUs could be provided within the multifamily buildings. The applicant has also proffered to provide \$1,000,000 to Fairfax County to offset the costs of an affordable housing project approved by the Board of Supervisors.

Between 30,000 and 53,760 SF of secondary uses are proposed. These secondary uses would be located within the high-rise buildings and within separate structures as shown on the CDP/FDP. According to the proffers, secondary uses could consist of such uses as:

- Accessory uses and home occupations as permitted by Article 10;
- Unmanned bank teller machines;
- Business service and supply service establishments;
- Fast food restaurants;
- Quick-service foot stores;
- Commercial recreation uses, such as billiard and pool halls and health clubs;
- Eating establishments;

- Financial institutions;
- Hotels, motels;
- Home child care facilities;
- Offices;
- Personal service establishments;
- Quasi-public uses, such as child care centers and private schools;
- Repair service establishments;
- Retail sales establishments; and
- Theaters.

One of the most important components of the proposed development is the grocery store/market proposed within High-Rise Building 1. The draft proffers state that good faith efforts would be made to accommodate a grocery store/market within the development.

CDP/FDP Description

The combined CDP/FDP consists of twenty-four (24) sheets. **Sheet 1** is the cover sheet, and includes a soils map and vicinity map. **Sheet 2** includes the notes, site tabulations, and a list of requested modifications.

Sheet 3 is the layout plan depicting the following features:

Multifamily buildings: Four, 150-foot high, multifamily buildings are proposed. These buildings would be constructed on top of a single platform, under which is an underground parking structure. Per the Zoning Ordinance, since the platform/parking structure is a single structure, the height of the multifamily buildings is calculated as one structure, using the perimeter of the parking structure as the base for calculating the average grade. As a result, even though three of the proposed multifamily buildings would contain 19 stories, the height of these buildings per the Zoning Ordinance definition of building height is only 150 feet. At the westernmost end of the site, one multifamily building, labeled as High-Rise Building 1, is proposed. It would be accessed off of West*Park Drive. This building, which contains 14 stories, is U-shaped, with the open part of the U facing West*Park Drive to the south. Some surface parking spaces would be located in the center of the "U." A grocery store is proposed to be located in the southeastern corner of this building. In addition, an outdoor pool with bathhouse is proposed on the rooftop. Three other multifamily buildings, labeled as High-Rise Building 2, 3, and 4, are proposed in the center of the site. These buildings would each contain 19 stories. Vehicular access to these buildings would be from the site entrance on Park Run Drive. These buildings would be sited to create a "U", with the open part of the "U" facing to the east, toward Park Run Drive. A plaza and some surface parking spaces would be located in the center of the "U."

Single-family attached units: Single-family attached units are located in the eastern portion of the site. All of these units would be rear-loaded garage units. Two blocks of units are proposed. The first block would be located in the northwestern corner of the intersection of West*Park and Park Run Drive. The second block would be located in the northwestern portion of the site, north of the proposed site entrance and immediately adjacent to Park Run Drive. Most of the proposed single-family attached units would front either along the internal private streets or West*Park and Park Run Drives. Some of the dwellings within the northern block of single-family attached units would front along a proposed courtyard. The proposed single-family attached units would not have any privacy yards; instead, an optional rooftop deck may be provided. It should be noted that the applicant is seeking a waiver of the 200 SF privacy yard requirement for single-family attached units.

Secondary uses: Located between the proposed grocery store within High-Rise Building 1 and High-Rise Building 3 along West*Park Drive is a two-story retail building with plaza. Surface spaces would be located along West*Park Drive in front of this retail building.

Outdoor recreation plaza: Immediately north of the retail building is an outdoor recreational plaza. This plaza, which would be located one-story below street level, would contain an outdoor pool and an amenity area which might contain a putting green and a water feature. The applicant has also proffered indoor recreational amenities within the high-rise buildings, including a weight training and fitness facility, billiards and game room and a multipurpose court.

Urban Linear Park: An urban linear park is proposed along the northwestern property line. The applicant proposes to dedicate this park to the Fairfax County Park Authority. However, if the park is not accepted for dedication, then the park would become a private park for residents of the development only. The proposed park would contain a five to six foot wide trail, which would run the length of the park. Located north of the trail would be an existing natural corridor easement, which is located on the abutting properties to the north and west. Because of the drop in grade, the trail would abut retaining walls (associated with the proposed high-rise structures) to the south. Some sections of these walls would be as tall as 60 feet in height. In order to soften the impact of these walls, the applicant has proffered to screen walls taller than 10 feet with vegetation, or artwork. Two courtyards would be provided within the park located immediately north and west of High-Rise Building 2. Access would be provided to the park from West*Park and Park Run Drives. In addition, gated entrances could be provided from within the project. Finally, the applicant has proffered to provide the Fountains of McLean property [Tax Map Parcel 29-3 ((22)) 1A] access to the park through an access easement in a location along the common boundary of the site.

Vehicular Access: As noted above, vehicular access would be provided from West*Park Drive and Park Run Drive. Access to High-Rise Building 1 and the proposed retail building will be from West*Park Drive. Access to High-Rise Buildings 2, 3, and 4 and the single-family attached dwelling units will be from two entrances off of Park Run Drive. It should be noted that the access on Park Run Drive will be gated. A gatehouse is proposed at the southernmost entrance on Park Run Drive. In addition, a second gated entrance is proposed north of the gatehouse entrance.

Parking: The majority of parking (for all uses) would be provided in an underground parking structure. This structure would also provide underground loading areas for both the multifamily residential and any secondary uses. As noted earlier, there would be some surface spaces provided for the multifamily residential (as guest parking) and the secondary uses. Two-car garages would be provided for each single-family attached dwelling. The applicant has proffered to record a covenant which would prohibit any conversion of garages for the single-family attached dwellings. Surface spaces would be located on the surrounding streets. Finally, while the CDP/FDP reflects the required amount of parking for the site, the applicant has proffered that he may request a parking reduction or shared parking agreement through the Department of Public Works and Environmental Services (DPWES). The applicant has also proffered that parking in excess of the required amount may be provided so long as this additional parking does not decrease open space and is in substantial conformance with the CDP/FDP.

Stormwater Management: Stormwater management and water quality will be provided through underground detention, water quality vaults, and sand filters. These facilities will serve the entire site. Access to these facilities would be provided through the residential parking garage.

Sheet 4 is the landscape plan. The landscape plan indicates that the applicant proposes to plant deciduous trees along every street.

Sheet 5 is the concept plan, which duplicates the information shown on Sheet 4. **Sheet 5A** contains details of the proposed courtyards for the urban linear park and the rooftop pool area for High-Rise Building 1. **Sheet 6** contains the detail for the plaza located in the center of High-Rise Buildings 2, 3 and 4. This plaza would contain a landscaped seating area and open green surrounding by deciduous trees and parking spaces.

Sheet 6A provides the pedestrian circulation plan, which depicts pedestrian pathways within the site as well as pedestrian connections to the surrounding area. It also depicts the proposed trail through the urban linear park and the access points to the trail. **Sheet 6B** depicts the layout of the underground

garage. It also indicates the pedestrian pathways through the garage for pedestrians.

Sheets 7, 8, 9, 9A, and 9B provide sections of the proposed site in order to demonstrate how the proposed development integrates with the surrounding area. **Sheet 7** provides an east-west section of the site (Section A) from High-Rise Building 2 through Park Run Drive. **Sheet 8** provides an east-west section of the site (Section B) from High-Rise Building 1 through the proposed outdoor recreation plaza. Section B depicts the drop in grade as the site moves from east to west. In order to soften the impact of the drop in grade between High-Rise Building 1 and the retail plaza, the applicant proposes to create a waterfall along the exposed wall. **Sheet 9** provides a north-south section of the site (Section C) from West*Park Drive through High-Rise Building 2. Section C indicates that the outdoor recreational plaza will be below street level. This section also includes an additional view of the proposed waterfall. **Sheet 9A** provides a north-south section of the site (Section D) from High-Rise Building 1 through to the abutting multifamily residences. Section D provides a view of the proposed grocery store area. It also depicts a view of the proposed urban linear park in its widest spot. Section D depicts the height difference between the proposed High-Rise buildings and the existing garden style apartment buildings to the north and west (the Lincoln and Fountains of McLean). **Sheet 9B** provides two sections, Sections E and F. Section E is a north-west section of the site from West*Park Drive through the proposed street level retail and outdoor recreational plaza to the proposed plaza located behind High-Rise Building 2. Section F provides a north-west section of the site from West*Park Drive through High-Rise Building 3. Section F depicts the drop in grade from West*Park Drive to High-Rise Building 3.

Sheet 10 provides architectural elevations of the proposed multifamily buildings – specifically, the front elevations for High-Rise Buildings 1, 2, and 3. High-Rise Building 4 is proposed to be a mirror image of High-Rise Building 3. The applicant has proffered that the architectural design of the proposed multifamily buildings shall “maintain the theme depicted on elevations as shown on the CDP/FDP.” The applicant has also proffered that exterior building materials shall consist of brick, glass, precast concrete or combinations thereof. Finally, the applicant has proffered that each High-Rise building shall utilize similar materials, colors and design features on all of its sides.

Sheet 11 provides architectural elevations for the proposed single-family attached units. Exterior building materials shall consist of brick, glass, precast concrete, or combinations of those materials. These elevations depict the optional penthouse, as well as a rooftop garden area. The applicant has proffered that the single-family attached dwellings architecture shall be in general character with these depicted elevations. The applicant has also proffered that

minor modifications concerning architectural details such as fenestration, copings and archways may be made with the final architectural designs.

Sheet 11A depicts a perspective of the proposed buildings along West*Park and Park Run Drives. **Sheet 11B** depicts a perspective of the proposed outdoor recreational plaza. The recreational plaza, which will contain an outdoor swimming pool, would be set at a lower elevation than West*Park Drive and the retail buildings, offering privacy for the residents.

Sheet 12 is the Existing Vegetation Map, including index. It shows that the site is completely covered with long-term sub-climax forest. It also depicts the steep grades which exist onsite.

Sheet 13 demonstrates of how the height of the high-rise buildings is to be calculated. As noted earlier in this section, the four proposed multifamily buildings would be constructed on a single underground parking structure. (This parking structure would be exposed along the northwestern property line, where the site abuts the Lincoln and the Fountains of McLean multifamily residences.) Per the Zoning Ordinance, the parking structure is considered a single structure and the height of the multifamily buildings is calculated as one structure, using the perimeter of the parking structure as the base for calculating the average grade. As a result, even though three of the proposed multifamily buildings would contain 19 stories, the height of these buildings per the Zoning Ordinance is only 150 feet. Sheet 13 also provides an exhibit of the density tabulation. Because certain portions of the proposed buildings are located in cellar space (that is, those portions of the buildings which are partly underground, having one-half or more of its clear height below grade) per Article 20 of the Zoning Ordinance, these portions of the building are not counted toward FAR. Finally, this sheet provides details of the proposed benches, light fixtures and trash receptacles proposed within the site.

Sheet 13A depicts the entrances and exits proposed from the site onto West*Park and Park Run Drives, as well as all proposed transportation improvements. The proposed transportation improvements include right turn lanes along West*Park and Park Run Drives and a raised median along West*Park Drive. Sheet 13A also provides the location of the proposed urban linear park, as well as the location of the proposed fiber optics.

Sheets 13B and C depicts the phasing plan for the proposed development. Note 1 on Sheet 13C indicates that the timing and order of the building construction is subject to modification. Note 4 also indicates that parking will be provided for each phase of the development in accordance with the Zoning Ordinance requirements and that vehicular and pedestrian access shall be provided for each phase of the development as approved by the Fairfax County Department of Transportation. Stormwater management and best management

practices shall be provided for each phase as approved by the Department of Public Works and Environmental Services (DPWES). Finally, Note 7 indicates that turn lanes and transportation improvements to West*Park Drive as shown on Sheet 13A shall be built in conjunction with High-Rise Buildings 1, 2, 3, or 4, whichever is built first. Construction of transportation improvements along Park Run Drive will occur with the construction of the single-family attached dwellings.

Sheet 13D provides an exhibit of the streetscape proposed along West*Park and Park Run Drives. For the most part, streetscape along West*Park Drive shall consist of a double row of three-inch to four-inch caliper street trees (as indicated on the landscape plan on Sheet 4), with a five-foot wide sidewalk in between (Streetscape Section A). Because the planting strip proposed between West*Park Drive and the sidewalk is only six-feet wide, a note on this sheet indicates that within the six-foot planting strip will be approved by the Urban Forestry Division. The exception to the typical streetscape along West*Park Drive is that portion of West*Park Drive where surface parking is proposed in front of the retail buildings (Streetscape Section B). Though the landscape plan depicts a row of hedges or shrubs to be located between the sidewalk and parking, the section depicts that a low wall will be provided between pedestrians and vehicles. The streetscape along Park Run Drive (Streetscape Sections C and D) consists of a three-inch to four-inch caliper street tree within an eight-foot wide planting strip, a five-foot wide sidewalk and a three-foot wide planting strip containing a 24-inch evergreen hedge.

Transportation Analysis (See Appendix 7)

PCA 88-D-005-5

All previous transportation issues associated with the original rezoning for West*Park and subsequent PCAs are addressed by the executed proffers, dated June 21, 1999 (PCA 88-D-005-4). The proposed PCA raises no significant transportation issues and carries forward all commitments.

RZ/FDP 2002-PR-016

On June 13, 2002, the applicant submitted a traffic impact study for the subject application to the Fairfax County Department of Transportation (DOT). DOT staff reviewed the study and agreed that with the proposed roadway improvements and proposed mix of uses on the site, the development would not adversely impact the surrounding roads. However, the following issues have been identified:

Issue: Rail Alignment

Currently, the Commonwealth of Virginia's Department of Rail and Public Transportation is developing an Environmental Impact Statement (EIS) which reviews the impacts of the proposed rapid transit system between the Tysons Corner Urban Center and Dulles International Airport. The Draft EIS, which reviews several alternative alignments for the proposed transit system as well as a Bus Rapid Transit alternative, has been completed and public hearings have been held. A locally preferred alternative (LPA) has been identified by the project team, which is to build Metrorail throughout the length of the study corridor under an alignment through the Tysons area known as T-6. The Fairfax County Board of Supervisors addressed this issue at its October 28, 2002, meeting and endorsed an alignment, known as T-6. The T-6 alignment does not affect this site. The Commonwealth Transportation Board (CTB) is scheduled to act on the project team's recommendation on December 19, 2002. Federal review and action on the EIS (which will include a LPA) is not expected till late spring of 2003.

One of the alternative rail alignments included in the Draft EIS is known as T-4 (also known as the loop alignment). Under the T-4 alignment, rail would be located on the north side of West*Park Drive. If this alignment is selected, it would significantly impact the site layout proposed by this application. While it appears at this time that the T-4 alignment will not be selected, as noted above, federal approval on this matter has not yet been secured.

Should the T-4 alignment (or any other alignment that significantly impacts this development) be the alignment that is finally adopted by the CTB and approved by the federal government, changes to the currently proposed alignment or to the CDP/FDP would be required.

Issue: Proposed Surface Spaces for Retail Uses

Fourteen surface spaces are proposed along West*Park Drive to serve the retail uses on the site. The applicant believes that these spaces will be used for short term parking only (such as picking up a quart of milk). The applicant anticipates that patrons of the retail uses will use the garage for parking for longer trips (such as weekly grocery shopping). Staff recommended that the applicant delete the fourteen surface parking spaces depicted to serve the retail uses on the site. Staff believes that these spaces are likely to create significant circulation and access problems, particularly since the travel aisle serving these spaces will be the primary means of full access to the garage. Vehicles backing out of spaces and drivers waiting to pull into those spaces have the potential to cause stacking delays onto West*Park Drive, particularly since this is the only left turn access into the retail component. For that reason, staff recommends that all retail trips be directed to the garage.

Resolution:

The applicant continues to propose the fourteen surface spaces. Staff recommends a development condition which would require these surface spaces to be deleted. With the implementation of this staff-proposed development condition, this issue is resolved.

Issue: Gated Entrance on Park Run Drive

The main entrance into the site along Park Run Drive will be gated. However, staff has expressed concern that this entrance as shown on a previous version of the CDP/FDP provided inadequate capacity for moving trucks and other delivery-type vehicles waiting to gain admittance to the site. Specifically, staff expressed concern that the guardhouse and gate were located too close to Park Run Drive and as a result, did not provide adequate stacking space for vehicles and trucks to completely pull off Park Run Drive while waiting to be admitted into the site.

Resolution:

In the revised submission, the applicant has pulled the gate and guardhouse further into the site in order to create additional capacity for vehicles and trucks waiting to enter the site. However, staff is still concerned that long vehicles (such as moving vans) may still overhang into the street and, more likely, block the right-turn deceleration lane. As such, staff recommends a development condition which would require the applicant to provide adequate distance between the proposed gate and the street so that 80-foot long trucks entering the site can pull completely off of Park Run Drive. With the implementation of this development condition, this issue is resolved.

Issue: Northernmost Entrance on Park Run Drive

In addition to the main site entrance along Park Run Drive, a second entrance to the site from Park Run Drive is proposed to be located north of the main entrance. Staff has expressed concern about this site entrance, particularly with regard to the lack of a right-turn deceleration lane and lack of adequate capacity for vehicles waiting to gain entrance to the site. The applicant has made some adjustments providing additional capacity and has indicated, in a letter dated August 26, 2002, that they will consider the installation of signage which would note that access through this entrance would be restricted to residents and emergency vehicles only. However, no commitment to this signage has been received.

Resolution:

Staff recommends a development condition, which would require a sign to be posted at the northernmost entrance on Park Run Drive stating that use of this entrance is for residents and emergency vehicles only. With the implementation of this development condition, this issue is resolved.

Issue: Maintenance of Sidewalks

All sidewalks along public streets but not within the Virginia Department of Transportation (VDOT) right-of-way will require a maintenance agreement by the applicant.

Resolution:

The applicant has proffered to maintain all sidewalks which are not within VDOT right-of-way.

Environmental Analysis (See Appendix 8)**PCA 88-D-005-5**

All previous environmental issues associated with the original rezoning and subsequent PCAs were addressed by the executed proffers, dated June 21, 1999 (PCA 88-D-005-4). The proposed PCA raises no significant environmental issues.

RZ/FDP 2002-PR-016**Issue: Stormwater Management**

The applicant is requesting a waiver to allow underground stormwater management and water quality measures in connection with the residential development.

Resolution:

This issue will be addressed at the time of site plan review. However, if a waiver is not granted, the applicant has not provided any alternative stormwater quantity or quality control measures on the site. The applicant should be aware that retrofitting above ground facilities will likely require re-design and new development plan approvals through the Planning Commission and/or Board of Supervisors.

Issue: Lighting

In order to minimize nighttime light pollution and glare, staff recommended that lighting within the proposed development have full cut-off luminaires to ensure that glare does not project above the horizontal plane. Full cut-off street lighting fixtures should be provided to the maximum extent feasible as may be acceptable to the applicable public utilities for lighting fixtures in public rights-of-way. All interior private street and parking lot lighting should also feature full cut-off fixtures; up lighting for design elements such as signs, landscaping or architectural illumination is strongly discouraged. Security lighting, such as "wall packs", lighting for pedestrian paths and other common areas, shall also be shielded and directed downward.

Resolution:

The applicant has proffered that all walkway, parking lot and building/wall mounted lighting fixtures will use shielded light fixtures. Any spotlighting and floodlighting which is used for architectural, landscape or decorative purposes will use lighting fixtures that are made directional such that the directed light does not extend beyond the object intended for illumination or onto another property. Furthermore, any illuminated signage shall be backlit or internally lit. Internally lit signs shall be opaque or of non-white colors. With this proffer commitment, this issue has been resolved.

Urban Forestry Analysis (Appendix 9)**Issue: Tree Preservation and Limits of Clearing and Grading**

The site is completely forested and consists primarily of a sub-climax upland forest cover type. Trees include white oak, tulip poplar, red oak, American beech, hickory and blackgum. While many of these trees are worthy of preservation, the density of the proposed development essentially precludes preservation of these trees. However, the originally submitted CDP/FDP proposed a "natural corridor easement" along the northwestern property line (abutting the Lincoln and the Fountains of McLean multifamily residential developments). The Urban Forestry Division noted that the proposed limits of clearing and grading seemed unrealistic for protecting the natural corridor easement proposed for preservation. Furthermore, the applicant had proposed to stage construction from within the natural corridor easement. As such, staff recommended that the applicant provide realistic limits of clearing and grading between the proposed construction and the natural corridor easement, or redesign the CDP/FDP to protect the proposed natural corridor easements proposed for preservation.

Resolution:

The applicant has eliminated the proposed natural corridor easement and is now proposing an urban linear park in the same location. However, staff is still concerned that the limits of clearing and grading shown on the CDP/FDP are unrealistic. Staff continues to strongly recommend that, in light of the proposed construction in this area, that the applicant revise the CDP/FDP to depict the maximum limits of clearing and grading required for the project. Furthermore, staff strongly recommends that the applicant explore extending the limits of clearing and grading in order to eliminate the need for retaining walls as high as 60 feet along the northwest property line, as currently proposed.

Issue: Street Trees

The originally submitted CDP/FDP proposed to preserve several northern red oak trees along Park Run Drive and West*Park Drive. While these trees are in fair condition, the Urban Forester noted that these trees may not survive construction. As such, the Urban Forester recommended that the applicant commit to replace these red oak street trees if they do not survive construction.

Resolution:

The applicant has proffered to preserve the existing street trees along Park Run Drive "to the extent possible." The applicant has also proffered tree preservation measures. Should these trees not survive construction, the applicant has proffered to replace them with street trees a minimum of a three-inch caliper at the time of planting.

Public Facilities Analysis (Appendices 10-15)**Park Authority Analysis (Appendix 10)**

This is an application for residential development in the PRM District, which requires that recreational facilities be provided in the amount of \$955 per dwelling unit, except for affordable dwelling units (ADUs). As such, a proportional cost of \$1,293,070 would be required for the recreational needs of the proposed community. However, the Park Authority believes that "the \$955 per unit funds required by the Ordinance offsets only a portion of the impact to provide recreational facilities for the new residents generated by this development." As such, the Park Authority has requested that the applicant contribute \$1,806,595 to the Park Authority if no outdoor recreational amenities are provided.

As detailed earlier in this report, the applicant proposes indoor and outdoor recreational amenities, including two outdoor swimming pools, indoor and

outdoor putting greens, outdoor plazas, and an indoor health club, within the proposed development. The applicant has proffered to dedicate to the County an "urban linear park" along the northwestern property line of the site. This park would include a five to six foot wide asphalt trail and courtyards with benches. In the event that the park is not dedicated for public use, a park would continue to be constructed in this area for use by the future residents and the residents of the Fountains of McLean (but not the public at large). In the event it is demonstrated that the proposed on-site facilities do not have sufficient value to meet the \$955 per dwelling unit requirement the applicant shall contribute the balance of funds to the Fairfax County Park Authority for off-site recreational purposes.

Schools Analysis (Appendix 11)

The schools analysis indicates that the proposed development would produce 93 elementary school students, 17 intermediate school students, and 42 high school students. Westbriar Elementary School and Kilmer Middle School are both expected to exceed capacity through the 2006 – 2007 school year; however, Marshall High School will not.

The applicant has proffered to donate \$50,000 to Westbriar Elementary School for the purchase of wireless networking and mobile computer lab units or other equivalent equipment, facilities or infrastructure. The applicant has also proffered to donate \$100,000 to Kilmer Middle School for its special education program. Finally, the applicant has proffered to donate \$50,000 to Marshall High School to be used as scholarships in the name of Martha U. Seeley for students pursuing advanced education in the health or arts fields.

Sanitary Sewer Analysis (Appendix 12)

The property is located in the Scotts Run (E-1) watershed and would be sewered into the Blue Plains Treatment Plant. Existing 8 to 21 inch lines are located in easements and public roads within the subject site. There appears to be adequate capacity for the proposed development at this time when existing uses and proposed development recommended by the Comprehensive Plan are taken into account.

Fire and Rescue Department Analysis (Appendix 13)

This property is serviced by Station #29, Tysons Corner, and this service currently meets fire protection guidelines.

Water Service Analysis (Appendix 14)

The property is located within the Fairfax County Water Authority service area. Adequate domestic water service is available at the site from existing 8- and 12-inch water mains located at the subject site. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

Stormwater Planning Analysis (Appendix 15)

As noted earlier in this report, the applicant proposes an underground stormwater management/best management practices (SWM/BMP) facility to serve the subject site. The Stormwater Planning Division notes that the subject site is within a Watershed Restoration level II management category as determined by the Stream Protection Strategy Baseline Report 2001. The primary goal of this category is to maintain areas to prevent further degradation and implement measures to improve water quality to comply with regulations and water quality standards. As such, the Stormwater Planning Division recommended that the site be developed with the use of "innovative BMPs and a reduction in imperviousness." Staff believes that this recommendation is infeasible given the density proposed for this site. Staff believes that the underground SWM/BMP facility could adequately serve the subject site and prevent further degradation of surrounding streams; however, the applicant will need to demonstrate to DPWES that the proposed SWM system meets all applicable regulations.

Land Use Analysis (Appendix 6)

The subject site is identified as an appropriate site for high density residential development, as provided under the Alternative Land Use Guidelines. These guidelines permit the replacement of non-residential intensity with residential use at a ratio of one to three (1:3), provided that the maximum intensity increase under the replacement ratio is not greater than 50% above the planned non-residential density. The proposed development meets this criterion. Generally, staff finds the applicant's proposal to substitute non-residential for residential uses and to provide an urban type high-rise residential development is consistent with the Plan's intent to provide additional housing within the intense office and retail development in Tysons Corner. This site will have proximity to a planned transit station (express bus) to the north adjacent to the Dulles Airport Access Road at the intersection of Jones Branch Drive and International Drive; preliminary planning for Metrorail to Tysons indicates a high potential for a station to the south near Tysons Boulevard and Rt. 123. However, the following concerns have been identified:

Issue: Retaining Walls

Retaining walls associated with the proposed high-rise structures as tall as 60 feet high are proposed along the northwestern property line of the site. Staff expressed a concern about the visual impact of these walls, particularly their impact on the proposed urban linear park. The park narrows to as little as 12 feet in width in some areas, which means the proposed trail within the park would immediately abut the proposed retaining walls. Staff believed that these retaining walls would have an imposing presence on the park.

Resolution:

In order to soften the impact of these walls, the applicant has proffered to screen walls taller than 10 feet with vegetation or (in the alternative) artwork. Staff also recommends a development condition which would require the proposed trail to be lighted. With the implementation of this development condition, this issue is resolved.

Issue: Alternative Housing Types

The Comprehensive Plan indicates that alternative types of housing should be encouraged to integrate residential use into predominately non-residential environments in order to provide a variety of housing, including affordable housing within the Tysons employment center. When the residential conversion ratio is used, the Plan strongly encourages development of multifamily units which usually provide the design flexibility necessary to integrate the residential development within non-residential areas and provide a compatible and comparable scale of development.

Resolution:

The rezoning application proposes up to 58 4-story townhouse units that may also include an optional penthouse and rooftop garden. This is less than five percent of the total number of units. The townhouse units provide an appropriate pedestrian-oriented residential presence at the street level at a human scale that provides transition to the retail elements of the development and appropriate setback and perspective to the intensive high rise buildings internal to the site and adjacent office building. The provision of the townhouse units does not impede the provisions of other desirable development elements provided by the application such as affordable housing, multiple plazas and focal landscaped areas and adequate open space.

Issue: Building Height

The site specific Plan text for Sub-unit L-1 indicates that building heights up to 150 feet may be appropriate for the site provided that adequate useable open space, design amenities and improved pedestrian circulation may be provided.

Resolution:

The CDP/FDP indicates that the center sections of each of the four high-rise buildings will achieve the maximum building height of 150 feet; "wing" sections on the multi-family buildings are provided at two to four stories lower than the highest sections of each building. Staff believes that the use of the depicted "wing" sections provides the appropriate variety and articulation of building heights envisioned by the Plan for the Sub-unit. It is further noted that the applicant has included in the development plans a sheet entitled "Height/Grade/Density Demonstrations" which indicates a maximum building height of 150 feet measured in accordance with the Zoning Ordinance. Therefore, this issue is resolved.

Issue: Streetscape:

One of the most basic elements of the Urban Design Guidelines for Tysons Corner is the recommendations for appropriate landscaping and streetscaping. The applicant initially intended to preserve the majority of the existing mature street trees along both West*Park Drive and Park Run Drive, which staff believed provided appropriate streetscaping along these roads. However, due to transportation and frontage improvements, it now appears that most of these mature trees will have to be removed.

To address this concern, the applicant has submitted a streetscape exhibit depicting the application property frontage along both West*Park and Park Run Drives. To accommodate the various building setbacks and development design, variations of the streetscape are proposed and shown as Streetscape Sections A, B, C and D.

Streetscape Section A consists of a six-foot wide and a 15-foot wide planting strip on either side of a five-foot wide sidewalk. New street trees (3 to 4 inches in caliper) are proposed in both planting strips and are shown to be planted approximately 30 feet on center; no plantings are depicted within the right-of-way. The applicant has proffered that all replacement trees shall be 3-inch caliper trees. Streetscape Section A is proposed for the entire site frontage along West Park Drive, with the exception of approximately 100 feet where surface parking is proposed in front of the retail building where Streetscape Section B is proposed.

Section B proposes a six-foot wide planting strip and a five-foot wide sidewalk. New street trees are again depicted in the planting strip; however, no planted edges are provided on the other side of the sidewalk. Instead, the applicant proposes a low wall to provide separation between the proposed sidewalk and proposed surface parking. As noted earlier in this report, staff recommends that the surface parking be eliminated.

Streetscape Section C consists of an 8-foot wide planting strip for new street trees, a 5-foot wide sidewalk, and a 3-foot wide planting strip for an evergreen hedge; this section is proposed along the majority of the Park Run Drive frontage, adjacent to the townhouse units. Based on the limits of the right-of-way shown, it appears that many of the existing mature street trees may be retained. Streetscape Section D encompasses the access into the site from Park Run Drive and the focal landscape plazas at the corners of the entrance into the site. Sections C and D depict portions of the streetscape to be within the public street right-of-way.

With the provision of the clarifications noted above, staff finds that the streetscaping shown meets the streetscape guidelines for the non-core areas.

Residential Density Criteria

The applicant is proposing a FAR of 3.0 which is the maximum permitted in the PRM District. Therefore, the applicant should satisfy at least 75% of the applicable Residential Development Criteria specified in the Policy Plan adopted August 6, 1990, amended April 8, 1991. Staff has determined that six (6) of the criteria apply to the proposed development. Evaluation of these criteria is as follows:

- 1. Provide a development plan, enforceable by the County, in which the natural, man-made and cultural features result in a high quality site design that achieves, at a minimum, the following objectives: it complements the existing and planned neighborhood scale, character and materials as demonstrated in architectural renderings and elevations (if requested); it establishes logical and functional relationships on- and off-site; it provides appropriate buffers and transitional areas; it provides appropriate berms, buffers, barriers, and construction and other techniques for noise attenuation to mitigate impacts of aircraft, railroad, highway and other obtrusive noise; it incorporates site design and/or construction techniques to achieve energy conservation; it protects and enhances the natural features of the site; it includes appropriate landscaping and provides for safe, efficient and coordinated pedestrian, vehicular and bicycle circulation. **3/4 Credit***

Staff believes that the applicant is proposing a high quality site layout, which proposes an urban style development that conforms with the urban design criteria of the Tysons Corner Urban Center. As demonstrated through site sections and a shadow study, the site layout has been designed to integrate and complement the surrounding multifamily residences. The applicant is providing streetscape, which meets the streetscape guidelines for the Tysons Corner Urban Center. Landscaped courtyards and seating areas will be provided throughout the site. Pedestrian circulation will be provided through the sidewalks along each of the abutting streets and through a complete network of pedestrian circulation internal to the site. The applicant has also proffered to provide bicycle racks throughout the site.

However, there are significant trees and steep slopes located on the subject site. Given the proposed density for the site, preservation of these trees and slopes is not possible. Therefore, only ¾ credit is merited for this criterion.

- 2. Provide public facilities (other than parks) such as schools, fire stations, and libraries, beyond those necessary to serve the proposed development, to alleviate the impact of the proposed development on the community.*

Full Credit

The applicant has proffered to provide the following public facilities: telecommunication antennae for public use on the tops of the proposed high-rise buildings; 4,000 square feet of public government office/meeting space within Tysons Corner; land for a future public facility site within Tysons Corner; \$60,000 to the Fairfax County Park Authority to support the Community Arts Program; and \$200,000 to support the public schools which will be serving the subject site.

- 3. Provide for the phasing of development to coincide with planned and programmed provision of public facility construction to reduce impacts of proposed development on the community. **Not Applicable***
- 4. Contribute to the development of specific transportation improvements that offset adverse impacts resulting from the development of the site. Contributions must be beyond ordinance requirements in order to receive credit under this criterion. **Full Credit***

The applicant has proffered transportation improvements including right turn lanes along West*Park and Park Run Drives and a raised median along West*Park Drive. In order to encourage future residents of the proposed development to use mass transit, the applicant has also proffered to contribute \$30,000 toward the purchase of two (2) Metro-quality bus shelters in locations within the West*Park office park and to provide a shuttle bus service from the subject site to the West Falls Church Metro Station at off-peak hours. Finally, in

order to improve pedestrian facilities, the applicant has proffered to contribute \$50,000 to the Providence Trails Fund.

5. *Dedicate parkland suitable for active recreation and/or provide developed recreation areas and/or facilities in an amount and type determined by application of adopted Park facility standards and which accomplish a public purpose. **Not Applicable.***

The applicant proposes indoor and outdoor recreational amenities, including two outdoor swimming pools, indoor and outdoor putting greens, outdoor plazas, and an indoor health club, within the proposed development to satisfy the required \$955.00/unit expenditure for recreation facilities. The applicant has also proffered to dedicate to the County an "urban linear park" along the northwestern property line of the site. This park would include a five to six foot wide asphalt trail and courtyards with benches. In the event that the park is not dedicated for public use, a park would continue to be constructed in this area for use by the future residents and the residents of the Fountains of McLean (but not the public at large).

6. *Provide usable and accessible open space areas and other passive recreational facilities in excess of County ordinance requirements and those defined in the County's Environmental Quality Corridor policy. **Full Credit***

The applicant property includes 35% open space, which exceeds the required amount of open space for a PRM District (20%). Within this open space, the applicant is providing outdoor recreational facilities, including swimming pools, a putting green, a trail and seating areas.

7. *Enhance, preserve or restore natural environmental resources on-site, (through, for example, EQC preservation, wetlands preservation and protection, limits of clearing and grading and tree preservation) and/or reduce adverse off-site environmental impacts (through, for example, regional stormwater management). Contributions to preservation and enhancement to environmental resources must be in excess of ordinance requirements. **No Credit***

There are significant trees and steep sloped located on the subject site. However, given the proposed density for the site, preservation of these trees and slopes is not possible.

8. *Contribute to the County's low and moderate income housing goals. This shall be accomplished by providing either 12.5% of the total number of units to the Fairfax County Redevelopment Housing Authority, land adequate for an equal number of units or a contribution to the Fairfax County Housing Trust Fund in accordance with a formula established by the Board of*

Supervisors in consultation with the Fairfax County Redevelopment and Housing Authority. Full Credit.

Part 8 of Article 2 of the Zoning Ordinance exempts multi-family buildings that have elevators and are four (4) or more stories in height from the requirement that affordable dwelling units be provided. Therefore, with the exception of the proposed single-family attached units, this development proposal is exempt from the provisions of Affordable Dwelling Unit Program. The applicant has proffered to provide Affordable Dwelling Units (ADUs) equal to twelve and one-half percent (12 ½ %) of the number of single-family attached residential units developed on the subject site. Under the proffers, these ADUs could be provided within the multifamily buildings. The applicant has also proffered to provide \$1,000,000 to Fairfax County for an affordable housing project approved by the Board of Supervisors.

9. *Preserve, protect and/or restore structural, historic or scenic resources which are of architectural and/or cultural significance to the County's heritage. Not Applicable.*

10. *Integrate land assembly and/or development plans to achieve Plan objectives. Not Applicable.*

Summary:

The application has satisfied at least 75% of the applicable Residential Development Criteria and therefore, merits favorable consideration at the intensity requested.

ZONING ORDINANCE PROVISIONS (Appendix 16)

PCA 88-D-005-5

The proposed application continues to meet the provisions of the C-3 District.

75-foot Setback from the Dulles Airport Access Road (DAAR). In conjunction with the approval of the original rezoning (RZ 88-D-005), the Board of Supervisors approved a waiver of the 75-foot setback pursuant to Sect. 2-414 of the Zoning Ordinance. Under subsequent PCAs, the applicant requested and was granted reaffirmations of this waiver, which continue to remain in effect.

RZ/FDP 2002-PR-016

Bulk Standards (PRM District)		
Standard	Required	Provided
Minimum District Size for P-districts	2.0 acres	13.55 acres
Lot Width	No Requirement	N/A
Building Height	No Requirement per the Zoning Ordinance but 150 feet per the Comprehensive Plan	150 feet for multifamily residences* 60 feet for single-family attached residences
Front Yard	70 feet for multifamily residences; 38 feet for single-family attached residences**	25 feet for multifamily residences along West*Park Drive; 10 feet for single-family attached residences along Park Run Drive
Side Yard	No side yard	N/A
Rear Yard	70 feet for multifamily residences; 38 feet for single-family attached residences**	20 feet for multifamily residences; 55 feet for single-family attached residences
Floor Area Ratio (FAR)	A maximum of 3.0	3.0
Open Space	20 percent	35 percent
Parking Spaces	2,068 spaces	2,068 spaces

**Height:* Because the four multifamily buildings will be constructed on a single platform (above the underground parking garage), the height is calculated on the average grade of the underground garage.

***Setback Requirements:* While the PRM District has no yard setback requirements, Par. 1 of Sect. 16-102 states that the bulk regulations shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. The most comparable conventional district for this development is the R-30 District. All yards within the R-30 District are controlled by a 25° angle of bulk plane. At 150 feet in height, the setback requirement is 70 feet. At 60 feet in height (the single-family attached dwellings), the setback requirement is 38 feet.

Waivers and Modifications for RZ/FDP 2002-PR-016

Waiver of the Transitional Screening and Barrier Requirements

While there are no transitional screening and barriers required along the periphery of the proposed development, transitional screening and a barrier are required within the site between the proposed multifamily residences, retail and single-family attached residences. (It should be noted that Par. 7 of Sect. 13-301 of the Zoning Ordinance states that in affordable dwelling unit developments which contain a mixture of different dwelling unit types, transitional screening and barriers shall not be required between different dwelling unit types within the affordable dwelling unit development.) Since the proposed development is being designed as a high-density, mixed-use project, staff does not believe that transitional screening and barriers within the development are appropriate. Screening and barriers will only separate these uses, preventing a mixed use and compact development. Therefore, staff recommends that any transitional screening and barriers required between uses within the development be waived.

Waiver of the 200 SF Privacy Yard for Single-Family Attached Units

The applicant has requested a waiver of the 200 square foot minimum privacy yard requirement for the proposed single-family attached units. So that the units front on the street and create an urban atmosphere, all proposed single-family attached units will be rear-loaded garage units and as such, these units will not have rear yards. Instead, these units may have an optional rooftop garden area. Furthermore, these units will share in the common open space and recreational amenities proposed for the overall development. Staff believes that the proposed orientation of the single-family attached units provides a more urban feel within the development, as well as creating an edge to the street. Staff does not believe the lack of privacy yards will adversely impact the residents of the single-family attached units as ample on-site recreation for these residents will be provided elsewhere in the site. Therefore, staff supports a waiver of the privacy yard for the proposed single-family attached units.

Variance of the PRM Use Limitations (Par. 3 of Sect. 6-406)

The PRM District use limitations state that the principal residential use within the PRM District will be multifamily dwelling units. However, single-family attached dwellings may be allowed at the periphery of the development to provide a transition from the high-density development to adjacent lower density development. The applicant is seeking a variance of this use limitation to permit the proposed single-family detached dwellings as shown on the CDP/FDP. Per Par. 8 of Sect. 16-401, the Board may authorize a variance of PRM use limitations whenever such strict application of the PRM District regulations would inhibit or frustrate the purpose and intent for establishing such a zoning district.

The proposed single-family attached units, which constitute less than 5% of the total units provided on-site, would be located within the western half of the site,

at the periphery of the development. The applicant notes that this portion of the development is most proximate to the lower density commercial development located along the east side of Park Run Drive. This adjacent office building has an FAR of 0.814, which is less than the proposed 3.0 FAR for the PRM development. Furthermore, the proposed single-family attached units would be roughly the same height and mass as the adjacent commercial development, which the applicant believes helps to integrate the proposed development with the existing commercial development to the east. Finally, the applicant notes that the proposed single-family attached units create an attractive streetscape along West Park and Park Run Drives.

As noted in the Land Use Analysis, the Comprehensive Plan indicates that alternative types of housing should be encouraged to integrate residential use into predominately non-residential developments in order to provide a variety of housing, including affordable housing within the Tysons employment center. Staff believes that the inclusion of the proposed single-family attached units within the proposed site layout helps create a development which promotes high standards in design and layout and encourages compatibility and integration with adjacent developments. These units provide an appropriate pedestrian-oriented presence at the street level at a human scale that provides transition to the retail elements of the development and appropriate setback and perspective to the intensive high rise buildings internal to the site. Furthermore, the siting and architecture of the proposed single-family attached dwellings have been designed as urban townhouses. As such, staff believes that these units do not inhibit the high-density, urban atmosphere which the PRM District seeks to create. Finally, staff believes that the inclusion of the single-family attached dwellings creates a true mixed-use development. For those reasons, staff supports the proposed variance of the PRM use limitations to permit the single-family attached units as shown on CDP/FDP.

Modification of the Loading Space Requirement (Par. 2 of Sect. 11-202)

The applicant seeks to modify the loading space requirements for multifamily uses per Sect. 11-201 and 11-203 from 16 spaces to ten spaces. The applicant believes that the required number of loading spaces is not necessary for these buildings because as residences, there is not a need for regular commercial deliveries with large trucks. Staff is of the opinion that a determination as to the appropriate number of loading spaces should be made at the time of site plan approval and made part of the record of that approval. Therefore, staff recommends that no action be taken on the modification request at this time.

Waiver of the 600-foot Maximum Length of a Private Street

The applicant has requested that the six-hundred (600) foot maximum length for private streets within the development be waived. The proposed private streets would be maintained by an Umbrella Owners' Association, which would represent all property owners within the subject site. Given the number of property owners within the site, staff does not believe that the proposed private streets will be a maintenance burden to the future property owners. Therefore, staff supports the requested waiver.

Other Zoning Ordinance Requirements:**Affordable Dwelling Units (Part 8 of Article 2)**

While the proposed residential development exceeds fifty (50) dwelling units, Part 8 of Article 2 of the Zoning Ordinance exempts multi-family buildings that have elevators and are four (4) or more stories in height from the requirement that affordable dwelling units be provided. Therefore, with the exception of the proposed single-family attached units, this development proposal is exempt from the provisions of Affordable Dwelling Unit Program. The applicant has proffered to provide Affordable Dwelling Units (ADUs) equal to twelve and one-half percent (12 ½ %) of the number of single-family attached residential units developed on the subject site. Under the proffers, these ADUs could be provided within the multifamily buildings. The applicant has also proffered to provide \$1,000,000 to Fairfax County for an affordable housing project approved by the Board of Supervisors.

Standards for all Planned Developments (Sect. 16-100)

Sect. 16-101 contains six general standards that must be met by a planned development. Sect. 16-102 contains three design standards to which all Conceptual and Final Development Plans are subject.

Sect. 16-101, General Standards

General Standard 1 requires that the planned development conform with the Comprehensive Plan. As addressed in the Land Use Analysis section, staff has determined that this standard has been satisfied.

General Standard 2 addresses whether or not the planned development is of such a design that it achieves the purpose and intent of a planned development more than would a development under a conventional district. The PRM District was established to provide: (1) high-density, multifamily residential developments (with a minimum density of 40 dwelling units per acre); and (2) mixed-use

developments consisting primarily of multifamily residential development (with a minimum density of twenty (20) dwelling units per acre) with secondary office and/or other commercial uses. The Zoning Ordinance also recommends that PRM Districts be located in those limited areas where such high-density residential or residential mixed use development is in accordance with the adopted comprehensive plan such as within areas delineated as Transit Station Areas, and Urban and Suburban Centers. Consistent with the purpose and intent of the PRM District, the principal use of the proposed development is high-density multifamily residences. The applicant also proposes secondary retail uses – most importantly a grocery store – to provide support services for the future residents and other residents in the area. It is staff's opinion that the provision of these support retail services helps create a true mixed-use development. In addition, the proposed development will be within the Tysons Corner Urban Center, where the Comprehensive Plan encourages high-density, mixed-use projects. Therefore, staff believes that this standard has been satisfied.

General Standard 3 addresses the efficient use of the available land and protection of scenic assets and natural features such as trees, streams and topographic features (Par. 3). There are significant trees and steep slopes located on the subject site. However, given the proposed density for the site, preservation of these trees and slopes is not possible. Nevertheless, staff believes that the proposed development will provide significant benefits because it will provide residents within a major office and retail center. In this way, people will have the opportunity to live near employment and shopping opportunities. The Comprehensive Plan recommends that the Tysons Corner Urban Center develop as a large mixed use area in order to eliminate automobile dependence and create a more pedestrian- and transit-oriented development. By locating residences within existing urban areas such as Tysons, the natural environment in other areas can be protected. Therefore, staff has determined that this standard has been satisfied.

General Standard 4 states that the planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development and shall not hinder, deter or impede development of surrounding undeveloped properties. In order to gauge the impact of the proposed development on the adjacent garden-style multifamily residences to the north and west (the Lincoln and Fountains of McLean), the applicant provided a study of the shadows which will be created by the proposed high-rise buildings. The results of this study indicate that the shadows cast by the high-rise buildings will only impact the abutting garden apartments during the winter months. Therefore, staff does not believe that the proposed development will cause substantial injury to the use and value of the surrounding development. This standard has been satisfied.

General Standard 5 addresses the adequacy of public facilities in the vicinity. As noted in the Public Facilities Analysis, the site is located in an area where public facilities and public utilities are, or will be, adequate for the proposed development, with the exception of the schools that would serve the proposed residents. Therefore, staff believes that this standard has been satisfied.

General Standard 6 addresses internal linkages between internal facilities and to external facilities at a scale appropriate to the development. The roadway and pedestrian network adequately provide for these linkages, particularly in light of the improvements to the surrounding street network proposed by the application. The pedestrian network includes the sidewalks along the streets and pathways within the proposed development. Therefore, staff concludes that this standard has been met.

Sect. 16-102, Design Standards

Design Standard 1 states that, in order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration. The most comparable conventional district for this development is the R-30 District. All yards within the R-30 yard requirements are controlled by a 25° angle of bulk plane. At 150 feet in height, the setback requirement for the high-rise buildings is then 70 feet. At 60 feet in height (the single-family attached dwellings), the setback requirement for the single-family attached dwellings is 38 feet. As noted in the Zoning Ordinance section of this report, the proposed development will not meet those requirements. With regard to the proposed front yard setbacks (along West*Park and Park Run Drives), staff does not believe that the proposed setbacks will adversely impact the adjacent development to the south and east. Along West*Park Drive, the abutting multifamily residences are located at a much higher grade than the proposed high-rise buildings, which adds to the separation between the sites. In addition, staff does not believe that the proposed single-family detached units, which will be roughly the same height as the abutting office building, will adversely impact the office building. More importantly, though, by locating all of the proposed buildings along the street, the site layout adds an edge to the street, which creates a more urban atmosphere as called for in the Comprehensive Plan .

With regard to the rear yard setbacks, the applicant has submitted a shadow study which indicates that the shadows created by the proposed high-rise buildings will only impact the adjacent garden apartments, located to the north and west, during the winter months. Staff believes that a greater separation between the proposed high-rise buildings and the abutting garden-style apartments to the north and west would be desirable even though the existing

natural corridor easement along the northwest property line provides a vegetated separation between the high-rise buildings and garden apartments.

Design Standard 2 states that other applicable provisions of the Zoning Ordinance such as off-street parking, landscaping, signs, etc. are applicable to planned developments. The applicant has proffered that the off-street parking will meet the requirements of the Zoning Ordinance (though the applicant may seek a parking reduction at the time of site plan). In addition, the applicant is meeting the landscaping and open space requirements. This application does not include information with regard to signage, but any signage must conform with the regulations. Staff believes that this standard has been satisfied.

Design Standard 3 specifies that the street systems conform with the applicable requirements and that a network of trails be provided to provide access to recreational amenities open space, public amenities, vehicular access routes and mass transit facilities (Par. 3). The proposed development would be served by the existing street system. The applicant has proposed improvements to these existing streets in order to mitigate the impact of the proposed development. Furthermore, the applicant has proffered to provide a shuttle bus system to augment the existing bus service provided within this portion of Tysons and to further encourage future residents to utilize mass transit. Finally, the applicant proposes an extensive network of paths and sidewalks. These sidewalks and paths will link the subject site with the surrounding sidewalks, which will permit future residents to walk to nearby offices, shopping (the Galleria) and the West*Park Transit Center. Staff believes that this standard has been satisfied.

Overlay District Requirements

The provisions of the Highway Corridor Overlay District do not regulate the proposed uses. All signage used for the proposed development will be required to conform with the requirements of the Sign Control Overlay District.

PRM Urban Design Criteria

At the time of their recommendation of approval of the PRM District for high-density mixed-use residential development, the Planning Commission recommended that certain urban design criteria be evaluated for any such proposed developments. These criteria include: integration with adjacent communities, width and location of pedestrian walkways, circulation, access to transit and other facilities, vehicular access, building locations and shadows as well as Transportation Systems Management (TSM) and Transportation Demand Management (TDM) programs.

Staff believes these criteria have been sufficiently addressed in the proposed application. The applicant has addressed integration with adjacent communities through the proposed site design and architecture, by proposing an urban style development that conforms with the urban design criteria of the Tysons Corner Urban Center. The site layout has been designed to integrate with the surrounding multifamily residences. Though two of the proposed high-rise buildings would be located immediately south of several existing garden apartment buildings, the applicant's shadow study indicates that the shadows cast by the high-rise buildings will only impact the garden apartment buildings in the winter months.

Pedestrian circulation has been addressed through the sidewalks along each of the abutting streets that are consistent with the Tysons Corner Urban Center design recommendations. In addition, a complete network of pedestrian circulation internal to the site has been proposed by the applicant as depicted on Sheet 6A of the CDP/FDP. The applicant has proffered all requested transportation improvements. The subject site is currently served by both Fairfax Connector and Metrobus and is also within close proximity of the West*Park Transit Center. In order to supplement this existing transit service, the applicant has proffered a shuttle bus service to the West Falls Church Metro Station at off-peak hours.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff concludes that the subject application is in conformance with the Comprehensive Plan with the implementation of the proffers contained in Appendices 1 and 3 of the staff report and the proposed development conditions contained in Appendix 2 of the staff report.

Staff Recommendations

PCA 88-D-005-5

Staff recommends approval of PCA 88-D-005-5, subject to the execution of proffers consistent with those set forth in Appendix 3 of the Staff Report.

RZ/FDP 2002-PR-016

Staff recommends that RZ 2002-PR-016 and the Conceptual Development Plan be approved subject to the execution of proffers consistent with those contained in Appendix 1 of the staff report.

Staff also recommends that FDP 2002-PR-016 be approved subject to the proposed development condition contained in Appendix 2 and the Board's approval of RZ 2002-PR-016 and the Conceptual Development Plan.

Staff recommends that the 200 square foot privacy yard requirement be waived for the proposed single-family attached units.

Staff recommends that a variance of the PRM use limitations be approved to permit the single-family attached units as shown on CDP/FDP.

Staff recommends that the transitional screening and barrier requirements between the proposed uses within the development be waived.

Staff recommends that the 600-foot maximum length for a private street requirement be waived.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

APPENDICES

1. Draft Proffers for RZ 2002-PR-016
2. Proposed Development Conditions for FDP 2002-PR-016
3. Draft Proffers for PCA 88-D-005-5 (previously approved proffers for PCA 88-D-005-4, PCA 88-D-005-3 and PCA 88-D-005-2 are attached as exhibits)
4. Affidavits
5. Statement of Justification
6. Plan Citations and Land Use Analysis
7. Transportation Analysis
8. Environmental Analysis
9. Urban Forestry Analysis
10. Park Authority Comments
11. Schools Analysis

12. Sanitary Sewer Analysis
13. Fire and Rescue Analysis
14. Water Service Analysis
15. Stormwater Planning Analysis
16. Selected Excerpts from the Zoning Ordinance
17. Glossary of Terms

WEST*GROUP PROPERTIES LLC**RZ 2002-PR-016****November 5, 2002**

Pursuant to Section 15.2-2303(a), *Code of Virginia*, 1950 as amended, and subject to the Board of Supervisors approving a rezoning to the PRM District, for property identified as Tax Map 29-4 ((7)) A-3 (hereinafter referred to as the "Application Property"), the Applicant and Owner in RZ-2002-PR-016 proffer for themselves, their successors and assigns the following conditions. In the event the Board of Supervisors approves RZ 2002-PR-016, these proffers shall supercede all previous proffers for the Application Property and all previous proffers for the Application Property shall be deemed null and void and of no further effect on the Application Property.

1. Development Plan

- A. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan ("CDP/FDP") prepared by VIKA, Incorporated dated March 7, 2002, as revised through October 31, 2002.

Notwithstanding that the CDP/FDP is presented on 24 sheets, it shall be understood that the CDP shall be only those elements of the plan shown on Sheet 3 of 13 that depict points of access (except those shown in the Linear Urban Park), the amount and location of open space, peripheral setbacks, limits of clearing and grading, building heights, the total number and general location of buildings and the type of units (the "CDP Elements"). The applicant and its successors and/or assigns has the option to request a FDPA for elements other than CDP Elements from the Planning Commission for all or a portion of the CDP/FDP and related development conditions in accordance with the provisions set forth in Sect. 16-402 of the ZO if the amendment is in conformance with the approved CDP and the proffers.

- B. The total site area is 590,033 square feet or 13.5453 acres ("Gross Tract Area") and the overall maximum density shall not exceed 3.0 floor area ratio ("FAR") or 1,770,099 square feet of gross floor area ("GFA").
- C. The development of the multi-family high-rise buildings shall be completed on the common parking structure/building as depicted on the CDP/FDP. The parking structure/building may be built in a single phase or in multiple phases corresponding to the high-rise buildings so long as parking for each phase is provided per Zoning Ordinance ("ZO") and in substantial conformance with the Phasing Plan as shown on Sheets 13B and 13C of the CDP/FDP. Applicant reserves the right to revise the Phasing Plan with administrative approval of the Zoning Administrator.
- D. The maximum permitted GFA cited above is exclusive of approximately 128,000 square feet of cellar space (as defined by the Zoning Ordinance) to be utilized for multi-family dwelling units or other secondary uses as shown on the CDP/FDP. Parking shall be provided for all cellar space in accordance with applicable ZO provisions.
- E. The maximum number of residential units to be developed on the Application Property, including any multi-family and single-family attached dwellings, whether located within GFA or cellar space (as defined by the Zoning Ordinance), shall be 1354 units.

2. Minor Modifications

Pursuant to Paragraph 4 of Section 16-403 of the ZO, minor modifications from the Final Development Plan ("FDP") may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layouts shown on the FDP provided such changes are in substantial conformance with the FDP as determined by the

Department of Planning and Zoning (“DPZ”) and do not increase the total amount of square footage, decrease the overall square feet or percentage of open space, decrease the setback from the peripheries, or substantially change the location of natural open space areas or the streetscaped elements as depicted on Sheet 13C of the CDP/FDP. Landscaped open space created with site plan and building design may be re-arranged, relocated or re-shaped as long as the number of trees and foundation plantings do not decrease. Streetscapes shall be designed and constructed in substantial conformance with the Details A-D as shown on Sheet 13D.

3. Uses

A. Principal Use

The principal use shall be multi-family residential.

B. Secondary Uses

i. Single-Family Attached Dwelling Units:

Any reduction in the number of single family attached units (58) or consequent reduction in GFA resulting from such reduction (i.e. elimination of units, reduction in size of units) may be utilized as multi-family units or GFA providing the overall total number of residential units does not exceed 1354 nor GFA exceed 1,770,100 or overall FAR of 3.0.

ii. Affordable Dwelling Units

iii. Retail Uses:

- a) Secondary uses shall include not less than 30,000 square feet or more than 53,760 square feet of GFA in retail sales establishments, eating establishments, or other secondary uses as listed in this Proffer 3.B(iv).

iv. Other Secondary Uses

Secondary uses as permitted in PRM 6-403 may include the following:

1. Accessory uses and home occupations as permitted by Article 10.
2. Bank Teller machines, unmanned
3. Business service and supply service establishments
4. Commercial and industrial uses of special impact (Category 5), limited to:
 - A. Fast food restaurants
 - B. Quick-service food stores
5. Commercial recreation uses (Group 5), limited to:
 - A. Billiard and pool halls
 - B. Health clubs
 - C. Any other similar commercial recreation use
6. Eating establishments
7. Financial institutions
8. Hotels, motels.
9. Institutional uses (Group 3), limited to:
 - A. Home child care facilities
10. Offices
11. Personal service establishments
12. Quasi-public uses (Category 3), limited to:
 - A. Child care centers and nursery schools
 - B. Colleges, universities
 - C. Private clubs and public benefit associations

D. Private schools of general education

E. Private schools of special education

13. Repair service establishments

14. Retail sales establishments

- v. The project shall be designed to accommodate a grocery store/market within the area designated as “retail” on the CDP/FDP in accordance with applicable zoning regulations, and reasonable architectural and engineering standards. The Applicant agrees to negotiate in good faith to lease such space for such use in accordance with commercially viable economic parameters. If a commercially viable lease for a grocery store/market cannot be negotiated, Applicant shall demonstrate such failed attempts to the Providence District Supervisor and DPWES and therefore may develop alternative retail uses within those areas designated for “retail” use on the CDP/FDP so that the total retail use within the Application Property meets at least the minimum of 30,000 square feet.
- vi. Secondary uses as referenced in Proffer 3.B (iii) and (iv) may be provided within cellar space (as defined in the ZO) and/or within the areas designated as “retail” on the CDP/FDP.
- vii. Signage for retail uses shall be in conformance with Article 11 of the ZO unless an application for special exception is submitted.
- C. Temporary Signs. No temporary signs (including “Popsicle” style paper or cardboard signs) which are prohibited by Article 12 of the ZO, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code of Virginia shall be placed on- or off-site by the Applicant or at the Applicant’s direction to assist in the initial sale of homes on the Property.

- D. Any Additional Principal and Secondary uses specified in the PRM zone and not specifically listed in Proffer 3B above may be permitted within the buildings with the approval of a Final Development Plan Amendment ("FDPA") and or Special Exception or Special Permit. A Proffered Condition Amendment ("PCA") application shall not be required so long as the layout is in substantial conformance with the CDP.

4. Subdivision of the Application Property

A. Attached Single-Family Dwelling Units

As a prerequisite to the approval of the first site plan for the Application Property, the applicant shall subdivide the Application Property as schematically depicted on the CDP/FDP to create a separate lot on which the attached single-family dwellings will be developed and to create the area of the remaining land as the basis for determining average grade, cellar and other elements of the plan.

B. Multi-Family High-Rise Dwelling Units

- i. The anticipated subdivision lines shown on the CDP/FDP for the multi-family high-rise buildings are for illustrative purposes only, and that portion of the Application Property may be subdivided along alternative subdivision lines as determined by the Applicant without requiring a FDPA or PCA.
- ii. Notwithstanding any subdivision of the multi-family high rise phases, all multi-family high rise buildings shall be constructed vertically from a single parking structure/building platform pursuant to Proffer 1C.
- iii. The calculation of height for multi-family high rise buildings will be determined on average grade pursuant to "Grade Demonstration for Height" detail on Sheet 13 of the CDP/FDP and is contingent upon Proffer 4A being completed and upon

those high rise buildings being constructed vertically from a single parking structure/building platform pursuant to Proffer 1C.

5. Home Owners Association

A. Formation of Umbrella Owners Association and Individual HOAs

i. Umbrella Owners Association

Prior to the issuance of the first RUP for any phase of the development of the Application Property, the applicant shall establish an Umbrella Owners Association (referred to herein as the "UOA") in accordance with Virginia law.

ii. Homeowner and Condominium Owner Association

a) In addition, prior to the issuance of the first RUP for any phase of the development the Application Property, the Applicant shall cause either a Home Owners Association and/or Condo Owners Association (collectively referred to in these proffers as "HOA/COA") to be formed for that phase in accordance with Virginia law.

b) Each HOA/COA for the separate phases of the development of the Application Property shall be a member of the UOA with weighted voting rights based on the number of dwelling units within the HOA/COA.

B. HOA/COA Maintenance Obligations

i. Each HOA/COA shall have specific land areas of the Application Property within its boundaries, and shall assume all maintenance obligations required by these Proffers for infrastructure within those boundaries except for those maintenance obligations to be performed by the UOA pursuant to Proffer 5C.

ii. Maintenance obligations may be shared by HOA/COAs for various phases of the Application Property pursuant to shared maintenance agreements.

- iii. Purchasers shall be advised prior to entering into a contract of sale and in the HOA/COA documents that the HOA/COA shall be responsible for those obligations listed in these Proffers.

C. UOA Maintenance Obligations

- i. The Applicant and subsequent UOA shall have specific maintenance responsibilities which shall include but not be limited to the following:
 - a) Maintenance of private streets, sidewalks, plazas, open space, stormwater management facilities, recreational facilities, and other common areas within the Application Property, including standard cleaning and lawn/landscaping maintenance,
 - b) Maintenance of the Linear Urban Park in the event that the BOS does not accept the Linear Urban Park Dedication for a public park pursuant to details outlined in Proffer 10C,
 - c) repair of surfaces and site furnishings, and
 - d) replacement of dead, dying or diseased trees and landscaping within the Application Property with the same size and similar species as originally approved on the landscape plan.
 - e) Maintenance of trash receptacles in bus shelters as provided in Proffer 6.
- ii. The UOA documents shall specify that the UOA is responsible for the maintenance of the private streets and sidewalks.
- iii. Private Street Reserve Fund
 - a) Subject to review and approval by the County Attorney, the UOA documents shall provide for establishment of a Reserve Fund to be used as funding for maintenance of these private streets.

b) At the time of settlement on the first dwelling unit (excluding high-rise “for rental” apartments) the Applicant shall deposit Twenty Five Thousand Dollars (\$25,000) into this Reserve Fund.

iv. Shuttle Bus Operation

The UOA shall have the obligation to provide the Shuttle Bus System pursuant to Proffer 6 below.

v. Purchasers shall be advised prior to entering into a contract of sale and in the UOA documents that the UOA shall be responsible for those obligations listed in these Proffers.

D. UOA and HOA/COA Disclosure

Purchasers shall be advised prior to entering into a contract of sale and in the UOA documents and in the HOA/COA documents that the UOA and the HOA/COA shall be responsible for those obligations listed in these Proffers.

6. Transportation

A. Intersection/Access Improvements

i. Subject to approval of the applicable permitting authorities, the Applicant shall provide all intersection and access improvements shown on the CDP/FDP consistent with each phase of development as indicated on the Phasing Plan as shown on Sheets 13B and 13C prior to final bond release for the applicable site plan for applicable phase.

B. Private Streets

i. The on-site private streets shall be constructed in conformance with the Public Facilities Manual (“PFM”). Said streets shall be constructed of materials and depth of pavement consistent with Section 7-0502 of the PFM.

- ii. Portions of the project may be a gated community generally closed to the public as shown on the CDP/FDP. However, a public ingress-egress easement only for emergency, fire, rescue and public safety shall be granted over the private streets and sidewalks. Said easements may be provided on a phased basis and shall be recorded as a prerequisite to any site plan approval.

C. Shuttle Bus Service

- i. Prior to bond release of the first site plan, the Applicant shall contract with a third party (or with another association providing or sponsoring such shuttle services) to operate and maintain a shuttle bus service for use by the residents of the Application Property to provide access to and from the Tysons Westpark Transit Station and the West Falls Church Metro Station or other platform location as may be designated by the Providence Supervisor in consultation with the Fairfax County Department of Transportation.. Said service shall be available in non-peak hours from 9AM to 4PM on an hourly basis and not less than eight trips per non-peak day (excluding Saturdays, Sundays, and national holidays). Trips shall operate generally at one-hour intervals. Seating capacity of the shuttle service shall provide a minimum of 10 passengers. Free and prepaid taxis cab rides may be used in lieu of 10 passenger vans.
- ii. In the event comparable shuttle bus service is being provided by another entity in Tysons Corner, Applicant (or the successor UOA) may elect to participate in that program upon approval of the Providence Supervisor in consultation with the Fairfax County Director of the Office of Transportation.
- iii. In order to encourage the use of the shuttle bus service, service will be paid for by the Applicant and free of charge to all residents of the Application Property

for three (3) years from the first RUP for the first multi-family high-rise building. After the initial three (3) years, the UOA will then be financially responsible for operating the shuttle bus service for an additional two (2) years and Applicant shall disclose this obligation to all prospective homebuyers.

- iv. The Applicant shall include provisions in the Declaration of Covenants, Conditions and Restrictions to allow for UOA dues assessments and/or user fees to be allocated to the cost of continued operation and maintenance of the shuttle service for an additional two (2) years beyond the initial three (3) years and shall disclose this obligation to all prospective homebuyers.
- v. The Declaration of Covenants, Conditions and Restrictions for the UOA shall include a reservation and/or power of attorney specifically authorizing the UOA Board of Directors to act on behalf of the owners of lots within the Application Property to take steps, anytime after the initial five (5) years of the shuttle operation after the issuance of the first RUP for the first multi-family building, to determine if the members of the UOA want to continue or discontinue the shuttle service. If a two-third (2/3) majority of the UOA membership agree to abolish the shuttle service, evidence of same shall be provided to the Providence Supervisor, Office of Transportation and Zoning Evaluation Division and this proffer shall be null and void at the end of the fifth year. In the event the two-thirds (2/3) majority is not obtained, the shuttle service shall continue on a year-to-year basis until a two-third (2/3) majority of the UOA membership agree to abolish the shuttle service and evidence of same shall be provided to the Providence Supervisor, Office of Transportation and Zoning Evaluation Division.

- D. Entrances. All entrances to the site shall be designed and constructed to the satisfaction of the Virginia Department of Transportation (“VDOT”).
- E. Bus Shelters.
- i. As a condition to approval of the first multi-family high rise site plan, Applicant shall provide a payment of Thirty Thousand Dollars (\$30,000) to Fairfax County to be applied to the cost of two (2) Metro-quality bus shelters in locations within WEST*PARK and within VDOT right-of-way in a locations mutually acceptable to the Applicant and the Fairfax County Office of Transportation
 - ii. The Applicant shall coordinate with Fairfax County Office of Transportation to designate these locations.
 - iii. Applicant agrees that the UOA and HOA/COA documents shall require the UOA to provide and maintain trash receptacles at these bus shelters if the shelters are contiguous to the Application Property.
- F. Utility Relocations. The Applicant may request an administrative approval of minor revisions to any Public Street Improvement as shown on Sheets 13A and 13B of the CDP/FDP if the cost to relocate vertically or horizontally any existing utility (including telecommunications or fiber optics as shown on Sheets 3 and 13A of the CDP/FDP) within current or future VDOT right-of-way exceeds twenty-five percent (25%) of the actual Public Street Improvement costs.

7. Parking

- A. Parking shall be provided at a *minimum* in accordance with Article 11 of the ZO as determined by DPWES.
- B. However, the Applicant reserves the right to request a parking reduction or shared parking agreement pursuant to Article 11 of the ZO. Any modification to the required

parking as approved by such parking reduction or shared parking agreement may be accommodated without requiring a PCA or FDPA provided the layout is in substantial conformance with the CDP/FDP. The number of parking spaces represented on the CDP/FDP is based on preliminary estimates; the final number of parking spaces provided at the time of site plan submission shall be consistent with any approved parking reduction and number of units developed. Applicant reserves the right to provide parking in excess of the minimum required per code or approved parking reduction so long as it does not decrease open space and is in substantial conformance with the CDP/FDP.

C. Single-Family Attached Dwellings/Garage Conversion.

- i. Any conversion of garages for the single-family attached dwellings that will preclude the parking of vehicles within the garage is prohibited.
- ii. A covenant setting forth this restriction shall be disclosed in the UOA and HOA/COA documents and recorded among the land records of Fairfax County in a form approved by the County Attorney prior to the sale of any lots and shall run to the benefit of the UOA, which shall be established, and the Board of Supervisors.
- iii. Prospective purchasers shall be advised of this use restriction, in writing, prior to entering into a contract of sale.

8. Landscape Plan

- A. A landscape plan(s) corresponding to each phase of the Application Property shall be submitted as part of each site plan(s) in substantial conformance with the landscape design shown on Sheet 4 of the CDP/FDP.

- B. The landscaped plan(s) shall include detailed streetscape, courtyard and open space landscaping, and provide details for landscaping, paving and amenities in the Linear Urban Park located along the west property line as depicted on the CDP/FDP. Said plan(s) shall be coordinated with and approved by DPWES.
- C. Existing street trees along Park Run Drive and in the Linear Urban Park shall be preserved to the extent possible. Replacement street trees shall be a minimum of three-inch (3") caliper at the time of planting.
- D. Tree Preservation Plan. The applicant shall submit a tree preservation plan as part of the second and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater located 10 feet to either side of the limits of clearing and grading as shown on the CDP/FDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

- E. Tree Preservation Fencing. All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing 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, shall be erected at the limits of clearing and grading as shown on the demolition and phase I and II erosion and sediment control sheets for the entire site. All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fences, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading, or demolition activities, DPWES shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed.
- F. Site Monitoring. The developer shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by DPWES.
- G. Limits of Clearing and Grading. The applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities and or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails outside the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the Urban Forester, DPWES. A replanting plan shall be developed and

implemented, subject to approval by the Urban Forester, for any area outside the limits of clearing and grading that must be disturbed.

H. Restoration. A reforestation plan for the Urban Linear Park shall be submitted concurrently with the second and all subsequent site plan submissions for review and approval by the Urban Forestry Division. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The reforestation plan shall include, but not be limited to the following:

- i. plant list detailing species, sizes and stock type of trees and other vegetation to be planted
- ii. soil treatments and amendments if necessary
- iii. mulching specifications
- iv. methods of installation
- v. maintenance
- vi. mortality threshold
- vii. monitoring
- viii. replacement schedule

9. Pedestrian Facilities

A. On-site

- i. The Applicant shall provide a comprehensive sidewalk system within the developed portions of the Application Property as generally shown on Sheets 6A and 6B of the CDP/FDP, including sidewalks along the Application Property frontages with Westpark Drive and Park Run Drive, and a cross walk connection

between all retail and residential components constructed on the Application Property.

- ii. The comprehensive pedestrian system shall provide an ADA compliant route between all retail and residential components.
- iii. Construction of sidewalks shall be concurrent with the corresponding phase of a site plan development activity on the Application Property.
- iv. Sidewalks within or contiguous to VDOT right-of-way shall conform to VDOT standards to the satisfaction of the Department of Public Works and Environmental Services (DPWES). Any sidewalk within VDOT right-of-way shall be VDOT's responsibility for purposes of liability, maintenance and repair.
- v. Applicant shall reserve an access easement for the benefit of all residents, owners and tenants within the Application Property along the entire length of the Linear Urban Park that may be dedicated pursuant to provisions of Proffer 10C.

B. Off-site

- i. Applicant shall contribute Fifty Thousand Dollars (\$50,000) to the "Providence Trail Fund" for projects approved by the Providence District Supervisor.
- ii. The contribution to the Providence Trail Fund shall be made in two (2) equal installments of Twenty-Five Thousand Dollars (\$25,000.00) payable
 - a) As a prerequisite to the issuance of the Building Permit for the first multi-family high rise building on the Application Property, and
 - b) as a prerequisite to the issuance of the Building Permit for the second multi-family high rise building on the Application Property.

10. Recreational Facilities.

- A. Bicycle Racks, Bicycle racks in secured and covered areas shall be provided in both the residential and retail areas.
- B. Recreational Facilities
- i. The Applicant shall comply with Paragraph 2 of Section 6-110 of the ZO regarding developed recreational facilities for the residential uses.
 - ii. The Applicant proffers that the minimum expenditure for the recreational facilities shall be \$955.00 per residential unit per the ZO.
 - iii. Shared Recreational Facilities
 - a) Recreational facilities developed on the lot for high-rise Building 1 may be for the sole use of Building 1, if Building 1 is rental building.
 - b) Recreational facilities shown on the CDP/FDP within the lot(s) for high-rise Buildings 2, 3 and 4 (and Building 1 if it is a condo) shall be available for the use of those buildings and for the single-family attached dwellings. Such use shall be governed by the rules of the applicable HOA/COA.
 - c) Nothing herein shall preclude each building from having a separate HOA/COA in which case each HOA/COA may share the use and costs of recreational facilities based on a mutually agreed pro-rata share.
 - iv. The Applicant shall receive credit against that ZO minimum expenditure for the cost of recreational facilities (currently \$955 per unit) which credit shall include, but not be limited to, the cost of improvements for swimming pools, indoor and outdoor putting green(s), sun deck(s), outdoor seating areas, pedestrian trail, plazas, indoor recreational facilities [such as weight training equipment, fitness

equipment, billiards room(s), card and game room(s) and indoor multi-purpose court(s)].

- v. The Applicant shall also receive credit against the ZO minimum expenditure for recreational facilities for any funds contributed by the Applicant if such funds are earmarked, budgeted or used for sidewalk, trail or intersection pedestrian improvements within the Tysons Urban Plan Area.
- vi. The Applicant shall receive credit for ZO minimum expenditure for recreation for all improvements within the Linear Urban Park and trail as shown on the CDP/FDP whether or not the Park and improvements are accepted for dedication by Fairfax County or retained by the Applicant or UOA as private recreation open space pursuant to Proffer 10.C.

C. Linear Urban Park Dedication

- i. As a prerequisite to the approval of the second multi-family high rise Building Permit, the Applicant shall make a written offer to the Fairfax County Board of Supervisors to dedicate to the Fairfax County Park Authority for park purposes, in fee simple and at no cost, not less than 1.0 acre or more than 1.29 acres of Linear Urban Park along the western most property line of the Application Property and associated improvements therein to be constructed by the Applicant and as generally shown on the CDP/FDP.
- ii. Any such dedication shall be subject to density credits pursuant to Article 2-308 of the ZO.
- iii. The proposed dedication and construction of the Linear Urban Park facilities, if accepted by Fairfax County, shall be a prerequisite to approval of bond release for the fourth multi-family high-rise building.

- iv. Applicant reserves the right to establish and record any public or private easements necessary to accomplish the proposed development prior to dedication to County as long as it does not preclude development/landscaping for the Urban Linear Park as shown on the CDP/FDP.
- v. The Applicant's proposal shall include a commitment to develop and construct a 5 - 6 foot-wide trail within the Linear Urban Park commencing at a point on Westpark Drive and terminating at a point on Park Run Drive as generally shown on the CDP/FDP. The trail shall be constructed with a combination of concrete sidewalk, concrete stairs, asphalt or other materials designated by the FCPA.
- vi. The potential for the proposed park and trail dedication, or the alternative use by UOA as a private recreation space to be maintained by UOA, shall be disclosed in the UOA and HOA/COA documents.
- vii. If the County does not accept proposed dedication of the Linear Urban Park and trail for maintenance and public use, or if one year passes from the date of the written offer by the Applicant and no action is taken by the County, then the proffer to dedicate the Linear Urban Park and trail shall become null and void.
- viii. If the Park and Trail dedication proposal is formally rejected or one year expires, then as a prerequisite to the approval of bond release for the fourth multi-family high rise building the Applicant shall construct the Linear Urban Park and trail as shown on the CDP/FDP and convey same to UOA. The Park, Trail and other amenities shall then be maintained as a private, active and passive recreation facility generally as shown on the CDP/FDP. The UOA may fence and gate the Park and Trail to deny access to the public and avoid any associated liability. The

exact type and location of facilities shown on the CDP/FDP may be changed subject to compliance with the requirements of these proffered conditions.

- ix. The number, location and configuration of access points to the Linear Urban Park shall be field located at site plan review for the second multi-family high rise Building Permit.
- x. Notwithstanding 10.C(viii) above, if the Park and Trail dedication proposal is formally rejected or one year passes from the date of the written offer by the Applicant and no action is taken by the County, then the Applicant shall grant an access easement for the purposes of active and passive recreational purposes to the Linear Urban Park to the property shown as 29-3-((22))-0001A in a location along the common boundary of that parcel and the Application Property, provided that a reciprocal access easement for the purposes of active and passive recreational purposes is granted to the Applicant or subsequent UOA by the owner(s) of the property shown as 29-3-((22))-0001A to the Natural Corridor and Storm Drain Easement recorded at Deed Book 6927 Page 1185 in the Fairfax County Clerk's Office and as generally shown on Sheet 3 of 13 of the CDP/FDP. Applicant shall construct a trail connection from the agreed access point with the adjacent property to the Trail System within the Linear Urban Park.. In the event an agreement for reciprocal easements cannot be reached prior to submission of the site plan for the second multi-family high-rise building, Applicant shall demonstrate such failure to the Providence District Supervisor and ZED, and this proffer shall be null and void.
- xi. The Applicant reserves the right to use portions of the proposed Linear Urban Park for construction staging prior to such Linear Urban Park dedication as

shown on the CDP/FDP. Prior to dedication, the Applicant will stabilize, restore and landscape any area used for construction staging.

11. Stormwater Management.

A. Stormwater and Best Management Practices

Stormwater and Best Management Practices (BMPs) shall be provided for the Application Property on-site in proposed underground facilities as reviewed and approved by the Department of Public Works and Environmental Services ("DPWES").

B. Design and Construction Standards

As approved by DPWES, the design of the facilities shall incorporate the following:

- a) The storage vaults, which shall provide BMP/stormwater management, may be constructed of materials in accordance with requirements of the Public Facilities Manual and as approved by DPWES.
- b) Safety measures shall be provided for those facilities as may be reasonably requested by DPWES, at time of site plan approval. Safety measures may include, but not limited to, Bilco doors or equivalent, to cover the facility entrance with a double locked keyed entry and/or bolted manhole lids.

C. Maintenance

- i. The proposed facilities shall be maintained by the Applicant, its successors and assigns, in accordance with the regulations of DPWES.
- ii. The maintenance responsibility shall be incorporated in an agreement to be reviewed and approved by the Fairfax County Attorney's office and recorded among the Fairfax County land records. The maintenance responsibility shall be

included in the UOA and HOA/COA documents provided to each purchaser and disclosed to potential purchasers before entering into a contract of sale.

- iii. The Applicant shall establish an initial reserve fund in the amount of Twenty-Five Thousand Dollars (\$25,000) for future maintenance and/or replacement.

The reserve fund shall be deposited with the UOA to be formed with respect to the Application Property prior to the conveyance of the first residential unit on the Application Property.

12. Energy Conservation

All dwelling units constructed on the Application Property shall meet the thermal standards of the Cabo Model Energy Program for energy efficient homes, or its equivalent, as determined by DPWES for either electric or gas energy homes, as applicable.

13. Architectural Design

- A. The architectural design of the buildings shall maintain the theme depicted on the elevations shown on Sheets 10 through 11B of the CDP/FDP. Minor modifications may be made with the final architectural designs.
- B. Exterior building materials will consist of brick, glass, precast concrete, or combinations thereof.
- C. Each high-rise building shall utilize similar materials and colors and design features on all of its sides.
- D. Townhouse architecture shall be in general character with the elevations shown on the CDP/FDP. Minor modifications concerning architectural details such as fenestration, copings, and archways, may be made with the final architectural designs.
- E. An architectural surface treatment which is compatible with the theme of building architecture as shown on the CDP/FDP shall be used on all parking structures and

garage walls such as one or more of the following: a mix of stone aggregate, special forming or scoring, special mix of textures or polymer paint materials, brick, landscape screening material(s), pre-cast concrete, architectural embellishments and/or other treatments that are compatible with and complement the building architecture and materials per DPWES.

- F. Retaining Walls. An architectural surface treatment shall be used on the face of any retaining wall. Such walls may vary from 2 to 60 feet in height. The surface treatment shall be either predominately or a combination of a mix of stone aggregate, special forming or scoring, special mix of textures or polymer paint materials, bricks, screening material(s), pre-cast concrete, architectural embellishments and/or other treatments that are compatible with and complement the building architecture and materials per DPWES.
- G. Greenscreen. In addition to 13(F) above, any retaining wall or garage wall exceeding 10 feet in height that faces the Linear Urban Park and the residences in the R-30 property to the northwest of the Application Property (Tax Map 29-3-((22))-0001A) shall be vegetatively screened within a minimum three foot (3') planting strip at the base of such retaining or garage wall. Vegetation may consist of a mixture of columnar species of trees, climbing plants and vines as approved by the Urban Forester. In the event that vegetative screening is not practical, the Applicant may submit alternative screening methods such as, but not limited to, enhanced landscaping of the Linear Urban Park, artwork, or other medium acceptable to DPWES and/or the Urban Forester and the Department of Planning and Zoning to mitigate the height and mass of the retaining or garage walls.

14. Geotechnical Report

If required by DPWES, geotechnical studies shall be submitted at the time of site plan submissions and the recommendations of said studies shall be implemented, as required.

15. Lighting

All walkway, parking lot and building/wall mounted lighting fixtures shall use shielded light fixtures. Any spotlighting and floodlighting which is used for architectural, landscape or decorative purposes shall use fully shielded lighting fixtures that are made directional such that the directed light does not extend beyond the object intended for illumination or onto another property. Any illuminated signage shall be backlit or internally lit. Internally lit signs shall be opaque or of non-white colors.

16. Telecommunication Equipment.

- A. In addition to those serving the Application Property, four (4) whip antennae not associated with the retail or residential uses, may be placed on the proposed residential building(s) rooftop(s); however, any such facilities must (a) comply with the ZO; and (b) be screened and/or setback sufficiently from the perimeter of the roof and penthouse such that they shall not be visible from the surrounding streets at street level. Other screening measures may be used, such as including the facilities as part of the architecture of the building(s), utilizing compatible colors, or employing telecommunication screening material, and flush-mounted antennas.
- B. License for Public Use Antennas. Applicant shall provide a ten-year license agreement at no cost for the installation and operation of four (4) whip antennae, 200 square feet of uncovered, unscreened roof surface located and constructed pursuant to 16A above for an equipment cabinet and access to roof for public use purposes only (police, fire, rescue, homeland security) subject to the provisions of 16.A above and approval of the

specific location and equipment by the Applicant. The license agreement shall be renewable for five (5) five-year periods at no cost at the specific request of the County.

17. Affordable Dwelling Units.

A. On-Site Affordable Dwelling Units

- i. Applicant shall provide a number of on-site Affordable Dwelling Units equal to twelve and one-half percent (12 ½ %) of the number of single-family attached residential units developed on the Application Property.
- ii. The Applicant reserves the right to provide those on-site ADUs for the single-family attached dwelling units within the multi-family high-rise building(s).

B. Contribution to Fairfax County Affordable Dwelling Unit Project

- i. In addition to providing the on-site ADUs referenced above, the Applicant shall provide One Million Dollars (\$1,000,000) to be paid in two (2) equal payments of Five Hundred Thousand Dollars (\$500,000) to Fairfax County (the "ADU Contribution"). This ADU Contribution shall be paid to the County to be applied to an Affordable Housing Project(s) (the "Project") approved by the Board of Supervisors.
- ii. The first payment of Five Hundred Thousand Dollars (\$500,000) shall be paid on the earlier of
 - a) The first anniversary of the approval of this rezoning application, or
 - b) The issuance of the Building Permit for the first multi-family high-rise building.
- iii. The second payment of Five Hundred Thousand Dollars (\$500,000) shall be paid on the earlier of

- a) The second anniversary of the approval of this rezoning application, or
- b) The issuance of the Building Permit for the second multi-family high rise building

C. Petition to County Designation of Affordable Housing Project

- i. Within three (3) months of the approval of the Rezoning Application, Applicant shall submit a petition to the Board of Supervisors, after consultation with the Providence District Supervisor, nominating not less than two (2) projects within Fairfax County as the beneficiary projects for the ADU Contribution to be paid pursuant to Proffer 17B.
- ii. The project selected by the Board of Supervisors need not be one that was nominated by the Applicant.
- iii. In the event that a beneficiary ADU project has not been designated by the Board of Supervisors at the time when any installment of the ADU Contribution is payable by the Applicant, Applicant shall pay such installment to Fairfax County to be held by the County for the benefit of such beneficiary ADU project when such project has been designated by the Board of Supervisors.

18. Public Facilities

- A. Office/Meeting Space. Within ninety (90) days of approval of the Rezoning Application or longer if permitted by the Providence District Supervisor, the Applicant shall execute a Lease generally consistent with the terms and conditions set forth in Exhibit A attached for approximately 4,000 square feet of public government office/meeting space within Tysons Corner Urban Plan Land Unit L. The lease may be for a lesser number of square feet if it is determined by the Providence District Supervisor that such lesser amount fulfills the County's needs for the space.

B. Additional Dedication of Future Public Facility Site

- i. Applicant shall dedicate in fee simple to Fairfax County the approximately 0.76 acre site on Old Meadow Road, Tax Map 29-4-((6))-107 (the "Dedication Lot"), subject to
 - a) waiver of a Preliminary Plan in favor of GDP which serves as preliminary plan associated with PCA 92-P-001-4,
 - b) approval of a plat of subdivision and deed, prepared by the Applicant and approved by DPWES and County Attorney and
 - c) the granting of density credit to the Applicant pursuant to Article 2-308 of the ZO.
- ii. Applicant shall submit a study performed by a Virginia Professional Engineer resulting in an opinion as to whether the Dedication Lot can generate an approved Article 17 site plan for an approximately 3,500 to 4,000 square foot office building with approximately 25 parking spaces.
- iii. In the event the County pursues an approved site plan and building permit and constructs a Public Facility on the Dedication Lot, the Lease to be executed pursuant to Proffer 18.A above shall terminate and become null and void on the date that a Non-RUP for such public facility is issued.

C. The use of any space provided by the Applicant under 18.A and/or 18.B above will be determined by the Fairfax County Executive on the basis of County needs in this area.

19. Community Arts Contribution

As a prerequisite to the approval of the first site plan (exclusive of rough grading plans or sediment control permits) Applicant shall contribute Sixty-Thousand Dollars (\$60,000) to the Fairfax County Park Authority to support the Community Arts Program.

20. School Contributions

- A. Westbriar Elementary School. As a prerequisite to approval of Building Permit for the first multi-family high rise building, Applicant shall donate the sum of Fifty Thousand Dollars (\$50,000) to be applied to the purchase of Wireless Networking and Mobile Lab Units for the Westbriar Elementary School. At the time the funds are received, other equivalent or more advanced technologies may be substituted at the discretion of the principal, for the actual purchases that will be made and installed through the Fairfax County Public School system.
- B. Kilmer Middle School. Applicant shall donate One Hundred Thousand Dollars (\$100,000) to Kilmer Middle School specifically for its Special Education Program. Specific use of the funds shall be at the discretion of the Principal in consultation with the Special Education Department, but under no circumstances shall funds be used for any other purpose than Special Education without prior approval of the Providence District Supervisor or his representative. The One Hundred Thousand Dollars (\$100,000) shall be made in two (2) equal installments.
- i. The first Fifty Thousand Dollars (\$50,000) payment shall be made as a prerequisite to approval of the first multi-family high rise Building Permit.
 - ii. The second Fifty-Thousand Dollars (\$50,000) payment shall be made as a prerequisite to the approval of the second multi-family high rise Building Permit.
- C. Marshall High School.
- i. Applicant shall fund a Fifty Thousand Dollars (\$50,000) scholarship program to Marshall High School to be known as the Martha U. Seeley Scholarships.

- ii. The Applicant shall pay five (5) equal installments of Ten Thousand Dollars (\$10,000) commencing on the first anniversary of the approval of this rezoning application and continuing annually thereafter.
- iii. The details of the scholarship program shall be established generally in accordance with Exhibit B.

21. Successors and Assigns

These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

22. Density Credit

Advanced density credit shall be reserved as may be permitted by the provisions of Article 2-308 of the Fairfax County ZO for all eligible dedications described herein, or as may be required by Fairfax County, Fairfax County Park Authority or VDOT at time of site plan approval.

23. Site Plan Review and Comment

Site plan(s) for the Application Property shall be submitted to the Providence Planning Commissioner for review and comment within five (5) business days after acceptance of the site plan by Engineering Surveyor Institute and/or DPWES.

24. Building Permit Definition

When used in these proffers for the purpose of defining when a particular payment must be made or proffer performed, "Building Permit" shall mean the building permit for the vertical construction of an actual multi-family high rise building, or a building containing single-family attached dwelling units. "Building Permit" shall not refer to the issuance of any permits for the construction of footings and foundations, sheeting and shoring, parking

structures or retaining walls issued in advance of the building permit that approved the vertical construction of the actual high rise or townhouse building.

25. Severability

Any of the sections/buildings/phases or subdivided lots within the Application Property may be subject to Proffered Condition Amendments and Final Development Plan Amendments without requiring joinder or consent of the property owners of the other sections/buildings/phases or subdivided lots within the Application Property if such PCA does not adversely affect those other sections/buildings/phases or subdivided lots.

Previously approved proffered conditions applicable to the sections/buildings/phases or subdivided lots that are not the subject of such a PCA shall otherwise remain in full force and effect.

WEST*GROUP PROPERTIES LLC

G. T. Halpin, President

Exhibit A

Lease

DRAFT Exhibit A

This First Proposed Revision of the form Fairfax County Expense Lease has been forwarded by the Applicant to the Fairfax County Attorney and the Facilities Management Leasing Agent for their review and comment. As of 11/6/02, comments have not been received by Applicant. Negotiations of the form of this Lease shall continue, and the final agreed-upon form shall be attached to the final signed proffers.



COUNTY OF FAIRFAX

EXPENSE LEASE

NOTICE TO LANDLORD:

In order for this Lease Agreement to be valid and enforceable, the Landlord must approve this agreement in its entirety and return one (1) fully executed copy to Fairfax County (Tenant) by _____.

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Exhibit B

Outline of The Martha U. Seeley Scholarship Program

1. No sooner than ninety (90) days nor later than one hundred-eighty (180) days after the approval of the Rezoning Application, the Providence Supervisor may convene the Martha U. Seeley Scholarship Committee, consisting of the Providence Supervisor or designee, Planning Commissioner or designee, School Board Member, the Principal of Marshall High School and a representative of the Applicant.
2. That Committee shall be responsible for preparing the details for the Scholarship Program that may include, but not be limited to:
 - a. The plan for administration of the Scholarship Program,
 - b. The criteria for eligibility of Marshall High School students as candidates for such scholarships,
 - c. The type of programs that may be eligible for scholarship support, such as but not limited to, college studies, technical training, vocational training, etc.
 - d. The composition of the selection panel for reviewing nominees and awarding scholarships.
 - e. The number and/or amount of Scholarships to be awarded each year,
 - f. The process for nomination, review and selection of Scholarship recipients
 - g. The schedule for nomination, selection and award of scholarships at the graduation ceremony commencing in May 2004 and continuing annually thereafter for four (4) years.
3. The Program as ratified by the Committee shall be forwarded to ZED.
4. The Applicant shall make such payment or payments annually in the aggregate amount of Ten Thousand Dollars (\$10,000) to the those scholarship recipients or payee(s) on behalf of the scholarship recipients as designated by the Scholarship Selection Committee and provide Marshall High School with simultaneous evidence of such payment(s). Applicant shall also provide evidence of those payments annually to the Providence Supervisor, ZED and DPWES as evidence of satisfaction of compliance with this Proffer.
5. This outline is intended to be only an outline and the Committee shall determine the ultimate Scholarship Program details.

Exhibit A

Leased Premises

COUNTY OF FAIRFAX

LEASE AGREEMENT

THIS LEASE is made this _____ day of _____, 2002 between WEST*GROUP PROPERTIES LLC, a limited liability company organized and existing under the laws of the Commonwealth of Virginia, party of the first part, hereinafter called the "Landlord", and the BOARD OF SUPERVISORS FOR FAIRFAX COUNTY, VA, party of the second part, hereinafter called the "Tenant".

SECTION 1. GRANT

In consideration of the rents to be paid and the mutual covenants and agreements set forth above and below, Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord, the space shown on Exhibit A attached hereto (hereinafter referred to as the "Leased Premises") located in the Brunswick Building, 7921 Jones Branch Drive, McLean, Virginia 22102 (hereinafter referred to as the "Building"; with the Building and the site on which the Building is located being referred to as the "Project"). For purposes hereof, the Leased Premises shall be deemed to contain approximately _____ square feet of rentable floor area based on the method of measurement used by the Building Owners and Managers Association (BOMA).

SECTION 2. TERM

(a) Subject to the terms and conditions set forth herein, the term of this Lease shall be for a period of ten (10) years, and shall commence on the "Commencement Date", as defined in Section 7 hereof. Subject to the option to renew per Section 37 hereof and the early termination provision per Section 48 hereof, this Lease shall terminate on the last day of the month in which the tenth (10th) anniversary of the Commencement Date occurs.

(b) At the expiration of the tenancy hereby created, or upon any re-entry by Landlord into the Leased Premises pursuant to any provision herein, Tenant shall surrender the Leased Premises in the same condition as the Leased Premises were upon the commencement of the original term of this Lease, with nail holes and reasonable wear and tear and damage by the elements excepted, and except for changes and alterations which the Landlord has approved. Tenant shall deliver all keys for the Leased Premises to Landlord at the place then fixed for the payment of rent, and shall inform Landlord of all combinations on locks, safes and vaults, if any, in the Leased Premises. Tenant shall remove all of its trade fixtures and inventory before surrendering the Leased Premises as aforesaid, and shall repair any damage to the Leased Premises caused by such removal.

SECTION 3. RENT

Tenant shall pay, as basic annual rental for the Leased Premises, the sum of One Dollar (\$1.00) per annum, to such agent and

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PROPOSED DEVELOPMENT CONDITIONS

FDP 2002-PR-016

November 5, 2002

If it is the intent of the Planning Commission to approve Final Development Plan FDP 2002-PR-016 for mixed-use residential development located at Tax Map 29-4 ((7)) A3, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

1. A sign shall be posted at the northernmost entrance on Park Run Drive which states that use of this entrance is restricted to residents only.
2. The fourteen surface space proposed along West*Park Drive in front of the proposed retail building shall be eliminated.
3. At the main entrance to the site along Park Run Drive, adequate distance shall be provided between the proposed gate and Park Run Drive so that 80-foot long trucks entering the site can pull completely off of Park Run Drive, as approved by DPWES and the Fairfax County Department of Transportation.
4. Lighting shall be provided for the proposed trail within the urban linear park.



operating expenses and real estate taxes incurred by the Landlord during the preceding calendar year. Tenant's proportionate fractional share is calculated by dividing the size of the Premises by the size of the Building. Tenant's proportionate fractional share is percent (%).

(b) Tenant's obligation to reimburse Landlord for operating expenses and real estate taxes pursuant to this Section 5 shall not commence until July 1, 2004.

(c) The term operating expenses shall refer to all expenses, costs and disbursements which Landlord pays or incurs in connection with the operation, management, repair and maintenance of the Leased Premises, including, without limitation, (i) Wages, salaries, benefits and fees of personnel or entities engaged in the operation, repair, maintenance or security of the Project; (ii) Cost of all service agreements for maintenance, janitorial services, access control, alarm service, window cleaning, elevator maintenance and landscaping for the Project; (iii) All utilities for the Project, including water, sewer, electricity and gas; (iv) Cost of all insurance for the Project which Landlord may carry from time to time, together with all appraisal and consultants' fees in connection with such insurance; (v) Legal and accounting costs incurred by Landlord or paid by Landlord to third parties (other than legal fees with respect to disputes with individual tenants, negotiations of tenant leases, or operating the entity which constitutes the Landlord); (vi) Cost of non-capitalized repairs and general maintenance of the Project; (vii) Project management office rent or rental value; (viii) A management fee and all items reimbursable to the Project manager, if any, pursuant to any management contract for the Project; and (ix) Cost of capital improvements (amortized on a straight-line basis over the useful life of the capital improvement) which are (A) for the purpose of reducing operating expenses, (B) required by any governmental authority, or (C) considered to be operating expenses (notwithstanding their capital nature) under generally accepted accounting principles. The term operating expenses shall not include any of the following: (1) Payment of principal or interest due under any mortgage or deed of trust; (2) Depreciation allowance of any type; (3) Capital improvement costs, whether principal or interest; (4) Compensation paid to officers or executives of the Landlord or its management agent; (5) Consulting costs and expenses paid by the Landlord unless they relate to the improved management or operation of the Project; (6) The cost of tools, equipment and material used in the initial construction of the Project; (7) Costs directly resulting from the negligence or willful misconduct of the Landlord or its agents, contractors or employees; (8) Costs for which Landlord is reimbursed by any insurance; (9) Costs for any structural maintenance, replacement or redesign; (10) Leasing commissions, legal fees, and other expenses incurred by Landlord or his agents in connection with negotiations or disputes with tenants or prospective tenants for the Building; (11) Costs or expenses associated with the enforcement of any leases by Landlord; (12) Costs or fees relating to the defense of the Landlord's title to or interest in the real estate containing the Building or any part thereof; (13) Costs incurred by Landlord in connection with the construction of the Project and related facilities; (14) Expenses for the correction of defects in Landlord's construction of the Project; (15) Any cost or expense relating to Landlord's obligations under any work letter to construct tenant improvements, including Tenant's work letter; (16) Costs (including

Repairs or other work caused by fire, windstorm or other casualty covered by the casualty provisions in this Lease; (23) Renovation of the Project made necessary by the exercise of eminent domain; and (24) Expenses connected with the sale, transfer or exchange of the Building.

(d) Landlord shall provide Tenant with an annual statement of all operating expenses at least 60 days prior to the payment due date. Said statement shall include all of the following: The total rentable area of the Building, the total rentable area of the Leased Premises, the percent that the rentable area of the Leased Premises bears to the rentable area of the Building, the sum owing and the due date. In addition, Tenant may, upon notice to Landlord, review and audit the preceding year's records at the Landlord's office. Tenant reserves the right to object to any improper or unreasonable costs.

(e) All operating expenses and real estate taxes due from Tenant to Landlord shall be billed by Landlord to Tenant within eighteen (18) months from the date on which such operating expenses and real estate taxes were incurred by Landlord or its agents.

(f) If Tenant pays its proportionate fractional share of real estate taxes for the Leased Premises for a given year and Landlord thereafter receives a rebate of a portion of such real estate taxes for the Building for that year, then Tenant shall be entitled to its proportionate share of such rebate.

SECTION 6. ELECTRICITY, GAS, WATER AND SEWER

Tenant shall reimburse Landlord for the cost incurred by Landlord to provide electricity, water and sewer to the Leased Premises, and the costs to provide the same shall be deemed operating expenses payable to Landlord pursuant to Section 5 hereof.

SECTION 7. LANDLORD'S IMPROVEMENTS; COMMENCEMENT DATE

(a) Landlord shall build-out the Leased Premises, at Landlord's expense, in conformity with the space plan and specifications attached hereto as Exhibit B. Landlord shall endeavor to complete the foregoing improvements within one hundred (100) days after obtaining the requisite building permit.

(b) For purposes of this Lease, the Commencement Date shall be the date on which Landlord obtains a non-residential use permit for the Leased Premises after having completed the build-out described in the aforesaid paragraph (a).

(c) Tenant shall have the right, during the ten (10) day period prior to the Commencement Date, to enter the Leased Premises to work on the installation of its telephone and computer systems, provided that Tenant's contractor coordinates its installation activities with Landlord's contractor to avoid interfering with the construction activities of Landlord's contractor. Tenant's entry onto the Premises prior to the Commencement Date shall be subject to all of the terms of this Lease.

(d) Landlord agrees to repair or replace at its own cost

are not reimbursable to Landlord pursuant to Section 5 hereof, then Tenant shall be billed for the cost incurred by Landlord to provide such maintenance, and the amount thereof shall be due and payable by Tenant to Landlord within thirty (30) days after Landlord's delivery of an invoice therefor to Tenant. If the Leased Premises or any part thereof become unfit for use for the purposes for which leased, Landlord shall put the same in satisfactory condition, as determined by reasonable judgment of both parties for the purposes for which leased. For any period the Leased Premises or any part thereof are unfit for the purposes for which leased, the rental shall be abated in proportion to the areas reasonably determined by the Tenant to have been rendered unavailable by reason of such condition. Unfitness for use does not include subsequent unsuitability arising from such matters as design, size or location of the Building.

(b) Landlord shall designate a contact person for obtaining emergency maintenance for electrical, plumbing, heating, ventilating and air conditioning emergencies (windows, doors, locks, etc.) that may be called in the event of an emergency situation involving maintenance of the property and/or equipment.

SECTION 11. USE

The sole purpose for which Tenant is hereby permitted to use the Lease Premises is general office use with related conference facilities, but excluding ~~awaiting receipt of proposed exclusion language from County~~.

SECTION 12. PARKING

Tenant shall be entitled to use, at no charge, sixteen (16) parking spaces, four (4) of which shall be reserved exclusively for Tenant (and so marked), and twelve (12) of which shall be marked for Tenant's use, but which shall not be reserved exclusively for Tenant's use. Thus, if a party other than Tenant desires to park, or does in fact park, in one of the twelve (12) non-reserved parking spaces, Tenant shall have no right to prevent or remove said vehicle from that space. Tenant covenants that it will require deliveries to be made only in areas assigned by Landlord for such purposes.

SECTION 13. COMPLIANCE WITH LAWS

Tenant will not use or occupy the Leased Premises for any unlawful purpose, and will obey all present and future laws, ordinances, regulations and orders of the United States of America or the Commonwealth of Virginia or any agency thereof, relating to the Leased Premises.

SECTION 14. LIENS

Tenant shall not cause any mechanic's lien or liens to be filed against the Leased Premises for work done or materials furnished to Tenant or its subtenant(s). If, however, a mechanic's lien is filed against the Leased Premises or the Building, or any interest therein, as a result of any services, labor or materials provided (or claimed

SECTION 8. LANDLORD'S REPAIRS

(a) Landlord shall, at Landlord's expense, maintain the roof, foundation and the structural soundness of the exterior walls of the Building in good repair, reasonable wear and tear excepted. Landlord shall have no liability for any damage caused by the negligence of Tenant or Tenant's employees, agents or invitees, or caused by Tenant's default hereunder. The term "walls" as used in this paragraph shall include exterior windows, glass and doors. Tenant shall immediately give Landlord written notice of defect or need for repairs. After such notice, Landlord shall have reasonable opportunity to repair or cure such defect. Landlord's liability with respect to any defects, repairs or maintenance for which Landlord is responsible under any of the provisions of this Lease shall be limited to the cost of such repairs or maintenance or the curing of such defect.

(b) Landlord, at Tenant's expense, shall maintain all parts of the Leased Premises in good condition, promptly making all necessary repairs and replacements, including, but not limited to, interior windows, glass and plate glass, doors, door closures, any special office entry, interior walls and finish work, floors and floor covering, downspouts, gutters, heating and air conditioning systems, lighting and electrical systems, parking areas and parking structure, exterior lights, paving, plumbing work and fixtures, termite and pest extermination, regular removal of trash and debris, regular mowing of grass, trimming, weed removal and general landscape maintenance, and keeping the parking area, driveways, alleys and the whole of the Leased Premises in a clean and sanitary condition. To the extent any of the foregoing maintenance items are not reimbursable to Landlord pursuant to Section 5 hereof, then Tenant shall be billed for the cost incurred by Landlord to provide the particular maintenance, and the amount thereof shall be due and payable by Tenant to Landlord within thirty (30) days after Landlord's delivery of said invoice to Tenant.

SECTION 9. LANDLORD'S LIABILITY

Unless there is negligence or willful act or failure to act on the part of Landlord, its agents or employees, Landlord shall not be responsible for (1) any damage to, or loss of the personal property of Tenant, its sublessees, employees, agents, business invitees, licensees, customers, clients, family members, or guests, arising from any act of any persons, from the leaking of the roof, from bursting leaking or overflowing of water, sewer or steam pipe, heating or plumbing fixtures, electrical wires or fixtures, air conditioning failure, or for the interruption or loss of Tenant's business arising from any of the above described acts or causes; and (2) any personal injury to Tenant, its employees, agents, sublessees, business invitees, licensees, customers, clients, family members, or guests, arising from the use, occupancy and condition of the Leased Premises.

Notwithstanding the foregoing, Tenant agrees to look solely to the estate and property of Landlord in the Building for the collection of any judgment or other judicial process requiring the payment of money by Landlord for any default or breach by Landlord under this Lease, subject, however, to the prior rights of any mortgagee or lessor of the Building. No other assets of Landlord or

SECTION 15. TENANT'S EQUIPMENT

(a) Tenant will not install or operate in the Leased Premises any electrically operated equipment or other machinery, other than VDT units, VDT printers, electric typewriters, adding machines, radios, television, tape recorders, dictaphones, bookkeeping machines, individual space heaters, copying machines and clocks, and the necessary cabling and electrical outlets therefore, without first obtaining the prior written consent of Landlord without first obtaining the prior written consent of Landlord, who may condition such consent upon the installation, at Tenant's cost, of a separate meter or submeter to meter the additional consumption of utilities at the Leased Premises.

(b) Landlord shall have the right to prescribe the weight and position of safes and other heavy equipment or fixtures. Landlord shall have no liability for damage to the Leased Premises or the Building caused solely by the moving of property of Tenant into or out of the Leased Premises. Tenant agrees promptly to remove from the sidewalks adjacent to Building any of Tenant's furniture, equipment or other material there delivered or deposited.

SECTION 16. INSURANCE

(a) Landlord's Property Insurance. Landlord agrees to obtain and maintain in effect at all times during the term hereof, fire and extended coverage insurance insuring the Building.

(b) Tenant's Insurance. Tenant represents that it is self-insured, and therefore, Tenant assumes the following risks:

- Workers' Compensation
- Commercial Automobile Liability
- Commercial General Liability
- Public Officials' Liability
- Law Enforcement Liability

The Property risks are commercially insured with self-insured retention of \$25,000. Tenant will insure its own losses to the extent such losses are not required to be covered by the Landlord under other sections of this Lease agreement.

SECTION 17. SERVICES AND UTILITIES

Landlord shall provide the following services, for which Landlord shall be reimbursed pursuant to Section 5 hereof:

(i) Hot and cold water, drinking water (including bottled water if an emergency situation occurs), sewer, and lavatory supplies (it being understood and agreed that hot and cold water shall be furnished by Landlord at those points of supply provided for general use of other tenants in the Building).

(ii) Normal cleaning and char services after normal business hours Monday through Friday of each week, except holidays recognized by the Fairfax County Government. Spot cleaning or shampooing of carpeting in the Leased Premises.

(v) Electricity to furnish sufficient electricity for equipment and Tenant installed machinery in accordance with the provisions of Section 15 hereof.

(vi) Ice and snow removal service from public walkways and parking areas as necessary to prevent any hazard.

(vii) Appropriate lawn and shrub care and weed control as deemed necessary.

(viii) Appropriate parking lot maintenance and cleaning and striping of the parking lot.

(ix) Fire extinguisher maintenance and installation per Fire Marshall's requirements and any other fire code items required.

(x) Once yearly window washing of the interior and exterior of all windows in Tenant's space.

SECTION 18. ALTERATIONS

(a) Tenant shall not make any structural or exterior changes without Landlord's prior written approval, which Landlord shall have the right to withhold in its sole discretion. Tenant shall not make any other type of changes to the Leased Premises without Landlord's prior written approval, which shall not be unreasonably withheld.

(b) All work to be performed by Landlord or Tenant shall be done in a good and workmanlike manner, in accordance with the approved plans and specifications therefore, and in accordance with all applicable ordinances, laws or public regulations of any authority at any time having jurisdiction. The building improvements to the Leased Premises, when completed, shall comply with all applicable laws, ordinances, regulations and order of all governmental or quasi-governmental authorities having jurisdiction. The building improvements, excluding systems furniture, shall immediately upon erection be and become the property of the Landlord free from any liens or claims whatsoever, without compensation from Landlord to Tenant, or to any other person, firm or corporation or anyone whatsoever; provided that specialized equipment and other fixtures incident to the use to which the Leased Premises is put shall be and remain the property of Tenant.

(c) Tenant shall have the right to install or run cable or conduit into the Building and to the Leased Premises for cable television or telephone purposes.

SECTION 19. RULES AND REGULATIONS

Tenant, and its agents and employees, shall abide by and observe such reasonable rules and/or regulations as may be promulgated from time to time by Landlord for the operation and maintenance of the Building, provided that the same are not inconsistent with the provisions of this Lease and a copy thereof is sent to Tenant. Nothing contained in this Lease shall be construed to impose upon

SECTION 20. ESTOPPEL CERTIFICATE

Tenant shall, without charge therefore, at any time and from time to time, within fifteen (15) days following a request by Landlord, execute and deliver to Landlord a written estoppel certificate, in recordable form, certifying to Landlord, or to any other person designated by Landlord, such facts concerning the Lease and Tenant's tenancy as Landlord shall reasonably require.

SECTION 21. SUBORDINATION

The parties expressly acknowledge that this Lease and any renewal thereof shall remain subject and subordinate in interest to the lien of any mortgage, deed of trust or other security interest encumbering the Building.

SECTION 22. ATTORNMENT

If the mortgagee under any mortgage now or hereafter given in respect of all or any portion of the Leased Premises (or any purchaser at any public or private foreclosure sale) shall enter into and become possessed of the Leased Premises or any part thereof through summary or other proceedings, then, upon the request of such mortgagee or purchaser, Tenant shall, at Tenant's sole discretion, without charge therefor, attorn to such mortgagee or purchaser as Landlord under this Lease, in accordance with all of the provisions hereof, provided that such mortgagee or purchaser shall execute an agreement to recognize the rights of Tenant under this Lease and to accept Tenant as Tenant of the Leased Premises under the terms and conditions of this Lease. Upon request of such mortgagee or purchaser, Tenant will promptly execute an agreement of attornment in recordable form and in accordance with the terms and conditions of this Lease. This section, however, shall not be construed as a waiver of any defenses which the Tenant may have assertable against the Landlord or his successors and assigns by operation of law.

SECTION 23. ASSIGNMENT

(a) Except for Tenant's being allowed to sublease to any Fairfax County Government agency, neither Tenant, nor its successors or assigns, shall transfer, assign, mortgage or encumber this Lease, or sublet all or any portion of the Leased Premises, or permit all or any portion of the Leased Premises to be used by others, without the prior written consent of Landlord in each instance, which Landlord shall have the right to withhold in its sole discretion.

(b) If, in contravention to the foregoing paragraph (a), this Lease is transferred or assigned, or if the Leased Premises or any part thereof is sublet or occupied, whether as a result of any act or omission of Tenant or by operation of law or otherwise, then Landlord may, in addition to any other rights and remedies under this Lease or pursuant to law, terminate this Lease.

SECTION 24. DAMAGE BY FIRE OR OTHER CASUALTY

This Lease is made on condition that, if the Leased

sixty (60) days after such damage or destruction, the approximate date by which the Leased Premises can reasonably be expected to be restored. If the expected date of restoration cannot be completed, as stated in Landlord's notice, within six (6) months after such damage or destruction, then either party hereto shall have the right, to be exercised within thirty (30) days after receipt of such notice from Landlord, to cancel and terminate this Lease, by giving to the other party a written notice of its desire so to cancel and terminate; but if this Lease shall not be so cancelled, it shall remain in full force and effect and Tenant shall reoccupy the Leased Premises when fully restored. However, if the expected date of restoration, as stated in Landlord's notice, shall be within six (6) months after such damage or destruction, then this Lease shall remain in full force and effect, and Tenant shall reoccupy the Leased Premises when fully restored; provided, however, that if, upon expiration of the six (6) month period following such damage or destruction, the Leased Premises shall not have been fully restored as a result of some cause beyond Landlord's control, then Landlord shall have the right to complete such restoration, provided it shall use reasonable diligence in doing so, without thereby affording Tenant the right to cancel this Lease; but if the Leased Premises shall not have been fully restored within said six (6) month period because of a lack of a reasonable diligence on the part of Landlord, Tenant may, by written notice to Landlord, delivered within (30) days after the expiration of such six (6) months period, but prior to the complete restoration of the Leased Premises, cancel and terminate this Lease. Despite the foregoing provisions, the parties hereto may make such other agreements as they wish in the event of the damages or destruction of the Leased Premises. All rights of subrogation against Landlord and Tenant are hereby waived unless such waiver shall make void or voidable any insurance either Landlord or Tenant may have upon the Leased Premises. In case of damage to or destruction of the Leased Premises by an uninsured casualty, Landlord, at its option, may cancel and terminate this Lease as of the date of such damage or destruction by giving Tenant a written notice thereof promptly after such damage or destruction.

SECTION 25. CONDEMNATION

Tenant agrees that if the Building, the Leased Premises or the Project, or any part thereof, shall be taken or condemned for public or quasi-public use or purpose by any competent authority, Tenant shall have no right to any portion of the amount that may be awarded as damages or paid as a result of any such condemnation. All remaining rights of Tenant to damages therefore, if any, are hereby assigned by Tenant to Landlord. And upon such condemnation or taking, Landlord or Tenant, at either party's option, shall have the right to terminate this Lease effective as of the date of such governmental taking or condemnation.

SECTION 26. DEFAULTS AND REMEDIES

Except as provided herein, if either party fails to perform or observe any covenants, terms or conditions in this Lease within thirty (30) days after written notice thereof from the non-defaulting party, then in addition to its remedies under this Lease, such non-defaulting party shall have all available rights and remedies at law and equity. The failure of one party to the action in case of

SECTION 27. AUTHORITY TO CONTRACT

Landlord covenants that it has a right to enter into this Lease for the term aforesaid.

SECTION 28. NO PARTNERSHIP

Nothing contained in this Lease shall be deemed or construed to create a partnership or joint venture of or between Landlord and Tenant, or to create any other relationship between the parties hereto other than that of Landlord and Tenant.

SECTION 29. TRANSFER OF LANDLORD'S INTEREST

It is expressly understood and agreed that this Lease and all rights of Landlord hereunder shall be fully and freely assignable by Landlord. In the event of an assignment of this Lease or of Landlord's obligations, (i) the Landlord named hereunder (assignor) shall remain legally responsible for any and all of its obligations arising under this Lease prior to such assignment and (ii) the new landlord (assignee) shall be responsible for any and all of its obligations arising under this Lease from and after such assignment.

SECTION 30. SUCCESSORS AND ASSIGNS

Subject to the provisions hereof, this Lease shall bind and inure to the benefit of the parties hereto and their respective legal representatives, successors and assigns.

SECTION 31. ACCESS BY LANDLORD

Landlord may, during usual business hours, upon prior notice to Tenant, enter upon the Leased Premises, or any portion thereof, for the purpose of inspection of the same, showing the Leased Premises to prospective purchasers or tenants, or performing any repairs herein allowed to be performed by Landlord. Landlord's right to enter the Leased Premises shall be immediate in the event of an emergency.

SECTION 32. APPLICABLE LAW; JURISDICTION; WAIVER OF JURY TRIAL

Landlord and Tenant agree to be bound by the laws of the Commonwealth of Virginia in any proceeding, whether in law or in equity, with respect to any dispute arising under this Lease. The parties hereto hereby consents to jurisdiction in the Circuit Court for Fairfax County, Virginia, if any suit is brought relating to this Lease. Landlord and Tenant hereby waive all right to trial by jury regarding any matter connected with this Lease.

SECTION 33. PAYMENTS BY TENANT

All payments of rent and all other charges and payments

month basis. Tenant, as a monthly Tenant, shall be subject to all of the conditions and covenants of this Lease as though the same had originally been a monthly tenancy. Tenant shall give to Landlord at least thirty (30) days prior written notice of any intention to quit the Leased Premises, and Tenant shall be entitled to thirty (30) days written notice from the Landlord to quit the Leased Premises.

SECTION 35. SIGNAGE

(a) Landlord grants Tenant the right to install a monument sign on the Building site, as permitted by zoning, to designate the Tenant's presence in the Building. Control of the scope, size, location, color and other aspects of said sign shall be at the sole discretion of the Landlord. Any and all signs shall first be submitted to the Landlord for approval, which approval shall not be unreasonably withheld.

(b) Landlord will install, at no cost to Tenant, Tenant's interior signage on the Building's directory and Tenant's required interior suite signage.

(c) Except as otherwise permitted in this Section 35, Tenant shall not install or maintain any sign on the Building or the Project without the prior written consent of Landlord, which Landlord shall have the right to withhold in its sole and absolute discretion.

SECTION 36. BROKERAGE

Landlord and Tenant each represent that they had no dealings with any real estate broker, finder or other party, with respect to this Lease except WEST*GROUP MANAGEMENT LLC (hereinafter "Broker"). Landlord shall pay any commissions or fees that are payable to the Broker with respect to this Lease, in accordance with the provisions of a separate commission contract.

SECTION 37. OPTION TO RENEW

(a) Provided Tenant is not in default of this Lease, Tenant shall have the option to renew this Lease for two (2) renewal terms of five (5) years each, by giving Landlord written notice of Tenant's intention to renew at least 180 days prior to the commencement of either option period. All terms, conditions and covenants contained within the original Lease shall be applicable to the option periods.

(b) Notwithstanding the foregoing, in the event Tenant does not exercise its option to renew by the time period stated above, such renewal option shall nevertheless continue in full force and effect and still not lapse until thirty (30) days after Landlord has notified Tenant in writing to inquire whether Tenant plans to exercise such renewal option. Tenant may then exercise such renewal option during this thirty (30) day period, but if Tenant fails to do so during such period, such option renewal shall thereafter lapse and terminate, and be of no further force or effect.

SECTION 39. TIME OF ESSENCE

Time is of the essence with respect to the performance of each of the covenants and agreements under this Lease.

SECTION 40. AGREEMENT AND COVENANT

Every term, condition, agreement or provision contained in this Lease that imposes any obligation on Tenant or Landlord shall be deemed to be also a covenant by Tenant or Landlord.

SECTION 41. APPROPRIATION CLAUSE

(a) All of Tenant's financial obligations under this Lease are subject to appropriations by the Fairfax County Board of Supervisors to satisfy payment of such obligations. In the event funds are not appropriated at the beginning of any fiscal year for the leasing of the Leased Premises, then this Lease shall terminate on the last day of the fiscal year for which appropriations were received. Tenant shall furnish Landlord with written notice that funds were not appropriated by the Board of Supervisors at least sixty (60) days prior to the beginning of the fiscal year involved. In the event funds for the leasing of the Leased Premises are not appropriated, Tenant shall vacate the Leased Premises prior to the beginning of the next County of Fairfax fiscal year.

(b) It is agreed by both Landlord and Tenant that this clause shall supersede any and all financial obligations imposed by any other provision of this Lease or the Addenda thereof nor shall any subsequent Amendment or Addendum of this Lease compromise the full legal implication of this section between the parties hereto or their respective successors or assigns.

SECTION 42. SEVERABILITY

If any clause or provision of this Lease is illegal, invalid or unenforceable under present or future laws in effect during the term of this Lease, it is the intention of the parties that the remainder of this Lease shall not be affected thereby. It is also the intention of the parties to this Lease that in lieu of each clause or provision of this Lease that is illegal, invalid or unenforceable, there be added as a part of this Lease a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

SECTION 43. GENDER AND PLURALITY

Feminine or neuter pronouns shall be substituted for those of the masculine form, and the plural shall be substituted for the singular number, in any place or places herein in which the context may require such substitution or substitutions.

SECTION 44. QUIET ENJOYMENT

SECTION 45. HAZARDOUS SUBSTANCES

(a) Tenant's use and occupancy of the Leased Premises shall at all times be in strict compliance with all federal, state and local laws, rules, regulations, orders, guidelines, ordinances and standards, as they may now or hereafter exist, relating in any way to the protection of human health, safety, the environment and natural resources, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"); the Resource Conservation and Recovery Act; the Toxic Substances Control Act; the Federal Insecticide, Fungicide and Rodenticide Act; the Clean Air Act; the Federal Water Pollution Control Act; the Occupational Safety and Health Act; the Safe Drinking Water Act, and their applicable state and local counterparts or equivalents (hereinafter "Environmental Laws").

(b) If Tenant becomes aware of a Release (hereinafter defined), threat of a Release or the presence of any Hazardous Substance (hereinafter defined) affecting the Leased Premises or surrounding areas, Tenant shall immediately notify Landlord in writing thereof, and shall take all necessary steps to ensure that any future activities by Tenant do not exacerbate the Release, threat of a Release or the presence of Hazardous Substance. If a Release, threat of a Release or the presence of any Hazardous Substance affecting the Leased Premises or surrounding areas is caused by the acts or omissions of Tenant, or its agents, employees, contractors, licensees or invitees, Tenant shall immediately take all measures necessary to contain, remove and dispose off the Leased Premises, or surrounding areas, all such materials present or Released (or threatened to be Released), and shall remedy and mitigate all threats to public health or the environment relating to such presence or Release, or threat thereof. If Tenant shall fail to take the measures described above, or shall fail to comply with the requirements of any Environmental Laws, Landlord may give such notice and/or cause such work to be performed at the Leased Premises or surrounding areas, and/or take any and all other actions as Landlord shall deem necessary to restore the Leased Premises or surrounding areas to the condition in which they existed as of the date of this Lease. Such actions by Landlord shall not affect Tenant's obligations under this Lease.

(c) As used herein, the term "Hazardous Substance" shall mean petroleum or petroleum by-products, and/or any chemicals, substances or wastes which are defined as or included in the definition of "hazardous substance", "hazardous waste", "hazardous material", "toxic substance", "toxic pollutant", or words of similar import, under any Environmental Laws, and shall include building materials and building components including, without limitation, asbestos or asbestos containing materials. The term "Release" shall have the meaning set forth in Section 101(22) of CERCLA.

(d) Tenant shall not engage in operations which involve the generation, manufacturing, refining, transportation, treatment, storage, disposal or handling of any Hazardous Substance, other than office equipment and cleaning solutions that are customarily found in office buildings, provided that the use, generation, handling or storage of such equipment and solutions is reasonably necessary for the operation and maintenance of the Leased Premises as permitted pursuant to the terms of this Lease, and is in strict compliance with Environmental Laws.

SECTION 46. NOTICES

All notices required or desired to be given hereunder by either party to the other shall be given by certified or registered mail. Notices to the respective parties shall be addressed as follows:

If to the Landlord: WEST*GROUP PROPERTIES LLC
c/o G.T. Halpin
1600 Anderson Road
McLean, VA 22102

with a copy to:

WEST*GROUP MANAGEMENT LLC
Attn: Legal Dept.
1600 Anderson Road
McLean, VA 22102

If to the Tenant: Fairfax County Government Center
Facilities Management Division
Attention: Leasing Agent
12000 Government Center Parkway
Suite 424
Fairfax, VA 22035-0011

Either party may, by like written notice, designate a new address to which such notices shall be directed.

SECTION 47. ENTIRE AGREEMENT

This Lease, together with the Exhibit(s) attached hereto and referenced herein, contains the entire and only agreement between the parties with regard to the Leased Premises. No oral statements or representations or prior written matter not contained or referred to in this Lease shall have any force or effect. This Lease shall not be modified in any way except by a writing executed by both parties hereto. No waiver of any provisions of this Lease shall be deemed to have been made, unless it be in writing and signed by both parties hereto.

SECTION 48. EARLY TERMINATION PROVISION

In the event Tenant constructs a "Public Facility" on certain real property located in Tysons Corner (Tax Map No. 29-4-((6))-107), which was previously dedicated to Tenant by Landlord, then this Lease shall automatically terminate on the date on which Tenant has obtained a non-residential use permit for such Public Facility, and Tenant shall have no further right to use or occupy the Leased Premises.

SECTION 49. RELOCATION OPTION

Landlord shall have the unilateral right, at any time during

describe in reasonable detail the expenses incurred. Upon the effective date of such relocation (i.e., the date on which Landlord has obtained a non-residential use permit for the new premises), Tenant's leasehold in the new premises shall be subject to all of the terms of this Lease as if the new premises had been the premises originally demised hereunder.

SIGNATURES

IN WITNESS WHEREOF the parties hereto have affixed their signatures as of the date first above written.

WITNESS:

LANDLORD:

WEST*GROUP PROPERTIES LLC

By: DRAFT

G.T. Halpin, President

WITNESS:

TENANT:

BOARD OF SUPERVISORS
FOR FAIRFAX COUNTY, VA
12000 Government Center Pkwy.
Fairfax, VA 22035-0011

DRAFT

By: _____

JUL 18 2002

Zoning Evaluation Division

DRAFT PROFFERS

PCA 88-D-005-5

July 18, 2002

Pursuant to 15.2-2203A of the *Code of Virginia* 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the Applicants, WEST*GROUP PROPERTIES LLC, WEST*PARK Associates Limited Partnership, West*Mac Associates Limited Partnership, The Association for Manufacturing Technology (AMT), and Gannett Co., Inc., their successors and assigns, reaffirm Proffers dated August 23, 1995, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended by Proffers dated February 26, 1999 (attached as Exhibit B) and Proffers dated June 21, 1999 (attached as Exhibit C) and New Proffer as follows:

New Proffer: Deletion of Land Bay "A-6". The Property identified as Tax Map Reference 29-4((7))A3, known as Land Bay "A-6", consisting of approximately 13.5453 acres of land is hereby removed and deleted from rezoning application 88-D-005 and all subsequent proffered amendments thereto, such that the proffered conditions associated with RZ 88-D-005, as amended, shall be of no further force and effect with respect to such property.

I. Generalized Development Plan ("GDP"). The location of buildings shown on the GDP dated September 5, 1990 and revised on October 4, 1994 and August 15, 1995 and February 23, 1999, April 12, 1999, and July 16, 2002 shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, open space, parking, and final location of proposed buildings and parking structures shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Providence District Planning Commissioner for review and comment. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically defined and described below are proffered.

A. Floor Area Ratios ("FAR"). The total FAR on the 185.9369 acre Gross Tract Area (as defined below) for all uses permitted in the C-3 Zoning District by right shall not exceed 0.58

FAR or 4,707,292 of non-residential square feet. The implementation of Density Transfer from Sub Unit L-4, defined herein, is described in definition of Land Bay A. However, individual Building Sites (as defined below) within each Land Bay may exceed a 1.0 FAR.

Definitions:

Gross Tract Area shall be defined as the total FAR on the 175.9408 acres of land plus the 5.7961 acres of land previously dedicated to public use or right-of-way, plus the 4.2 acres of land dedicated for the Destination Station, totaling 185,9369 acres for density computation purposes.

Building Site shall be defined as the land associated with a building(s), parking and/or parking structure(s), open space and accessory structures as shown on the "site plan."

Land Bays shall be defined as follows (and shown on the GDP):

- Land Bay A-1, A-2, A-3, A-4, and A-5 and collectively referred to as Land Bay A (consisting of 106.2768 acres of land and 1.9788 acres of land of previously dedicated right-of-way, for a total of 108.2556 acres of land for density calculation purposes). It is further understood that the total gross floor area of 1,900,674 square feet attributed to this land bay includes 503,223 square feet from Tax Map Parcel 29-4((7)) B (Sub Unit L-4) as-built site plan pursuant to definition of Density Transfer as defined in Proffers dated August 23, 1995. It is further understood that the total gross floor area of **2,305,011** square feet attributed to this land bay shall include 102,349 square feet of additional floor area beyond that approved pursuant to PCA 88-D-005-2.

Density Transfer. Pursuant to the Alternative Land Use Heading in the Tysons Corner Urban Center Addendum to the Comprehensive Plan for Fairfax County (the "Plan") and Land Unit Recommendations for Land Unit L, Sub Unit L-4, the Applicant shall be entitled to transfer a maximum of 508,247 square feet of non-residential floor area from Tax Map 29-4((7))B (Sub Unit L-4 of the Plan) to the portion of Sub Units L-1 and L-3 defined as the 110.4235 acre Land Bay A as described herein. Such floor area shall transfer to the 110.4235 acre Land Bay A of WEST*PARK at the time the site plan for the residential development approved under RZ 95-P-011 is secured by the posting of a Bond and Agreement with the Director of Environmental Management. Upon the posting of such Bond and Agreement, the density shall transfer and building permits for the transferred non-residential development may be issued. Upon bonding of the residential

site plan, WEST*PARK Associates shall have a maximum total of 2,207,686 square feet of non-residential floor area associated with Land Bay A.

The exact amount of non-residential floor area to be transferred from Sub Unit L-4 to Land Bay A shall be based on the amount of gross floor area for all residential buildings, exclusive of cellars, outside balconies which do not project more than six feet beyond the exterior wall of the buildings, parking structures, above and below grade, unconditioned breezeways and corridors, covered garages and roof top mechanical structures, but inclusive of community uses such as the clubhouse and leasing offices shown on the bonded site plan for the residential development allowed by RZ-95-P-011 subject to the following formula:

$$(698,688 \text{ square feet}) - (A \times 0.33) = B; \text{ where:}$$

- 698,688 square feet equals the planned non-residential intensity as calculated for Sub Unit L-4 in the Plan based on a 0.8 FAR on 20.0496 acres of land, including previously dedicated Park Run Drive;
- A equals square feet of residential use as shown on an approved site plan;
- 0.33 equals the conversion factor in accordance with Alternative Land Use recommendations in the Comprehensive Plan which requires the non-residential intensity of the property that is to be transferred to be reduced by one-third of the approved residential square footage; and
- B equals non-residential square feet to be transferred to WEST*PARK 110.4235 acre Land Bay A as defined herein.

Illustration based on preliminary estimates of residential floor area as shown on the FDP (actual residential floor area to be determined at site plan).

$$698,688 \text{ minus } (661,000 \times 0.33) \text{ equals } 478,355 \text{ square feet; where:}$$

- A equals 661,000 square feet (gross floor area proposed for residential use), and
- B equals 478,355 square feet, but not to exceed 508,247 square feet of non-residential intensity to be transferred to Land Bay A.

In the event the as-built site plan (a DEM prerequisite to bond release) indicates the actual floor area of residential development is less than that shown on the initial bonded site plan, then additional density created by the difference between the initial

bonded site plan and the as-built site plan may be transferred to WEST*PARK Land Bay A. However, in no circumstance shall the total density transfer exceed 508,247 square feet nor shall the total non-residential FAR for Lands Bays A, B, C, D and E (Plan reference Sub Units L-1 and L-3) exceed 5,200,000 square feet as prescribed in the “Option without Rail” Land Use recommendation for Sub Units L-1 and L-3 in the Plan.

- Land Bay B (consisting of 1.8366 acres)
- Land Bay C (consisting of 8.7000 acres) has been incorporated into Land Bay A-1.
- Land Bay D-1 and D-2 (consisting of 37.8177 acres of land and 8.0173 acres for land dedicated for public use and right-of-way, for a total of 45.8350 acres of land for density calculation purposes; and
- Land Bay E (consisting of 30.0097 acres notwithstanding that said total land area may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility). It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this land bay) may be located on the remaining +/- 25 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated only on the +/- 25 acres.

Sub Units L-1 and L-3 is the Tysons Corner Urban Plan definition of the area equivalent to the Gross Tract Area minus Land Bay A-6 (consisting of 13.5453 acres) as defined herein.

Sub Unit L-4 is the Tysons Corner Urban Plan definition of Tax Map Parcel 29-4((7)) B and is further described as the residential land associated with the density transfer element of Land Bay A herein. Sub Unit L-4 is not part of the Gross Tract Area as defined herein.

I.B. Bulk Regulations – No Change.

1. Height – No change

a) – No change

b) – No change

c) - No change

2. No change

I.C. Setbacks from the Dulles Airport Access Road (DAAR) – No change

I.D. Landscaping – No change

I.E. Transitional Screening and Barrier

1. No change
2. No change
3. Deleted
4. No change
5. No change

I.F. Trail Systems – No change

I.G. Storm Water Management

1. Land Bays D-1, D-2 and A-6. Storm Water Management (SWM) and Best Management Practices (BMP) have been reviewed, approved and constructed for this area pursuant to a Plan entitled West*Mac Storm Drainage Study 6796-D-01 approved by DEM on March 25, 1988. Other requirements, if any, shall be in accordance with applicable County ordinances as approved by the Department of Public Works and Environmental Services (“DPWES”).

I.G.2 – No change

I.G.3 – No change

I.H. Conservation Storm Drainage Easement – No change

I.I. Limits of Clearing and Grading, Private Open Space, Storm Drainage, Conservation Easements and/or Minor Flood Plain Easements – No change.

1, 2, 3 – No change

I.J. Private Open Space. The GDP shows certain areas designated as Private Open Space within Land Bays A-1, A-2, A-3, and D-1. This Private Open Space is generally consistent with Private Open Space indicated in the Tysons Corner Master Plan as adopted by the Board of Supervisors on June 27, 1994. The Private Open Space shall be kept in a natural state and may include passive and active recreational uses, undisturbed natural areas, wooded areas, water bodies, water courses, including SWM and BMP facilities, lawn and landscaped areas and other similar or natural features designed and arranged to produce an aesthetically pleasing effect within the Land Bay(s). The Private Open Space shall be set aside for the use and enjoyment of the Applicants. The Private Open Space shall not be dedicated as public lands and shall remain in the ownership of the Applicants. Where Private Open Space and Transitional Screening and Barrier yards coincide, the Private Open Space shall be deemed as meeting the Transitional Screening and Barrier requirements. Any area disturbed in the Private Open Space shall be

replaced pursuant to Proffer I.1, except in the case where SWM/BMP's are constructed within the Private Open Space. Where SWM/BMP construction occurs, Proffer I.1 or 2 shall not be required.

II. Treatment of Cellar Space – No change

III. Noise Attenuation – No change

IV.A Destination Station – No change

1,2,3,4,5,6,7 – No change

IV.B Tysons Corner Area Wide Transportation Contribution – No change

1,2,3 No change

IV.C Signalization – No change

IV.D Jones Branch Drive Improvements – No change

IV.E Transportation System Management – No change

V. Contract Purchaser – No Change

VI. Counterparts – No change

[SIGNATURES BEGINN ON NEXT PAGE]

WEST*GROUP PROPERTIES LLC (Owner of Land Bay A)

G. T. Halpin, President

WEST*PARK Associates Limited Partnership (Owner of Tax Map 29-2((15))A8)

G. T. Halpin, General Partner

West*Mac Associates Limited Partnership (Owner of Land Bays D-1 and D-2)

By: Federal Home Loan Mortgage Corporation

General Partner

By:

William J. Menda

Vice President, Administration and Corporate Properties

The Association for Manufacturing Technology (AMT) (Owner of Land Bay B)

Don F. Carlson, President

Gannett Co., Inc. (owner of Land Bay E)

Gracia C. Martore, Sr. Vice President

PCA 88-D-005-3
Exhibit A

PCA 88-D-005-4
Exhibit A

PROFFERS

PCA 88-D-005-2

August 23, 1995

Pursuant to 15.1-491(a) of the Code of Virginia, 1950 as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffer Condition Amendment ("PCA"), Applicants West*Mac Associates Limited Partnership, WEST*PARK-Associates Limited Partnership, Washington Hall Corporation, The Association for Manufacturing Technology, and their successors and assigns (hereinafter "Applicants") hereby proffer to the following conditions. If this PCA is approved, the proffered conditions described below supersede all previously approved proffered conditions applicable to the property. The property (hereinafter referred to as the "Subject Property") consists of approximately 193.5394 acres. The word "Applicants" shall be used when proffers relate to the Subject Property in its entirety. Any future modification(s) to these proffers which affect only a specific building or land bay may be approved by the Board of Supervisors upon application for a proffered condition amendment by the individual owner of the specific building or land bay without amending this entire proffer statement or Generalized Development Plan. The word "Applicant" shall mean the owner of any specific building or land bay.



I. Generalized Development Plan ("GDP"). The location of buildings shown on the GDP dated September 5, 1990 and revised on October 4, 1994 and August 15, 1995 shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, open space, parking, and final location of proposed buildings and parking structures shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Fairfax County Planning Commission for review for conformance with these proffers. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically defined and described below are proffered.

A. Floor Area Ratios ("FAR"). The total FAR on the 199.4813 acre Gross Tract Area (as defined below) for all uses permitted in the C-3 Zoning District by right shall not exceed 0.599 FAR or 5,200,000 of non-residential square feet. The implementation of Density Transfer from Sub Unit L-4, defined herein, is described in definition of Land Bay A. However, individual Building Sites (as defined below) within each Land Bay may exceed a 1.0 FAR.

Definitions:

Gross Tract Area shall be defined as the total FAR on the 189.4852 acres of land plus the 5.7961 acres of land previously dedicated to public use or right-of-way, plus the 4.2 acres of land dedicated for the Destination Station, totalling 199.4813 acres for density computation purposes.

Building Site shall be defined as the land associated with a building(s), parking and/or parking structures, open space and accessory structures as shown on the "site plan."

Land Bays shall be defined as follows (and shown on the GDP):

- o Land Bay A-1, A-2, A-3, A-4 and A-5 and collectively referred to as Land Bay A (consisting

of 108.4447 acres of land and 1.9788 acres of land of previously dedicated right-of-way, for a total of 110.4235 acres of land for density calculation purposes). It is further understood that the total gross floor area of 2,207,686 square feet attributed to this land bay shall include a maximum of 508,247 square feet transferred from Tax Map Parcel 29-4 ((7)) B (Sub Unit L-4).

Density Transfer. Pursuant to the Alternative Land Use heading in the Tysons Corner Urban Center Addendum to the Comprehensive Plan for Fairfax County (the "Plan") and Land Unit Recommendations for Land Unit L, Sub Unit L-4, the Applicant shall be entitled to transfer a maximum of 508,247 square feet of non-residential floor area from Tax Map 29-4 ((7)) B (Sub Unit L-4 of the Plan) to the portion of Sub Units L-1 and L-3 defined as the 110.4235 acre Land Bay A as described herein. Such floor area shall transfer to the 110.4235 acre Land Bay A of WEST*PARK at the time the site plan for the residential development approved under RZ 95-P-011 is secured by the posting of a Bond and Agreement with the Director of Environmental Management. Upon the posting of such Bond and Agreement, the density shall transfer and building permits for the transferred non-residential development may be issued. Upon bonding of the residential site plan, WEST*PARK Associates shall have a maximum total of 2,207,686 square feet of non-residential floor area associated with Land Bay A.

The exact amount of non-residential floor area to be transferred from Sub Unit L-4 to Land Bay A shall be based on the amount of gross floor area for all residential buildings, exclusive of cellars, outside balconies which do not project more than six feet beyond the exterior wall of the buildings, parking structures, above and below grade, unconditioned

breezeways and corridors, covered garages and roof top mechanical structures, but inclusive of community uses such as the clubhouse and leasing offices shown on the bonded site plan for the residential development allowed by RZ 95-P-011 subject to the following formula:

$$(698,688 \text{ square feet}) - (A \times 0.33) = B; \text{ where:}$$

- *698,688 square feet* equals the planned non-residential intensity as calculated for Sub Unit L-4 in the Plan based on a 0.8 FAR on 20.0496 acres of land, including previously dedicated Park Run Drive;
- *A* equals square feet of residential use as shown on an approved site plan;
- *0.33* equals the conversion factor in accordance with Alternative Land Use recommendations in the Comprehensive Plan which requires the non-residential intensity of the property that is to be transferred to be reduced by one-third of the approved residential square footage; and
- *B* equals non-residential square feet to be transferred to WEST*PARK 110.4235 acre Land Bay A as defined herein.

Illustration based on preliminary estimates of residential floor area as shown on the FDP

(actual residential floor area to be determined at site plan).

$$698,688 \text{ minus } (661,000 \times 0.33) \text{ equals } 478,355 \text{ square feet; where:}$$

- *A* equals 661,000 square feet (gross floor area proposed for residential use), and
- *B* equals 478,355 square feet, but not to exceed 508,247 square feet of non-residential intensity to be transferred to Land Bay A.

In the event the as-built site plan (a DEM prerequisite to bond release) indicates the actual

floor area of residential development is less than that shown on the initial bonded site plan, then additional density created by the difference between the initial bonded site plan and the as-built site plan may be transferred to WEST*PARK Land Bay A. However, in no circumstance shall the total density transfer exceed 508,247 square feet nor shall the total non-residential FAR for Land Bays A, B, C, D and E (Plan reference Sub Units L-1 and L-3) exceed 5,200,000 square feet as prescribed in the "Option without Rail" Land Use recommendation for Sub Units L-1 and L-3 in the Plan.

- o Land Bay B (consisting of 1.8366 acres);
- o Land Bay C (consisting of 8.7000 acres);
- o Land Bay D-1 and D-2 (consisting of 40.4942 acres of land and 8.0173 acres for land dedicated for public use and right-of-way, for a total of 48.5115 acres of land for density calculation purposes); and
- o Land Bay E (consisting of 30.0097 acres notwithstanding that said total land area may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility). It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this land bay) may be located on the remaining +/-25 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated only on the +/-25 acres.

Sub Units L-1 and L-3 is the Tysons Corner Urban Plan definition of the area equivalent to the Gross Tract Area as defined herein.

Sub Unit L-4 is the Tysons Corner Urban Plan definition of Tax Map Parcel 29-4 ((7)) B and is further described as the residential land associated with the density transfer element of Land Bay A herein. Sub Unit L-4 is not part of the Gross Tract Area as defined herein.

B. Bulk Regulations.

1. Height.

a) With the exception of buildings in Land Bays A-5, D-1 and E, the maximum height of buildings shall not exceed 90' except as qualified by paragraph B1(c) below.

b) Buildings within Land Bays A-5, D-1 and E shall not exceed 75' in height except as qualified by paragraph B1(c) below.

c) An increase in height for any building(s) in any Land Bay may be permitted by the Board of Supervisors in accordance with the applicable provisions of the ZO.

2. Minimum Yard Requirements shall meet the provisions of the ZO Requirements for the C-3 Zoning District, unless otherwise modified or waived by the Board of Supervisors.

C. Setbacks from the Dulles Airport Access Road (DAAR). Land Bays A-5, D-1 and E have frontage on the DAAR and are subject to the 75' minimum distance requirements set forth in Section 2-414 of the ZO. The 75' minimum distance requirement shall be provided unless a modification or waiver is approved by the Board of Supervisors.

D. Landscaping. Landscaping shall be provided for all future buildings in accordance with Articles 13 and 17-105, para. 8 of the ZO and the Public Facilities Manual. Unless otherwise modified or waived by the Board of Supervisors, all landscaping shall generally conform to Sheet 6 of 6 of the GDP which represents the species and quantities of existing landscaping within the Gross Tract Area. Unless otherwise modified or waived by the Board of Supervisors and/or the Director of Environmental Management, all deciduous and ornamental trees planted shall be a minimum of 2"-2 1/2" in caliper and all evergreen trees planted shall be a minimum of 6'-8' in height at the time of

planting.

E. Transitional Screening and Barrier.

1. Part of Land Bay D-1 (Jones Branch Drive frontage, excluding Outparcel A).

Applicants shall and have provided transitional screening along the north side of Jones Branch Drive from the centerline of Park Run Drive west to the southwest property corner of Land Bay D-1 pursuant to Transitional Screening and Barrier Modification No. 9055 dated November 23, 1987 and its referenced landscape plan dated November 18, 1987 by Huntley, Nyce and Associates. The said modification amends the required transitional yard width to 10'-15' of save area with supplemental planting and waives the barrier requirements.

2. Land Bay D-1 (Dulles Airport Access Road frontage, excluding Outparcel

A). Applicants shall provide an undisturbed save area along the southern side of the DAAR right-of-way line from the northeast property corner of Land Bay D-1, west for approximately 300' to the eastern point where the existing Storm Drainage and Conservation Easement intersects the DAAR right-of-way as shown on the GDP. The save area shall be 300' in length, average 50' in width, and result in a save area not less than 15,000 square feet in area. However, the averaging of the width dimension shall not result in a width dimension less than 35'. The save area shall be deemed to meet the Transitional Screening and Barrier requirements of the ZO.

3. Land Bay D-2 (along the contiguous property line between Land Bay D-2 and

R-30 property to the west). The Private Open Space as defined and as shown on the GDP shall be deemed to meet the Transitional Screening and Barrier requirements of the ZO.

4. Land Bay A-5. Applicants shall and have provided transitional screening

along the northern property line pursuant to Transitional Screening and Barrier Modification 8266

dated June 18, 1986 associated with the Fairfax Building Site Plan 6377-SP-01. The said modification amends the required transitional yard width from 35' to 25' of undisturbed area along the DAAR as shown on the approved site plan and waives the barrier.

5. Land Bay E. A 35' transitional screening yard shall be provided along the northern property line as generally shown on page 3 of 6 of the GDP.

F. Trail Systems. In lieu of the trail system as shown on the County-wide trails plan, continuous four-foot wide concrete sidewalks along all public street frontages shall be provided with each site plan submittal and installed prior to issuance of the first non-residential use permit for any building subject to an approved site plan showing sidewalk within the Subject Property. Applicants shall coordinate sidewalk connections with adjacent properties in the locations as shown on the GDP.

G. Storm Water Management.

1. Land Bays D-1 and D-2. Part of Land Bay A-1 (Building Site 19). Storm Water Management (SWM) and Best Management Practices (BMP) have been reviewed, approved and constructed for this area pursuant to a Plan entitled West*Mac Storm Drainage Study 6796-D-01-1 approved by DEM on March 25, 1988. Other requirements, if any, shall be in accordance with applicable County ordinances as approved by the Department of Environmental Management (DEM).

2. Land Bay E. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided in accordance with applicable County ordinances as approved or modified by DEM and/or the Board of Supervisors. The exact shape and size of existing Pond C (the "Pond") and associated area as shown on the GDP is subject to change with final engineering. The applicant shall endeavor to preserve existing vegetation between the SWM/BMP facility and the DAAR. Landscaping, utilizing native vegetation to the maximum extent possible shall be provided

around the edge of the facility, as approved by DEM and the Urban Forester. The Resource Protection Area (the "RPA"), as approved by DEM, shall be preserved on the site. No clearing and grading shall be permitted within the RPA except for that necessary to construct and maintain the SWM/BMP facility.

3. Land Bays A-1 (Part) through A-5 inclusive, B and C. Stormwater Management (SWM) and Best Management Practices (BMPs) shall be provided in accordance with all applicable County Ordinances as may be approved or modified by the Director of Environmental Management. SWM/BMP facilities may be provided on a site-by-site basis at the time of individual site plan submittals, or SWM/BMP facilities may be provided as a "composite system", consisting of Ponds A, B, D, and Pond C (as referenced above), to provide SWM and BMP's for the currently undeveloped portion of the drainage area.

H. Conservation/Storm Drainage Easement. The area in Land Bay D-1 between Building 26 and Building 28 is defined by the Conservation/Storm Drainage Easement recorded at Deed Book 6927 at page 249 as generally shown on the GDP. The area shall be preserved in an undisturbed state, except minor construction as provided for in the easement document (utility crossing, trails, maintenance, etc.) which shall be installed so as to minimize disturbance. Applicants agree to identify and mark archaeological site 44FX1348 contained within the Conservation Easement. If site is to be impacted by any future construction, Applicants shall contact the Environmental and Heritage Resources Branch of the Office of Comprehensive Planning 30 days prior to commencement of construction activity to determine whether a Phase II archaeological study is necessary.

I. Limits of Clearing and Grading, Private Open Space, Storm Drainage, Conservation Easements and/or Minor Flood Plain Easements. Applicants shall use best efforts to adhere to the

delineation of land area for Limits of Clearing and Grading, Private Open Space, and Storm Drainage, Conservation and/or Minor Flood Plain Easements, all as generally shown on the GDP. The actual delineation of these land areas shall be established at time of final engineering and site plan approval. DEM may approve minor deviations from the limits of these land areas as shown on the GDP provided the Applicants provide on the building site or within the land bay and as adjacent or contiguous to the area of disturbance as possible, Applicants' choice of one of the following:

1. an area equal to the disturbed area; or
2. an area equal to 125% of the difference between the area shown on the GDP and the actual disturbed area, planted with deciduous trees 2" - 2 1/2" in caliper at time of planting, evergreens 4' - 6' in height at time of planting, ground cover and foundation plants in quantities and species approved by DEM or other re-vegetation or methods acceptable to DEM; or
3. a combination of 1 and 2 above.

J. Private Open Space. The GDP shows certain areas designated as Private Open Space within Land Bays A-1, A-2, A-3, D-1 and D-2. This Private Open Space is generally consistent with Private Open Space indicated in the Tysons Corner Master Plan as adopted by the Board of Supervisors on June 27, 1994. The Private Open Space shall be kept in a natural state and may include passive and active recreational uses, undisturbed natural areas, wooded areas, water bodies, water courses, including SWM and BMP facilities, lawn and landscaped areas and other similar or natural features designed and arranged to produce an aesthetically pleasing effect within the Land Bay(s). The Private Open Space shall be set aside for the use and enjoyment of the Applicants. The Private Open Space shall not be dedicated as public lands and shall remain in the ownership of the Applicants. Where Private Open Space and Transitional Screening and Barrier yards coincide, the

Private Open Space shall be deemed as meeting the Transitional Screening and Barrier requirements. Any area disturbed in the Private Open Space shall be replaced pursuant to Proffer I.1, except in the case where SWM/BMP's are constructed within the Private Open Space. Where SWM/BMP construction occurs, Proffer I.1 or 2 shall not be required.

II. Treatment of Cellar Space. Cellars, as defined in Article 20 of the Zoning Ordinance, may be used for any permitted use listed in Sect. 4-302 of the Ordinance; however, office use shall be limited to a maximum of 50 percent of the cellar space. The term "office" as defined herein shall not include "data processing centers", thus the 50 percent limitation on "office use" shall exclude any limitation on data processing center areas. Under no circumstances shall cellar space be computed as Floor Area, Gross, as defined in the Ordinance, for floor area ratio (FAR) computations, regardless of use. Cellar space shall be calculated for off-street parking requirements in accordance with the provisions set forth in Article 11, Sect. 11-102 of the Ordinance.

III. Noise Attenuation. Applicants agree to provide materials and construction methods which have characteristics that limit interior noise level to 50 DBA Ldn in all future buildings located north and east of Jones Branch Drive if those areas have highway noise levels greater than 70 DBA Ldn. Principal buildings constructed within the affected area may be treated with the following acoustical attributes to mitigate noise levels:

- o Exterior walls shall have a laboratory sound transmission class (STC) of at least 39.
- o Doors and windows shall have an STC rating of at least 28.
- o Adequate measures to seal and caulk surfaces will be provided.

IV. Transportation Proffers.

A. Destination Station. On January 11, 1991, Applicants dedicated and conveyed in fee simple to the Board of Supervisors a 4.2 acre parcel of land (hereinafter referred to as "Outparcel A") as depicted on the GDP subject to the following conditions:

1. Recordation of a restrictive covenant, which was incorporated into the Deed for Outparcel A. Said covenant limits the use of Outparcel A to a bus destination station, kiss and ride lot, or mass transit facility. Further, the covenant specifically precludes the use of the site as a general or commercial parking lot.

2. The Applicants shall provide post-development storm water detention for Outparcel A up to but not exceeding the volume of the original design computation level as indicated on 6796-DS-01-1 as approved on March 25, 1988 associated with Outparcel A.

3. As a result of the conveyance of Outparcel A to the Board of Supervisors, any necessary approvals for Outparcel A for uses described in I.1 above shall not require Applicants to file a special exception or proffered condition amendment on Subject Property.

4. Dedication of Outparcel A is be deemed to be subject to an advanced dedication and reservation of density pursuant to Paragraph 5 of Article 2-308 for 128,065 square feet (4.2 acres x 43,560 x 0.69 FAR) and such density credit is included and may be used in FAR calculations for any buildings or sites within the 199.48 acre application.

5. Provision of a 25-foot wide transitional screening yard and barrier situated entirely upon Outparcel A along the eastern side of Outparcel A to buffer the Destination Station from Land Bay D-1.

6. The extent of this obligation extends solely to the 4.2 acre site shown on the GDP inclusive of any future right-of-way or easement dedications.

7. Upon conveyance of Outparcel A, Applicant provided to Fairfax County \$100,000.00 for an architectural and engineering design of the Destination Station.

B. Tysons Corner Area Wide Transportation Contribution.

1. At time of building permit, Applicants shall contribute to Fairfax County \$2.85 per FAR square foot (gross floor area, excluding cellar) for each new FAR square foot shown on approved site plan, including FAR transferred from Tax Map Parcel 29-4 ((7)) B, with the following exceptions:

- o All existing buildings shall be exempt from \$2.85 payment to the extent that there is no increase in FAR square feet (gross floor area, excluding cellar) above the area shown in "Floor Area Computation" Table appearing on sheet 5 of 6 in the GDP dated September 5, 1990.
- o Building 18 as shown on the GDP, which is 139,474 FAR square feet.
- o Buildings 26, 27, 28, 29, and 30 inclusive comprising 1,460,194 gross square feet on 48.5115 acres of land area.

2. The \$2.85 per square foot, as increased by escalations to the Engineering News Record, Construction Cost Index from the date of rezoning approval, October 3, 1990, shall be paid directly to the County of Fairfax at issuance of building permits for the applicable building area and shall be used for Tysons Corner Area Wide Transportation Improvements in order of the following priorities as determined by the Board of Supervisors:

- o Destination Station on Outparcel A.

- o Additional toll lanes and toll booths on the Dulles Access Road.
- o Metrorail or Dartrail design and development.
- 3. Applicants shall contribute \$7,500.00 per acre in lieu of \$2.85 square feet

described in IV.B.1 above for Tysons Corner Area Wide Transportation Fund improvements upon issuance of building permit for Building 30 or within five (5) years of the date of the Board's approval of this rezoning application, whichever first occurs. Said contribution shall not exceed \$101,625.00 (\$7,500.00 x 13.5 acres).

Applicants have previously paid \$232,500.00 (\$7,500.00 x 31 acres) for Buildings 26, 27, 28, 29 and Outparcel A. Therefore, Buildings 26, 27, 28, 29 and any density credit for Outparcel A (Destination Station 4.2 acres) shall be exempt from \$2.85 per square foot contribution as outlined in paragraph IV.B.1 above.

C. Signalization. Applicants shall design and escrow funds, as determined by Virginia Department of Transportation ("VDOT"), for traffic signal equipment and installation at the intersection of Park Run Drive and Jones Branch Drive and at the intersection of Park Run Drive and Westpark Drive, subject to the approval of VDOT. The traffic signal design and installation at the intersection of Park Run Drive and Jones Branch Drive was completed as of June 27, 1994. The traffic signal design and escrow at the intersection of Park Run Drive and Westpark Drive shall be provided when necessary warrants are met as determined by VDOT or at time of issuance of non-residential use permit for Building 30, or December 31, 1995, whichever is earlier.

D. Jones Branch Drive Improvements. On March 4, 1992, the Applicants dedicated 6351 square feet or 0.1458 acres of right-of-way along the property's Jones Branch Drive frontage of a sufficient width to provide an additional lane on the north side of the westbound approach of existing

Jones Branch Drive from Park Run Drive to the east side of Springhill Road/International Drive intersection. The dedication of land associated with this proffer shall be deemed to constitute an advance dedication with reservation of density pursuant to Article 2-308, Paragraph 5 of the ZO. Applicants constructed the additional lane within the dedicated right-of-way as above described and the VDOT Bond was released on September 24, 1992.

E. Transportation System Management.

1. Applicant agrees solely to provide \$30,000.00 a year for nine (9) consecutive years to partially fund a Tysons Transportation Association (TYTRAN) employed Transportation Coordinator commencing January 20, 1994 (the date of first payment) in accordance with a Final TSM Program dated October 15, 1993, and as approved by the Director of the Office of Transportation, the Applicants, and TYTRAN.

V. Contract Purchaser. Pursuant to 15.1-491(a) of the Code of Virginia, 1950 as amended, and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended), the Contract Purchaser of Land Bay E, for itself and its successors and assigns, shall be bound by these proffers if, and only if, it acquires any portion of the property.

VI. Counterparts. To facilitate execution, this Proffer Statement may be executed in as many counterparts as may be required. It shall not be necessary that the signature on behalf of all the parties to this Proffer Statement appear on each counterpart of this Proffer Statement. All counterparts of this Proffer Statement shall collectively constitute a single instrument.

WEST*PARK Associates Limited Partnership (Owners of Land Bays A-1, A-2, A-3, A-4, A-5, and E)

By: Eagle Management Corporation
General Partner

By: G.T. Halpin
G. T. Halpin
President

The Association for Manufacturing Technology (AMT) (Owner of Land Bay B)

By: 
Albert W. Moore
President

West*Mac Associates Limited Partnership (Owners of Land Bays D-1 and D-2)

By: Federal Home Loan Mortgage Corporation
General Partner

By: Maxine B. Stokes
Maxine B/Stokes
Vice President, Administration
and Corporate Properties

Washington Hall Corporation (Owner of Land Bay C)

By: Motoaki Nishimura
~~Anthony D. Kalkin~~ Motoaki Nishimura
Vice President

[Z]

[*]

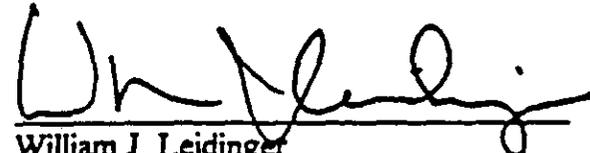
Gannett Co., Inc. (Contract Purchaser of Land Bay E)

By:


Jimmy L. Thomas
Senior Vice President

Fairfax County Board of Supervisors (Owner of Outparcel A)

By:


William J. Leiding
County Executive

PROFFERS
PCA 88-D-005-3
February 26, 1999

Pursuant to 15.2-2203A of the Code of Virginia 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the Applicant, WEST*GROUP PROPERTIES LLC, its successors and assigns reaffirm Proffers dated August 23, 1995, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as follows:

L. Generalized Development Plan ("GDP"). The location of buildings shown on the GDP dated September 5, 1990 and revised on October 4, 1994 and August 15, 1995 *and February 23, 1999* shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, open space, parking, and final location of proposed buildings and parking structures shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Fairfax County Planning Commission for review for conformance with these proffers. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically defined and described below are proffered.

A. Floor Area Ratios ("FAR"). The total FAR on the 199.4813 acre Gross Tract Area (as defined below) for all uses permitted in the C-3 Zoning District by right shall not exceed 0.6096 FAR or 5,297,325 of non-residential square feet. The implementation of Density Transfer from Sub Unit L-4, defined herein, is described in definition of Land Bay A. However, individual Building Sites (as defined below) within each Land Bay may exceed a 1.0 FAR.

Definitions:

Gross Tract Area shall be defined as the total FAR on the 189.4852 acres of land plus the 5.7961 acres of land previously dedicated to public use or right-of-way, plus the 4.2 acres of land dedicated for the Destination Station, totaling 199.4813 acres for density computation purposes.

Building Site shall be defined as the land associated with a building(s), parking and/or parking structures, open space and accessory structures as shown on the "site plan."

Land Bays shall be defined as follows (and shown on the GDP):

- o Land Bay A-1, A-2, A-3, A-4 and A-5 and collectively referred to as Land Bay A (consisting of 108.4447 acres of land and 1.9788 acres of land of previously dedicated right-of-way, for a total of 110.4235 acres of land for density calculation purposes). It is further understood that the total gross floor area of 2,305,011 square feet attributed to this land bay *includes 503,223 square feet from Tax Map Parcel 29-4((7))B (Sub Unit L-4) as-built site plan pursuant to definition of Density Transfer as defined in Proffers dated August 23, 1995. It is further understood that the total gross floor area of 2,305,011 square feet attributed to this land bay shall include 102,349 square feet of additional floor area beyond that approved pursuant to PCA 88-D-005-2.*

Density Transfer. Pursuant to the Alternative Land Use heading in the Tysons Corner Urban Center Addendum to the Comprehensive Plan for Fairfax County (the "Plan") and Land Unit Recommendations for Land Unit L, Sub Unit L-4, the Applicant shall be entitled to transfer a maximum of 508,247 square feet of non-residential floor area from Tax Map 29-4 ((7)) B (Sub Unit L-4 of the Plan) to the portion of Sub Units L-1 and L-3 defined as the 110.4235 acre Land Bay A as described herein. Such floor area shall transfer to the 110.4235 acre Land Bay A of WEST*PARK at the time the site plan for the residential development approved under RZ 95-P-011 is secured by the posting of a Bond and Agreement with the Director of Environmental Management. Upon the posting of such Bond and Agreement, the density shall transfer and building permits for the transferred non-residential development may be issued. Upon bonding of the residential site plan, WEST*PARK Associates shall have a maximum total of 2,207,686 square feet of non-residential floor area associated with Land Bay A.

The exact amount of non-residential floor area to be transferred from Sub Unit L-4 to Land Bay A shall be based on the amount of gross floor area for all residential buildings, exclusive of cellars, outside balconies which do not project more than six feet beyond the exterior wall of the buildings, parking structures, above and below grade,

unconditioned breezeways and corridors, covered garages and roof top mechanical structures, but inclusive of community uses such as the clubhouse and leasing offices shown on the bonded site plan for the residential development allowed by RZ 95-P-011 subject to the following formula:

$$(698,688 \text{ square feet}) - (A \times 0.33) = B; \text{ where:}$$

- 698,688 square feet equals the planned non-residential intensity as calculated for Sub Unit L-4 in the Plan based on a 0.8 FAR on 20.0496 acres of land, including previously dedicated Park Run Drive;
- A equals square feet of residential use as shown on an approved site plan;
- 0.33 equals the conversion factor in accordance with Alternative Land Use recommendations in the Comprehensive Plan which requires the non-residential intensity of the property that is to be transferred to be reduced by one-third of the approved residential square footage; and
- B equals non-residential square feet to be transferred to WEST*PARK 110.4235 acre Land Bay A as defined herein.

Illustration based on preliminary estimates of residential floor area as shown on the FDP (actual residential floor area to be determined at site plan).

$$698,688 \text{ minus } (661,000 \times 0.33) \text{ equals } 478,355 \text{ square feet; where:}$$

- A equals 661,000 square feet (gross floor area proposed for residential use), and
- B equals 478,355 square feet, but not to exceed 508,247 square feet of non-residential intensity to be transferred to Land Bay A.

In the event the as-built site plan (a DEM prerequisite to bond release) indicates the actual floor area of residential development is less than that shown on the initial bonded site plan, then additional density created by the difference between the initial bonded site plan and the as-built site plan may be transferred to WEST*PARK Land Bay A. However, in no circumstance shall the total density transfer exceed 508,247 square feet nor shall the total non-residential FAR for Land Bays A, B, C, D and E (Plan reference Sub Units L-1 and L-3) exceed 5,200,000 square feet as prescribed in the

"Option without Rail" Land Use recommendation for Sub Units L-1 and L-3 in the Plan.

- o Land Bay B (consisting of 1.8366 acres);
- o Land Bay C (consisting of 8.7000 acres);
- o Land Bay D-1 and D-2 (consisting of 40.4942 acres of land and 8.0173 acres for land dedicated for public use and right-of-way, for a total of 48.5115 acres of land for density calculation purposes); and
- o Land Bay E (consisting of 30.0097 acres notwithstanding that said total land area may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility). It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this land bay) may be located on the remaining +/-25 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated only on the +/-25 acres.

Sub Units L-1 and L-3 is the Tysons Corner Urban Plan definition of the area equivalent to the Gross Tract Area as defined herein.

Sub Unit L-4 is the Tysons Corner Urban Plan definition of Tax Map Parcel 29-4 ((7)) B and is further described as the residential land associated with the density transfer element of Land Bay A herein. Sub Unit L-4 is not part of the Gross Tract Area as defined herein.

LB. Bulk Regulations - No change

1. Height - No change

a) - No change

b) - No change

c) - No change

2 - No change

LC. Setbacks from the Dulles Airport Access Road (DAAR) - No change

LD. Landscaping - No change

LE. Transitional Screening and Barrier

1. No change

- 2. No change
- 3. No change
- 4. No change
- 5. No change
- LF. Trail Systems - No change
- I.G. Storm Water Management
 - 1,2,3 - No change
- LH. Conservation Storm Drainage Easement - No change
- LI. Limits of Clearing and Grading, Private Open Space, Storm Drainage, Conservation Easements and/or Minor Flood Plain Easements - No change
 - 1,2,3 - No change
- LJ. Private Open Space - No change
- II. Treatment of Cellar Space - No change
- III. Noise Attenuation - No change
- IV.A Destination Station - No change
 - 1,2,3,4,5,6,7 - No change
- IV.B Tysons Corner Area Wide Transportation Contribution - No change
 - 1,2,3 No change.
- IV.C Signalization - No change
- IV.D Jones Branch Drive Improvements - No change
- IV.E. Transportation System Management.

The Applicant agrees to enter into an Agreement with TYTRAN to implement a Transportation Demand Management Program ("Program") as generally described in Exhibit B (D). The Applicant's only obligation is to monitor the provisions of the Agreement for compliance with the Program and fund the Program per paragraph 4 of the Program. The Applicant may elect to terminate the Agreement with TYTRAN/RESP for noncompliance at any time during the term of this proffer pursuant to paragraph 5 of the Program and pay \$30,000 a year to FXCO/DOT/RESP for the remaining year(s) of the Program cited in paragraph 4. In this case, payment of \$30,000 a year to the County for the remaining years of the Program shall be

the Applicant's only obligation under this proffer. This proffer shall terminate upon final payment of \$30,000 on January 31, 2003 and notice provisions on continuation or cessation of the Program cited in paragraph 6 of the Program.

V. Contract Purchaser - No change.

VI. Counterparts - No change.

WEST*GROUP PROPERTIES LLC



G. T. Halpin, President

Transportation Demand Management Program between Applicant and TYTRAN

March 17, 1999

The Tysons Corner Urban Center Plan establishes an overall 20% mode split goal for HOV trips to and from the Tysons Corner area through Transportation Demand Management (hereinafter called "TDM") efforts and major improvements in the transit system. TYTRAN agrees to implement and operate a TDM program on behalf of the Applicant as follows:

1. The Applicant, at the initial signing of a lease or renewal of existing leases(s), shall advise each tenant with 100 employees or more that a private TDM program exists and a public TDM program exists and encourage them to participate. The "advice" shall be in the form of a paragraph which will be included in the transmittal of a signed lease or a separate letter and read as follows:

"In an attempt to reduce single occupancy vehicles in the Washington Metropolitan area, and more specifically in the Tysons Corner area, you may wish to participate in a Transportation Demand Management (TDM) program which provides your employees with a variety of transportation and commuting programs. We encourage you to contact the following organizations and participate in one of the TDM programs available to you.:

- | | |
|-----------------|---|
| 1. TYTRAN | 2. Fairfax County Department of
Transportation |
| Phone: | Phone: |
| Contact Person: | Contact Person:" |

Note: A copy of the letter shall be sent to both public and private program managers. There is no obligation for the Applicant to send advisory letters after December 31, 2003; however, the Applicant may continue to do so on a volunteer basis.

2. The private TDM program shall be operated by TYTRAN, its employees, contractors or agents, in the Tysons Corner area, and the program shall be consistent with the Council of Governments (hereinafter called "COG") Regional Employer Services Program (hereinafter called "RESP"), Level I at a minimum, as defined by COG and hereinafter referred to as TYTRAN/RESP. The TYTRAN/RESP will be provided to existing TYTRAN members with 100 or more employees and to other companies with 100 employees or more as they become members of TYTRAN.

3. The public TDM program may be operated by the Fairfax County Department of Transportation, its employees, contractors or agents and the program shall be consistent with the County Employer Services Program, hereinafter referred to as FXCO/DOT/ESP.

4. The Applicant shall pay TYTRAN \$30,000 a year for four (4) years commencing January 31, 2000 and ending January 31, 2003, providing TYTRAN implements and operates their TYTRAN/RESP generally described as follows:

A. Commencing on January 31, 2000 and for each of the four (4) remaining years of the programs, TYTRAN/RESP shall provide FXCO/DOT/ESP information on employers with 100 or more employees participating in each program, including information relating to companies with 100 or more employees added to or deleted from each program in the prior year. Copies of this information shall be provided to the Applicant.

B. TYTRAN/RESP shall report TDM program activities to COG, with copies to FXCO/DOT/ESP and the Applicant, utilizing the ACT Software Program, or substitute or replacement software as may be approved by DOT and/or COG.

C. TYTRAN will attempt to schedule periodic meetings with appropriate parties at FXCO/DOT to discuss their programs and share mutually beneficial information. The Applicant shall be advised of the dates and times of scheduled meetings and receive a copy of meeting minutes within 10 days of the meeting.

D. Within 90 days of the approval of this Application by the Board of Supervisors, but no later than July 31, 1999, TYTRAN/RESP shall perform a mandatory initial survey (hereinafter called "Initial Survey") of employers with 100 or more employees located within the Subject Property, as well as all TYTRAN member companies with 100 or more employees, utilizing the Commuter Connection Regional Employer Services Program Survey. TYTRAN/RESP may supplement or add to the survey; however, no deletions shall be made. The results of the Initial Survey shall be provided to COG, with a copy to FXCO/DOT/ESP and the Applicant within 60 days of the completion of the Initial Survey, but no later than October 31, 1999. The Applicant shall reimburse TYTRAN/RESP for the printing and distribution cost of the Initial Survey, not to exceed \$5,000.

E. TYTRAN/RESP may elect to perform a voluntary Follow-up Survey three (3) years from the date of the Initial Survey described above, but no later than December 31, 2003. The Follow-up Survey will be undertaken using generally the same survey form used in the Initial Survey described above. The results of the Follow-up Survey will be sent to COG, FXCO/DOT/ESP and the Applicant within 90 days of the completion of the survey. The Applicant shall reimburse TYTRAN/RESP for the cost of printing and distributing the Follow-up Survey, not to exceed \$5,000.

No-Fault Comparison of Initial and Follow-up Survey. Any comparison between the two surveys shall be solely for the purpose of obtaining valuable statistical data and measuring TDM trends and forecasts. The data may be used by both the public and private programs to evaluate the effectiveness of their programs and evaluate any modifications to their programs that would improve results; however, under no circumstance shall the comparison of the two surveys be used

to determine compliance with this proffer.

5. Non Compliance Provision. The Applicant, at its sole discretion may terminate the Agreement with TYTRAN/RESP for their failure to implement and operate a TDM program as prescribed herein and more specifically for failure to meet reporting requirements of Paragraphs A, B, C and D above. In the event the Agreement is terminated for non-compliance, the Applicant will:

- Notify FXCO/DOT/ESP of termination and transfer relevant records in Applicant's possession, if any;
- Pay \$30,000 a year to FXCO/DOT/ESP for unpaid years remaining pursuant to paragraph 4, above;
- Agree that the County may assume all authority and responsibility for TDM activities associated with any firm that had previously participated in the TYTRAN/RESP program.

6. Continuance or Cessation Provision. The Applicant and TYTRAN/RESP may agree that TYTRAN/RESP may continue to operate the TDM Program prescribed herein after December 31, 2003; however, the following conditions will be met:

- a. TYTRAN/RESP shall notify the Applicant of its desire to continue the TDM program at levels meeting or exceeding previous year levels; and
- b. The Applicant must accept terms; and
- c. The Agreement to extend must be ratified pursuant to paragraph 7 below.

In the event, the Applicant and TYTRAN/RESP agree to cease the TDM program prescribed herein after December 31, 2003, the Applicant shall notify FXCO/DOT in writing by November 30, 2003 that the Private TDM Program shall cease effective December 31, 2003. TYTRAN shall provide the Applicant with all relevant records associated with TYTRAN/RESP and the Applicant shall in turn provide copies of the records to FXCO/DOT.

In the event of cessation of the Private TDM Program by TYTRAN/RESP, the Applicant does not object to the County assuming authority and responsibilities for TDM activities for previous TYTRAN/RESP participating employers, if said employers elect to participate in the County Public Program.

7. This TDM program may be extended or modified with the consent of the Applicant, TYTRAN and the FXCO/DOT and any extension or modification shall be in writing and signed by all three parties as evidence of consent. Any extension or modification of the TDM program shall not constitute a change to a proffer.



PROFFERS
PCA 88-D-005-4
June 21, 1999

Pursuant to 15.2-2203A of the Code of Virginia 1950 as amended and Section 18-203 of the Zoning Ordinance of the County of Fairfax (1978 as amended) ("ZO"), subject to the Board of Supervisors' approval of the requested Proffered Condition Amendment ("PCA"), the Applicant(s), WEST*GROUP PROPERTIES LLC, *WEST*PARK Associates Limited Partnership, and West*Mac Associates Limited Partnership*, their successors and assigns, reaffirm Proffers dated August 23, 1995, a copy of which is attached as Exhibit A, which shall remain in full force and effect except as amended by Proffers dated February 26, 1999 (attached as Exhibit B) and as follows:

I. Generalized Development Plan ("GDP"). The location of buildings shown on the GDP dated September 5, 1990 and revised on October 4, 1994 and August 15, 1995 and February 23, 1999 *and April 12, 1999* shall be considered for illustrative purposes only. Specific tabulations for floor area ratios, open space, parking, and final location of proposed buildings and parking structures shall be determined at the time of site plan review and approval. At the time of each site plan submission, a copy of the site plan shall be submitted to the Fairfax County Planning Commission for review for conformance with these proffers. The GDP is not proffered in its entirety, but certain elements of the GDP as specifically defined and described below are proffered.

A. Floor Area Ratios ("FAR"). The total FAR on the 199.4813 acre Gross Tract Area (as defined below) for all uses permitted in the C-3 Zoning District by right shall not exceed 0.6096 FAR or 5,297,325 of non-residential square feet. The implementation of Density Transfer from Sub Unit L-4, defined herein, is described in definition of Land Bay A. However, individual Building Sites (as defined below) within each Land Bay may exceed a 1.0 FAR.

Definitions:

Gross Tract Area shall be defined as the total FAR on the 189.4852 acres of land plus the 5.7961 acres of land previously dedicated to public use or right-of-way, plus the 4.2 acres of land dedicated for the Destination Station, totaling 199.4813 acres for density computation purposes.

Building Site shall be defined as the land associated with a building(s), parking and/or parking structures, open space and accessory structures as shown on the "site plan."

Land Bays shall be defined as follows (and shown on the GDP):

- o Land Bay A-1, A-2, A-3, A-4, A-5 and A-6 and collectively referred to as Land Bay A (consisting of *111.1221* acres of land and 1.9788 acres of land of previously dedicated right-of-way, for a total of *113.1009* acres of land for density calculation purposes). It is further understood that the total gross floor area of 2,305,011 square feet attributed to this land bay includes 503,223 square feet from Tax Map Parcel 29-4((7))B (Sub Unit L-4) as-built site plan pursuant to definition of Density Transfer as defined in Proffers dated August 23, 1995. It is further understood that the total gross floor area of 2,305,011 square feet attributed to this land bay shall include 102,349 square feet of additional floor area beyond that approved pursuant to PCA 88-D-005-2.

Density Transfer. Pursuant to the Alternative Land Use heading in the Tysons Corner Urban Center Addendum to the Comprehensive Plan for Fairfax County (the "Plan") and Land Unit Recommendations for Land Unit L, Sub Unit L-4, the Applicant shall be entitled to transfer a maximum of 508,247 square feet of non-residential floor area from Tax Map 29-4 ((7)) B (Sub Unit L-4 of the Plan) to the portion of Sub Units L-1 and L-3 defined as the 110.4235 acre Land Bay A as described herein. Such floor area shall transfer to the 110.4235 acre Land Bay A of WEST*PARK at the time the site plan for the residential development approved under RZ 95-P-011 is secured by the posting of a Bond and Agreement with the Director of Environmental Management. Upon the posting of such Bond and Agreement, the density shall transfer and building permits for the transferred non-residential development may be issued. Upon bonding of the residential site plan, WEST*PARK Associates shall have a maximum total of 2,207,686 square feet of non-residential floor area associated with Land Bay A.

The exact amount of non-residential floor area to be transferred from Sub Unit L-4 to Land Bay A shall be based on the amount of gross floor area for all residential buildings, exclusive of cellars, outside balconies which do not project more than six feet

beyond the exterior wall of the buildings, parking structures, above and below grade, unconditioned breezeways and corridors, covered garages and roof top mechanical structures, but inclusive of community uses such as the clubhouse and leasing offices shown on the bonded site plan for the residential development allowed by RZ 95-P-011 subject to the following formula:

$(698,688 \text{ square feet}) - (A \times 0.33) = B$; where:

- 698,688 square feet equals the planned non-residential intensity as calculated for Sub Unit L-4 in the Plan based on a 0.8 FAR on 20.0496 acres of land, including previously dedicated Park Run Drive;
- A equals square feet of residential use as shown on an approved site plan;
- 0.33 equals the conversion factor in accordance with Alternative Land Use recommendations in the Comprehensive Plan which requires the non-residential intensity of the property that is to be transferred to be reduced by one-third of the approved residential square footage; and
- B equals non-residential square feet to be transferred to WEST*PARK 110.4235 acre Land Bay A as defined herein.

Illustration based on preliminary estimates of residential floor area as shown on the FDP (actual residential floor area to be determined at site plan).

$698,688 \text{ minus } (661,000 \times 0.33) \text{ equals } 478,355 \text{ square feet; where:}$

- A equals 661,000 square feet (gross floor area proposed for residential use), and
- B equals 478,355 square feet, but not to exceed 508,247 square feet of non-residential intensity to be transferred to Land Bay A.

In the event the as-built site plan (a DEM prerequisite to bond release) indicates the actual floor area of residential development is less than that shown on the initial bonded site plan, then additional density created by the difference between the initial bonded site plan and the as-built site plan may be transferred to WEST*PARK Land Bay A. However, in no circumstance shall the total density transfer exceed 508,247 square feet nor shall the total non-residential FAR for Land Bays A, B, C, D and E (Plan

reference Sub Units L-1 and L-3) exceed 5,200,000 square feet as prescribed in the "Option without Rail" Land Use recommendation for Sub Units L-1 and L-3 in the Plan.

- o Land Bay B (consisting of 1.8366 acres);
- o Land Bay C (consisting of 8.7000 acres);
- o Land Bay D-1 and D-2 (consisting of 37.8168 acres of land and 8.0173 acres for land dedicated for public use and right-of-way, for a total of 45.8341 acres of land for density calculation purposes); and
- o Land Bay E (consisting of 30.0097 acres notwithstanding that said total land area may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility). It is further understood that the entire amount of gross floor area (1,307,223 square feet attributed to this land bay) may be located on the remaining +/-25 acres of the site, notwithstanding the fact that this may result in an FAR that exceeds 1.0 when calculated only on the +/-25 acres.

Sub Units L-1 and L-3 is the Tysons Corner Urban Plan definition of the area equivalent to the Gross Tract Area as defined herein.

Sub Unit L-4 is the Tysons Corner Urban Plan definition of Tax Map Parcel 29-4 ((7)) B and is further described as the residential land associated with the density transfer element of Land Bay A herein. Sub Unit L-4 is not part of the Gross Tract Area as defined herein.

I.B. Bulk Regulations - No change

1. Height - No change

a) - No change

b) - No change

c) - No change

2 - No change

I.C. Setbacks from the Dulles Airport Access Road (DAAR) - No change

I.D. Landscaping - No change

I.E. Transitional Screening and Barrier

1. No change
2. No change
3. Land Bay A-6 (along the contiguous property line between Land Bay A-6 and R-30 property to the west). The Private Open Space as defined and as shown on the GDP shall be deemed to meet the Transitional Screening and Barrier requirements of the ZO.

4. No change

5. No change

I.F. Trail Systems - No change

I.G. Storm Water Management

1. Land Bays D-1, D-2 and A-6. Storm Water Management (SWM) and Best Management Practices (BMP) have been reviewed, approved and constructed for this area pursuant to a Plan entitled West*Mac Storm Drainage Study 6796-D-01 approved by DEM on March 25, 1988. Other requirements, if any shall be in accordance with applicable County ordinances as approved by the *Department of Public Works and Environmental Services ("DPWES")*.

I.G.2 - No change.

I.G.3 - No change.

I.H. Conservation Storm Drainage Easement - No change

I.I. Limits of Clearing and Grading, Private Open Space, Storm Drainage, Conservation Easements and/or Minor Flood Plain Easements - No change

1,2,3 - No change

I.J. Private Open Space. The GDP shows certain areas designated as Private Open Space within Land Bays A-1, A-2, A-3, A-6 and D-1. This Private Open Space is generally consistent with Private Open Space indicated in the Tysons Corner Master Plan as adopted by the Board of Supervisors on June 27, 1994. The Private Open Space shall be kept in a natural state and may include passive and active recreational uses, undisturbed natural areas, wooded areas, water bodies, water courses, including SWM and BMP facilities, lawn and landscaped areas and other similar or natural features designed and arranged to produce an aesthetically pleasing effect within the Land Bay(s). The Private Open Space shall be set aside for the use and enjoyment of the

Applicants. The Private Open Space shall not be dedicated as public lands and shall remain in the ownership of the Applicants. Where Private Open Space and Transitional Screening and Barrier yards coincide, the Private Open Space shall be deemed as meeting the Transitional Screening and Barrier requirements. Any area disturbed in the Private Open Space shall be replaced pursuant to Proffer I.1, except in the case where SWM/BMP's are constructed within the Private Open Space. Where SWM/BMP construction occurs, Proffer I.1 or 2 shall not be required.

- II. Treatment of Cellar Space - No change
- III. Noise Attenuation - No change
- IV.A Destination Station - No change
1,2,3,4,5,6,7 - No change
- IV.B Tyson's Corner Area Wide Transportation Contribution - No change
1,2,3 No change.
- IV.C Signalization - No change
- IV.D Jones Branch Drive Improvements - No change
- IV.E. Transportation System Management - No change
- V. Contract Purchaser - No change.
- VI. Counterparts - No change.

WEST*GROUP PROPERTIES LLC (Owners of Land Bay A-1, A-2, A-3, A-4 and A-6)

G.T. Halpin
G. T. Halpin, President

*WEST*PARK Associates Limited Partnership (Owners of Land Bay A-5)*

G.T. Halpin
G. T. Halpin, General Partner

*West*Mac Associates Limited Partnership (Owners of Land Bay D-1 and D-2)*

By: *Federal Home Loan Mortgage Corporation*
General Partner

By: William J. Menda
William J. Menda
Vice President, Administration and Corporate Properties

REZONING AFFIDAVIT

DATE: OCT 18 2002
 (enter date affidavit is notarized)

I, Thomas D. Fleury, WEST*GROUP MANAGEMENT LLC, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below *2002-780*

in Application No.(s): PCA 88-D-005-5
 (enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application, and, if any of the foregoing is a **TRUSTEE***, each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
① WEST*GROUP PROPERTIES LLC G. T. Halpin, Agent	1600 Anderson Rd., McLean, VA 22102	Applicant/Title Owner Tax Map 29-2-0015-A6, B2; 29-4-007-A3, A4, A5, C1, C2, 1, 1A1, 1A2, 2, 3, 4, 6, 7A1, 7B, 8, 9, 10, 11A
② WEST*PARK ASSOCIATES L.P. G.T.Halpin, Agent	1600 Anderson Rd., McLean, VA 22102	Applicant/Title Owner Tax Map 29-2-0015-A8
③ The Association for Manufacturing Technology Don F. Carlson, Agent	7901 Westpark Dr., McLean, VA 22102	Applicant/Title Owner Tax Map 29-4-007-5A

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.

* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-786

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
④ Gannett Co., Inc. Gracia C. Martore, Agent Nancy M. Houser, Agent Todd A. Mayman, Agent	7950 Jones Branch Drive McLean, VA 22107	Applicant/Title Owner Tax Map 29-2-0015-A7
⑤ WEST*MAC ASSOCIATES L.P. William J. Menda, Agent	8100 Jones Branch Drive McLean, VA 22102	Title Owner/Agent Tax Map 29-2-0015-B1 Tax Map 29-2-0015-4B2
WEST*GROUP MANAGEMENT LLC ⑥ Thomas D. Fleury, Agent Margaret F. Howell, Agent	1600 Anderson Rd., McLean, VA 22102	Agent for Applicants
Huntley, Nyce & Associates Ltd. 7202 Poplar St., ⑦ Robert L. Sproles, Agent Annandale, VA 22003 Charles Huntley, Jr., Agent		Engineer for Applicants
⑧ Street Traffic Studies, Ltd. 400 Crain Highway, N.W., David A. Nelson, Agent Glen Burnie; MD 21061		Traffic Engineer for Applicants

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

Rezoning Attachment to Par. 1(b)

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-786

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

3 The Association for Manufacturing Technology
7901 Westpark Drive, McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Non-profit Corporation with no shareholders

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Don F. Carlson, President	C. Christopher Kelly, Asst. Treasurer
Roger H. Hayes, Secretary	John J. Winch, Chairman
Robert J. Weskamp, Treasurer	Lawrence J. Rhoades, 1st Vice Chairman

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

4 Gannett Co., Inc.
7950 Jones Branch Drive, McLean, VA 22107

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Douglas H. McCorkindale, Chairman, President, CEO
 Larry F. Miller, Ex.V.P./Operations and CFO
 Thomas L. Chapple, Sr.V.P., General Counsel and Secretary
 John B. Jaske, Sr.V.P./Labor Relations and Asst.General Counsel

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: OCT 1 8 2002
(enter date affidavit is notarized)

2002-784

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

(4) Gannett Co., Inc. (Continued)
7950 Jones Branch Drive
McLean, VA 22107

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Richard L. Clapp, Sr.V.P./Human Resources
Mimi A. Feller, Sr.V.P./Public Affairs and Government Relations
Thomas Curley, Sr.V.P./Administration

Gracia C. Martore, Sr.V.P./Finance and Treasurer
Lawrence P. Gasho,V.P./Financial Analysis
George R. Gavagan, ViP. and Controller
Christopher W. Baldwin,V.P./Taxes
Daniel S. Ehrman, Jr.,V.P./Planning and Development
Barbara W. Wall,V.P./Senior Legal Counsel
Wendell J. Van Lare,V.P./Senior Labor Counsel

Directors:
Meridith A. Brokaw
H. Jesse Arnelle
James A. Johnson
Douglas H. McCorkindale
Stephen P. Munn
Dr. Donna E. Shalala
Soloman Trujillo
Karen Hastie Williams

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)
OCT 18 2002

DATE: _____
(enter date affidavit is notarized)

2002-784

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

WEST*GROUP MANAGEMENT LLC
1600 Anderson Road
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 ^{members} shareholders, and all of the ^{members} shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

14 PARK GATE GROUP LLC

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

PARK GATE GROUP LLC
1600 Anderson Road
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less ^{members} shareholders, and all of the ^{members} shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

11 WEST*PARK ASSOCIATES LP
9 WEST*GATE, A Virginia Limited Partnership
WEST*GROUP, Inc.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

G. T. Halpin, CEO, President/Manager
T. F. Nicholson, Vice Chairman/Manager
Charles G. Ewing, Jr., Vice Chairman/Manager
Kathryn A. MacLane, Executive Vice President/Treasurer/Manager
(check if applicable)

There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-784

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Huntley, Nyce & Associates, Ltd.
7202 Poplar Street, Unit D
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Huntley, Nyce Company

(b)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Huntley, Nyce Company
7202 Poplar Street, Unit D
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Charles J. Huntley
Lester O. Nyce
Robert L. Sproles

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

OCT 18 2002

DATE: _____

(enter date affidavit is notarized)

2002-784

for Application No. (s): PCA 88-D-005-5

(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Street Traffic Studies, Ltd.

⑧ 400 Crain Highway, N.W.

Glen Bernie, Maryland 21061

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

David A. Nelson

Carl F. Starkey

Rodney B. Carlson

Michael M. Nalepa

Robert R. Zacherl

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

⑬ Federal Home Loan Mortgage Corp.

8200 Jones Branch Drive

McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g.

President, Vice-President, Secretary, Treasurer, etc.)

Leland C. Brendsel, Chairman and CEO

Maud Mater, EVP, General Counsel and

David W. Glenn, President and Vice Chairman

Secretary

Vaughn Clarke, EVP and CFO

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-786

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number(s))

1(c). The following constitutes a listing** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

WESTGATE, A Virginia Limited Partnership
④ 1600 Anderson Road
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

General Partner:

Westgate Virginia, Inc.

Limited Partners:

Westequities Associates Limited Partnership

Howard Ulfelder, Jr.

Howard Ulfelder Irrevocable Trust f/b/o Howard Ulfelder, Jr.

Howard Ulfelder Irrevocable Trust f/b/o John C. Ulfelder

Howard Ulfelder Irrevocable Trust f/b/o Thomas H. Ulfelder

Howard Ulfelder 1983 Irrevocable Trust f/b/o Howard Ulfelder, Jr., Susanna Ulfelder, Jennifer Ulfelder, Steven Ulfelder, David Ulfelder and Abigail Ulfelder

Howard Ulfelder 1983 Irrevocable Trust f/b/o John C. Ulfelder, Susan Ulfelder, William Ulfelder and John Ulfelder, Jr.

Howard Ulfelder 1983 Irrevocable Trust f/b/o Thomas H. Ulfelder, Jean Ulfelder, Emily Ulfelder, Alex Ulfelder, James Ulfelder and Sarah Ulfelder

The Maple Family Trust f/b/o Ruth Covo

The Black Oak Trust f/b/o Joanne Covo

The White Oak Trust f/b/o Marilyn Covo

(check if applicable) [x] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)

DATE: 06 10 2002
(enter date affidavit is notarized)

2002-786

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

WESTGATE. A Virginia Limited Partnership (continued)

① 1600 Anderson Road
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Limited Partners: (continued)

- The Estate of Martha U. Seeley, Julie A. Seeley, Executor
- Kristen Covo
- Peter Paul Covo
- Nathaniel Schmidt
- Matthew Schmidt
- Sidney Ulfelder Irrevocable Trust f/b/o Sandra Wallick
- Sidney Ulfelder Irrevocable Trust f/b/o Barbara Smith
- Sidney Ulfelder Family Trust f/b/o Sandra Wallick
- Sidney Ulfelder Family Trust f/b/o Barbara Smith
- The Martha U. Seeley Family Trust f/b/o Martha U. Seeley, John N. Seeley, Margaret R. Seeley, and Julie A. Seeley
- The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o John N. Seeley
- The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o Margaret R. Seeley
- The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o Julie A. Seeley
- Thomas H. Ulfelder
- John C. Ulfelder
- John N. Seeley
- Julie Ann Seeley
- Margaret R. seeley

- Gerald T. Halpin
- Helen R. Halpin
- John N. Grover
- Lester Weil, Trustee w/d/t 5/29/76 f/b/o Lester L. Weil and Ruth S. Weil
- Thomas F. Nicholson and Sheridan Nicholson Irr. Trust
- Charles B. Ewing, Jr.
- Emily W. Myatt
- The Raymond Friedman Trust f/b/o Myra Friedman
- Myra Friedman
- J. Norma and Barbara Rossen Family Trust f/b/o Joel Norman Rossen, Jonathan C. Rossen, C. David Rossen and Rebecca A. Davis
- George C. Pierce

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-784

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

WEST*GATE, A Virginia Limited Partnership (continued)
1600 Anderson Road
McLean, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

Limited Partners: (continued)

- Enfield Associates
- Kurt and/or Susan Berlin
- Harriet D. McLucas
- Bruce Mark Olcott
- Miriam B. and Harold M. Landau
- John B. Phillips
- Ruth E. Wachtel
- Janet L. Wachtel
- Alan L. Wachtel
- Estate of Lena Gitter; Rebecca Gitter, Personal Representative
- Eleanor M. Celler
- Jerome Niederman Trust f/b/o Jacqueline Niederman, Michael Niederman and Mark Niederman
- Cheryl N. Lilienstein
- Richard Niederman
- Robert Niederman
- Peter T. Halpin
- John Phillips
- Frances Gay Phillips
- Betty Saliga
- Charles Phillips
- Estate of Henry Phillips, Mildred Phillips Administrator
- Ethel H. Ulfelder Rev. Trust f/b/o Howard Ulfelder, Jr.
- Ethel H. Ulfelder Rev. Trust f/b/o John C. Ulfelder
- Ethel H. Ulfelder Rev. Trust f/b/o Thomas H. Ulfelder
- Jacques Wachtel
- Jacob and Dorothy Entel, Joint Tenants with Right of Survivorship
- Keith Rumbel
- Helen Rumbel
- R. O. Webster
- The Elliot Mitchell Trust f/b/o Mildred Mitchell

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: OCT 18 2002

(enter date affidavit is notarized)
PCA 88-D-005-5

2002-786

for Application No. (s): _____
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

WESTGATE, A Virginia Limited Partnership (continued)
1600 Anderson Road
McLean, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

Limited Partners: (continued)

- Roger A. Golde
- Joseph Philipson Trust f/b/o Stella Philipson, Jean Philipson, David Philipson, Alice Philipson, Robert Philipson, Stephanie Raugust and Hiromi Idehar
- Niederman Family Trust f/b/o Richard Niederman and Robert Niederman
- Charles G. Lubar
- Nancy L. Sommers
- Joan L. Alvarez

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

OCT 18 2002

DATE: _____

(enter date affidavit is notarized)

PCA 88-D-005-5

2002-980

for Application No. (s): _____

(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

② WEST*PARK ASSOCIATES L.P.

1600 Anderson Road

McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

General Partners:

Eagle Management Corporation

Southfork Corporation

The Seeley Family Corporation

Fairfax Road Corporation

Gerald T. Halpin

Charles B. Ewing, Jr.

Thomas F. Nicholson

Limited Partners:

The Martha U. Seeley Family Trust f/b/o John Seeley, Margaret Ruth Seeley, Julie Ann Seeley

Howard Ulfelder Irrevocable Trust f/b/o Howard Ulfelder, Jr.

Howard Ulfelder Irrevocable Trust f/b/o John C. Ulfelder

Howard Ulfelder Irrevocable Trust f/b/o Thomas H. Ulfelder

The Maple Family Trust f/b/o Ruth Ulfelder Covo

The Black Oak Trust f/b/o Joanne Covo

The White Oak Trust f/b/o Marilyn Covo Schmidt

Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/15/70 f/b/o Julie Ann Seeley

Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/15/70 f/b/o John Nicholas Seeley

Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/14/70 f/b/o Margaret Ruth Seeley

Sidney Ulfelder Irrevocable Trusts u/d/d 12/15/70 f/b/o Barbara Ulfelder Smith

Sidney Ulfelder Irrevocable Trusts u/d/d 12/15/70 f/b/o Sandra Ulfelder Wallick

The 1985 Group

Westequities Associates Limited Partnership

WEST*GROUP, Inc.

① WEST*GROUP PROPERTIES LLC

② WEST*GROUP MANAGEMENT LLC

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-786

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

- ⑤ WEST*MAC ASSOCIATES L.P.
8100 Jones Branch Drive, MS B30
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

- ① WEST*PARK ASSOCIATES L.P., Limited Partner
- WEST*PARK MANAGEMENT CO., General Partner
- ② Federal Home Loan Mortgage Corp., General Partner

(check if applicable) [] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-286

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number(s))

1(d). One of the following boxes must be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: OCT 18 2002
(enter date affidavit is notarized)

0002-786

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above. **EXCEPT AS FOLLOWS: (NOTE: If answer is none, either "NONE" on line below.)**

See Rezoning Attachment to Paragraph 3

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

WEST*GROUP MANAGEMENT LLC, Agent

(check one)

Applicant

Applicant's Authorized Agent

Thomas D. Fleury, Sr. Vice President Development Services
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of October 2002, in the State/Comm. of Virginia, County/City of Fairfax.

Margaret J. Lawrence
Notary Public

My commission expires: Oct 31, 2002

Rezoning Attachment to Par. 3

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-986

for Application No. (s): PCA 88-D-005-5
(enter County-assigned application number (s))

- Kathryn A. MacLane contributed in excess of \$200 to Hanley for Chairwoman, January 21
- Kathryn A. MacLane contributed in excess of \$200 to Penny Gross for Supervisor, January 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Gerald E. Connolly in March 2001
- WEST*GROUP PROPERTIES LLC contributed in excess of \$200 to Supervisor Michael Frey in September 2001.
- Christian Lessard contributed in excess of \$200 to Stuart Mendelsohn within the twelve month period.
- G. T. Halpin contributed in excess of \$200 to Gerald E. Connolly in March 2002.
- John C. Ulfelder contributed in excess of \$200 to Gerald E. Connolly in March 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Gerald E. Connolly in March 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Frey for Supervisor in Oct. 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Bulova for Supervisor in Oct. 2002.

(check if applicable) There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.

REZONING AFFIDAVIT

DATE: OCT 18 2002
(enter date affidavit is notarized)

I, Thomas D. Fleury, WEST*GROUP MANAGEMENT LLC, do hereby state that I am an
(enter name of applicant or authorized agent)

(check one) [] applicant
[x] applicant's authorized agent listed in Par. 1(a) below 2002-77c

in Application No.(s): RZ/FDP 2002-PR-016
(enter County-assigned application number(s), e.g. RZ 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES of the land described in the application, and, if any of the foregoing is a TRUSTEE*, each BENEFICIARY of such trust, and all ATTORNEYS and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in BOLD print must be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

Table with 3 columns: NAME, ADDRESS, RELATIONSHIP(S). Includes entries for WEST*GROUP PROPERTIES LLC, WEST*GROUP MANAGEMENT LLC, and Huntley, Nyce & Associates Ltd.

(check if applicable) [x] There are more relationships to be listed and Par. 1(a) is continued on a "Rezoning Attachment to Par. 1(a)" form.
* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Rezoning Attachment to Par. 1(a)

DATE: OCT 10 2002
(enter date affidavit is notarized)
RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

for Application No. (s)

2002-77c

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
---	--	--

- | | | |
|---|---|-------------------------------|
| <p>④ VIKA, Incorporated</p> <p>John F. Amatetti, Agent
Hillary K. Zahm, Agent
Robert Cochran, Agent
John Lutostanski, Agent</p> | <p>8180 Greensboro Drive,
McLean, VA 22102</p> | <p>Engineer/Agent</p> |
| <p>⑤ Street Traffic Studies, Ltd.</p> <p>David A. Nelson, Agent
The</p> | <p>400 Crain Highway, N.W.,
Glen Burnie, MD 21061</p> | <p>Traffic Engineer/Agent</p> |
| <p>⑥ Lessard Architectural Group Inc.</p> <p>Christian Lessard, Agent
Istvan L. Peteranecz, Agent</p> | <p>8603 Westwood Center Drive,
Vienna, VA 22182</p> | <p>Architect/Agent</p> |

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued further on a "Rezoning Attachment to Par. 1(a)" form.

REZONING AFFIDAVIT

OCT 1 6 2002

DATE: (enter date affidavit is notarized)

2002-77c

for Application No. (s): RZ/FDP 2002-PR-016 (enter County-assigned application number(s))

1(b). The following constitutes a listing** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders, and if the corporation is an owner of the subject land, all of the OFFICERS and DIRECTORS of such corporation:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

1 WEST*GROUP PROPERTIES LLC
1600 Anderson Road
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- [] There are 10 or less shareholders, and all of the shareholders are listed below.
[X] There are more than 10 members, and all of the members owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

2 PARK GATE GROUP LLC

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name & title, e.g. President, Vice President, Secretary, Treasurer, etc.)

G. T. Halpin, President John C. Ulfelder, Vice President
Thomas F. Nicholson, Vice President/Treasurer
Charles B. Ewing, Jr., Vice President
Kathryn A. MacLane, Vice President/Secretary

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued on a "Rezoning Attachment 1(b)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(b)

DATE: Oct 1, 2002
(enter date affidavit is notarized),

2002-77c

for Application No. (s)

RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

② WEST*GROUP MANAGEMENT LLC
1600 Anderson Road
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 ^{members} shareholders, and all of the ^{members} shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE ^{members} SHAREHOLDER: (enter first name, middle initial, and last name)

PARK GATE GROUP LLC

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

③ PARK GATE GROUP LLC
1600 Anderson Road
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less ^{members} shareholders, and all of the ^{members} shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE ^{members} SHAREHOLDERS: (enter first name, middle initial, and last name)

⑧ WEST*PARK ASSOCIATES LP
④ WEST*GATE, A Virginia Limited Partnership
WEST*GROUP, Inc.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

G. T. Halpin, CEO, President/Manager
T. F. Nicholson, Vice Chairman/Manager
Charles G. Ewing, Jr., Vice Chairman/Manager
Kathryn A. MacLane, Executive Vice President/Treasurer/Manager
(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-77c

for Application No. (s): RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

④ VIKA, Incorporated
8180 Greensboro Drive, Suite 200
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Charles Irish, Jr. (nmi)
John F. Amatetti

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

⑤ Huntley, Nyce & Associates, Ltd.
7202 Poplar Street
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

⑩ Huntley, Nyce Company

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: OCT 1 0 2002
(enter date affidavit is notarized)

for Application No. (s): _____
RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

2002-77c

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

⑤ Street Traffic Studies, Ltd.
400 Crain Highway, N.W.
Glen Bernie, Maryland 21061

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

David A. Nelson	Carl F. Starkey	Rodney B. Carlson
Michael M. Nalepa	Robert R. Zacherl	

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

⑩ Huntley, Nyce Company
7202 Poplar Street, Unit D
Annandale, VA 22003

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Charles J. Huntley
Lester O. Nyce
Robert L. Sproles

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

Rezoning Attachment to Par. 1(b)

DATE: OCT 1 0 2002
(enter date affidavit is notarized)

2002-77c

for Application No. (s): _____
RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

⑥ The Lessard Architectural Group, Inc.
8603 Westwood Center Drive, Suite 400
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDER: (enter first name, middle initial, and last name)

Christian Joseph Lessard Sr.

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

Christian Lessard, President
Carlos Vazquey, VP
Mark Wilbur, Treasurer/Secretary

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

NAMES OF OFFICERS & DIRECTORS: (enter first name, middle initial, last name, and title, e.g. President, Vice-President, Secretary, Treasurer, etc.)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Rezoning Attachment to Par. 1(b)" form.

REZONING AFFIDAVIT

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-77C

for Application No. (s): RZ/FDP 2002-PR-016
(enter County-assigned application number(s))

1(c). The following constitutes a listing** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state and zip code)

① WESTGATE, A Virginia Limited Partnership
1600 Anderson Road
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

General Partner:

Westgate Virginia, Inc.

Limited Partners:

Westequities Associates Limited Partnership

Howard Ulfelder, Jr.

Howard Ulfelder Irrevocable Trust f/b/o Howard Ulfelder, Jr.

Howard Ulfelder Irrevocable Trust f/b/o John C. Ulfelder

Howard Ulfelder Irrevocable Trust f/b/o Thomas H. Ulfelder

Howard Ulfelder 1983 Irrevocable Trust f/b/o Howard Ulfelder, Jr., Susanna Ulfelder, Jennifer Ulfelder, Steven Ulfelder, David Ulfelder and Abigail Ulfelder

Howard Ulfelder 1983 Irrevocable Trust f/b/o John C. Ulfelder, Susan Ulfelder, William Ulfelder and John Ulfelder, Jr.

Howard Ulfelder 1983 Irrevocable Trust f/b/o Thomas H. Ulfelder, Jean Ulfelder, Emily Ulfelder, Alex Ulfelder, James Ulfelder and Sarah Ulfelder

The Maple Family Trust f/b/o Ruth Covo

The Black Dak Trust f/b/o Joanne Covo

The White Oak Trust f/b/o Marilyn Covo

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued on a "Rezoning Attachment to Par. 1(c)" form.

** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Rezoning Attachment to Par. 1(c)

OCT 1 8 2002

DATE: _____
(enter date affidavit is notarized)

2002-77c

for Application No. (s):

RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

⑨ WESTGATE, A Virginia Limited Partnership (continued)
1600 Anderson Road
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Limited Partners: (continued)

- The Estate of Martha U. Seeley, Julie A. Seeley, Executor
- Kristen Covo
- Peter Paul Covo
- Nathaniel Schmidt
- Matthew Schmidt
- Sidney Ulfelder Irrevocable Trust f/b/o Sandra Wallick
- Sidney Ulfelder Irrevocable Trust f/b/o Barbara Smith
- Sidney Ulfelder Family Trust f/b/o Sandra Wallick
- Sidney Ulfelder Family Trust f/b/o Barbara Smith
- The Martha U. Seeley Family Trust f/b/o Martha U. Seeley, John N. Seeley, Margaret R. Seeley, and Julie A. Seeley
- The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o John N. Seeley
- The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o Margaret R. Seeley
- The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o Julie A. Seeley
- Thomas H. Ulfelder
- John C. Ulfelder
- John N. Seeley
- Julie Ann Seeley
- Margaret R. seeley

- Gerald T. Halpin
- Helen R. Halpin
- John N. Grover
- Lester Weil, Trustee w/d/t 5/29/76 f/b/o Lesler L. Weil and Ruth S. Weil
- Thomas F. Nicholson and Sheridan Nicholson Irr. Trust
- Charles B. Ewing, Jr.
- Emily W. Myatt
- The Raymond Friedman Trust f/b/o Myra Friedman
- Myra Friedman
- J. Norma and Barbara Rossen Family Trust f/b/o Joel Norman Rossen, Jonathan C. Rossen, C. David Rossen and Rebecca A. Davis
- George C. Pierce

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

DATE: OCT 18 2002
(enter date affidavit is notarized)
RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

2002-77c

for Application No. (s)

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

⑨ WESTGATE, A Virginia Limited Partnership (continued)
1600 Anderson Road
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Limited Partners: (continued)

- Enfield Associates
- Kurt and/or Susan Berlin
- Harriet D. McLucas
- Bruce Mark Olcott
- Miriam B. and Harold M. Landau
- John B. Phillips
- Ruth E. Wachtel
- Janet L. Wachtel
- Alan L. Wachtel
- Estate of Lena Gitter; Rebecca Gitter, Personal Representative
- Eleanor M. Celler
- Jerome Niederman Trust f/b/o Jacqueline Niederman, Michael Niederman and Mark Niederman
- Cheryl N. Lilienstein
- Richard Niederman
- Robert Niederman
- Peter T. Halpin
- John Phillips
- Frances Gay Phillips
- Betty Saliga
- Charles Phillips
- Estate of Henry Phillips, Mildred Phillips Administrator
- Ethel H. Ulfelder Rev. Trust f/b/o Howard Ulfelder, Jr.
- Ethel H. Ulfelder Rev. Trust f/b/o John C. Ulfelder
- Ethel H. Ulfelder Rev. Trust f/b/o Thomas H. Ulfelder
- Jacques Wachtel
- Jacob and Dorothy Entel, Joint Tenants with Right of Survivorship
- Keith Rumbel
- Helen Rumbel
- R. O. Webster
- The Elliot Mitchell Trust f/b/o Mildred Mitchell

(check if applicable) [] There is more partnership information and Par. 1(c) is continued further on a "Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

OCT 18 2002

DATE: _____
(enter date affidavit is notarized)

2002-77c

for Application No. (s):

RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

⑨ WEST GATE, A Virginia Limited Partnership (continued)
1600 Anderson Road
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

Limited Partners: (continued)

- Roger A. Golde
- Joseph Philipson Trust f/b/o Stella Philipson, Jean Philipson, David Philipson, Alice Philipson, Robert Philipson,
- Stephanie Raugust and Hiromi Idehar
- Niederman Family Trust f/b/o Richard Niederman and Robert Niederman
- Charles G. Lubar
- Nancy L. Sommers
- Joan L. Alvarez

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

Rezoning Attachment to Par. 1(c)

OCT 18 2002

DATE: _____
(enter date affidavit is notarized)

2002-77c

for Application No. (s):

RZ/FDP 2002-PR-016
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

WEST*PARK ASSOCIATES LIMITED PARTNERSHIP
1600 Anderson Road
McLean, VA 22102

(check if applicable) [] The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g.,
General Partner, Limited Partner, or General and Limited Partner)

General Partners:

Eagle Management Corporation
Southfork Corporation
The Seeley Family Corporation
Fairfax Road Corporation
Gerald T. Halpin
Charles B. Ewing, Jr.
Thomas F. Nicholson

Limited Partners:

The Martha U. Seeley Family Trust f/b/o John Seeley, Margaret Ruth Seeley, Julie Ann Seeley
Howard Ulfelder Irrevocable Trust f/b/o Howard Ulfelder, Jr.
Howard Ulfelder Irrevocable Trust f/b/o John C. Ulfelder
Howard Ulfelder Irrevocable Trust f/b/o Thomas H. Ulfelder
The Maple Family Trust f/b/o Ruth Ulfelder Covo
The Black Oak Trust f/b/o Joanne Covo
The White Oak Trust f/b/o Marilyn Covo Schmidt
Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/15/70 f/b/o Julie Ann Seeley
Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/15/70 f/b/o John Nicholas Seeley
Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/14/70 f/b/o Margaret Ruth Seeley
Sidney Ulfelder Irrevocable Trusts u/d/d 12/15/70 f/b/o Barbara Ulfelder Smith
Sidney Ulfelder Irrevocable Trusts u/d/d 12/15/70 f/b/o Sandra Ulfelder Wallick
The 1985 Group
Westequities Associates Limited Partnership
WEST*GROUP, Inc.
WEST*GROUP PROPERTIES LLC
WEST*GROUP MANAGEMENT LLC

(check if applicable) [] There is more partnership information and Par. 1(c) is continued further on a
"Rezoning Attachment to Par. 1(c)" form.

REZONING AFFIDAVIT

DATE: OCT 18 2002
(enter date affidavit is notarized)

0002-77c

for Application No. (s): RZ/FDP 2002-PR-016
(enter County-assigned application number(s))

1(d). One of the following boxes must be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

None

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Rezoning Attachment to Par. 2" form.

REZONING AFFIDAVIT

DATE: OCT 18 2002
(enter date affidavit is notarized)

2002-77c

for Application No. (s): RZ/FDP 2002-PR-016
(enter County-assigned application number(s))

3. That within the twelve-month period prior to the filing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of \$200 or more, with any of those listed in Par. 1 above. **EXCEPT AS FOLLOWS: (NOTE: If answer is none, either "NONE" on line below.)**

See Rezoning Attachment to Paragraph 3

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Rezoning Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature: WEST*GROUP MANAGEMENT LLC, Agent
(check one) Applicant Applicant's Authorized Agent

Thomas D. Fleury, Sr. Vice President Development Services
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 18th day of October 2002, in the State/Comm. of Virginia, County/City of Sanjour

Margaret S. Howell
Notary Public

My commission expires: Oct 31, 2003

Rezoning Attachment to Par. 3

DATE: OCT 16 2002

(enter date affidavit is notarized)

RZ/FDP 2002-PR-016

(enter County-assigned application number (s))

2002-77c

for Application No. (s)

- Kathryn A. MacLane contributed in excess of \$200 to Hanley for Chairwoman, January 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Penny Gross for Supervisor, January 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Gerald E. Connolly in March 2001.
- WEST*GROUP PROPERTIES LLC contributed in excess of \$200 to Supervisor Michael Frey in September 2001.
- Christian Lessard contributed in excess of \$200 to Stuart Mendelsohn, within the twelve month period.
- G. T. Halpin contributed in excess of \$200 to Gerald E. Connolly in March 2002.
- John C. Ulfelder contributed in excess of \$200 to Gerald E. Connolly in March 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Gerald E. Connolly in March 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Frey for Supervisor in October 2002.
- Kathryn A. MacLane contributed in excess of \$200 to Bulova for Supervisor in Oct. 2002.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Rezoning Attachment to Par. 3" form.



March 6, 2002

Ms. Barbara A. Byron, Director
 Zoning Evaluation Branch
 Office of Comprehensive Planning
 12055 Government Center Parkway
 Fairfax, VA 22035

Re: Zoning Map Amendment
 Tax Map 29-4-007-A3
 C-3 Zoning District to PRM Zoning District
 Proffer Condition Amendment PCA 88-D-005-5

Dear Ms. Byron:

On behalf of the applicant, WEST*GROUP PROPERTIES LLC (WEST*GROUP), for a Zoning Map Amendment on Tax Map 29-4-007-A3, and the applicants, WEST*GROUP, West*Mac Associates Limited Partnership, West*Park Associates Limited Partnership, Gannett, AMT and the Board of Supervisors, for a Proffer Condition Amendment, PCA 88-D-005-5, please accept this letter as the appropriate Statement of Justification and waiver of submission requirements for the above-referenced applications.

Background:

On October 15, 1990, the Board of Supervisors (BOS) approved RZ 88-D-005 to rezone 193.54 acres of land from the I-3 and I-4 Districts to the C-3 District. The approval permitted a floor area ratio (FAR) of 0.54 on the property, or a total of 4,691,753 square feet (SF) of gross floor area (GFA). This property is known as West*Park and is comprised of Sub-units L-1 and L-3 of the Tysons Corner Urban Center in the Comprehensive Plan.

On October 31, 1994, the BOS approved PCA 88-D-005 to, among other things, divide the overall 193.54 acres contained within the West*Park site into five land bays (A through E). On September 18, 1995, the BOS approved PCA 88-D-005-2 to increase the overall allowable FAR within West*Park from 0.54 FAR (4,691,753 SF of GFA) to a maximum of 0.599 FAR (5,200,000 SF of GFA). On March 22, 1999, the BOS approved PCA 88-D-005-3 to increase the proffered density at West*Park from 0.599 FAR (5,200,00 SF of GFA) to 0.6096 FAR (5,297,325 SF of GFA). On July 26, 1999, the BOS approved PCA 88-D-005-4 to designate new land bays for parcels traded by WEST*GROUP and WEST*MAC.

Current Proposal:
The PCA Application

The PCA application is requesting that WEST*GROUP Parcel A-3, (Land Bay A-6) be deleted to allow a concurrent zoning map amendment of the property from the C-3 District to the PRM District (Planned Residential Mixed-Use). The PCA application simply requests an adjustment to the tabulations, deleting 13.5453 acres of land from Land Bay A.

Subsequent to the creation of the Land Bays, WEST*GROUP acquired Land Bay C. Moving the 8.7 acre parcel from Land Bay C to WEST*GROUP's Land Bay A is a logical adjustment to be made at this time. No changes are requested for Land Bay B, Land Bay D or Land Bay E. The applicants, therefore, request a waiver of the Article 16 GDP submission requirements and in lieu of full requirements will provide a revised cover sheet and tabulation sheet.

The Rezoning Application

The WEST*GROUP 13.5453 acre site is located in the Tysons Corner Urban Center portion of the McLean Planning District in Area II and within Sub-unit L-1. The property is bounded by Park Run Drive to the east, Westpark Drive to the south, the Lincoln Apartment development to the north and International Drive to the west.

This application is requesting a zoning map amendment from the C-3 District to the PRM District for the construction of a mix of residential buildings, including high rise condominiums, mid-rise elevator rental units, or other high density multifamily housing that proves to be appropriate on the site.

The PRM District allows a 3.0 FAR, which would compute to 1,770,099 square feet or approximately 1,354 residential units averaging approximately 1,300 square feet each on the 13.54-acre property. This application proposes approximately 100 units an acre and the applicant is willing to proffer to a cap of 100 units per acre and an FAR not to exceed 3.0. All parking will meet current code requirements, but an increase above code minimum parking may be constructed if the market so demands.

A recent publication, "A New Housing Paradigm" published by a collaborative effort of NMHC (National Multi Housing Council) and NAA (National Apartment Association) through a Joint Legislative Program makes several excellent points for multifamily housing.

- more compact, less sprawl, more green space
- pedestrian friendly
- reduced auto trips by reversing AM and PM cycles and proximity to, in our case, Tysons Transit stop which connects to Metro
- less burden on public schools (mid-rise/high-rise apartments create 19 school age children per 100 versus 64 per 100 single family homes)

- 41% of the population choose to live in apartments rather than being forced to do so by circumstances
- promotes “live where you work” dynamic
- Renters do pay real estate taxes via rent often at a 1.97 to 1 ratio to single family homes. “Construction of 100 apartments creates 122 new jobs, \$579,000 in local taxes and fees, 5.2 million dollars in local income generated by workers and businesses. Annualized, the 100 apartments create 46 local jobs, \$308,000 in taxes and \$1.8 million in local wages and business receipts.
- Apartments create safe and secure neighborhoods and quality of life created by proximity to jobs, shopping, hotels, restaurants and synergy created in the downtown of Fairfax.

Comprehensive Plan Provisions:

Planning Issues:

1. The residential and mixed use development discussion on page 8 of the Tysons Corner Urban Center Amendment to the Comprehensive Plan (Amendment 92-30 6/27/94) (the “Plan”) cites: “One of the principal goals outlined in the Policy Plan is to expand housing opportunities in or near employment centers, as a way to minimize the impacts of commuters on the road system and to make use of public transit more feasible as a transportation alternative.... Additional residential development would result in fewer peak-hour trips than non-residential use.... More people could walk to work and shopping...” The property is bordered on the south by the Avalon Crescent rental apartments consisting of 600 4-5 story walkup units, on the immediate west by the Lincoln at Tysons consisting of 1001 garden apartments, on the north and east by Phases 1, 2 and 4 of the 1.2 million square foot Freddie Mac (Federal Home Loan Mortgage Corporation). Tysons II Galleria Shopping Center is one block to the south. The new 750,000 square foot Gannett/USA complex is located within 1,600 feet of the proposed project. The existing 1000 unit Rotunda condominiums and the 300 unit Lillian Courts condominiums are within 500 feet to the east. The approximately 2,900 existing residential units coupled with our proposal for up to 1,354 rental and condominium units equates to approximately 4,250 units available to serve the 50,000,000 square foot core of Tysons which equates to 46% of the anticipated residential square feet shown in figure 6, page 21 of the Tysons Plan and 2,150 units less than the 1993 zoning envelope.
2. Concept for future Development “vision” (Page 9, paragraph 2). “Tysons Corner is envisioned to contain more housing within walking distance of jobs.” This project meets that vision perfectly.
3. Major objectives for Tysons Corner, page 10, paragraph 5. “Encourage development of additional housing, including affordable units, in Tysons Corner so that employees may live near their workplaces, thus reducing the number and length of commuter auto trips.” This project meets that objective and we will work closely with the appropriate parties to address the affordable dwelling unit issue in a logical and meaningful way without rendering the project financially unfeasible.

4. Transportation, Page 14 "Establish dedicated sources of private sector revenue for transportation facilities." The Tysons Corner Area Wide Transportation Contribution for this property was previously paid in accordance with Proffer III.B.2 pursuant to RZ 88-D-005.
5. Alternative Land Use. The applicant proposes to utilize the alternative land use recommendations as cited on pages 28 and 29 of the Tysons Plan ... "In areas where Land Use Recommendations identify housing as a desirable option [see such recommendation for Land Unit L, Figure 31, page 99 of the Plan "Option w/o rail"] ... As an option residential use is appropriate on any portion of Sub-unit L-1... planned nonresidential intensity can be replaced by residential use as provided under Alternate Land Use Guidelines in the Areawide Recommendations section." Using the concept that residential traffic generates less peak hour impacts, "the ratio for converting planned nonresidential intensity to residential use should be 1:3 (one nonresidential square foot for three residential square feet)... the increase... should not be greater than 50% above the planned nonresidential intensity."

The applicant, therefore, proposes to convert approximately 590,033 square feet of its previously approved by-right nonresidential gross floor area to residential for up to 1,354, approximately 1,300 square foot residential units or 1,770,099 square feet residential gross floor area. Evidence of meeting the "not greater than 50%" requirement cited above is attached as Exhibit A.

Building Heights and Setbacks. Figure 10, page 34 of the Tyson Plan indicates a cap of 150 feet for the subject property and the applicant seeks a height of 150' for the entire site, consistent with the Plan.

Waivers and Modifications required as determined at the time of application.

1. A waiver of loading requirements for multifamily uses per Section 11-201 & 11-203 of the Zoning Ordinance.
Justification: A loading space is not necessary for these buildings, as they will provide residential housing to individual homeowners. There will not be a need, therefore, for regular commercial deliveries with large trucks. Section 11-201 of the Zoning Ordinance specifically states that in a P-District there is general application of this requirement as determined by the Director.
2. A waiver of transitional yard screen and waiver of barrier requirements between uses per Article 13-304(3).
Justification: While the Zoning Ordinance does not appear to require screening or a barrier between the subject property and the existing development on neighboring properties, should a commercial component be added to this proposed development, screening may be required. Given the intensity and location of the neighboring developments, the installation of screening or a barrier would likely provide little benefit. Additionally, the neighboring properties have provided screening in the form of easements or buffers, which provide screening of the subject site.
3. A waiver of maximum 600-foot private street per Article 11-302.
Justification: In order to provide a coordinated development of residential buildings on this site, a private street will be necessary to allow the development to provide

streetscaping and permit radii and street widths that may not meet VDOT standards but will provide for a well designed community.

4. A waiver to allow underground detention and water quality in a residential multifamily area and to allow a wet pond in a residential area.

Justification: Given the intensity of this development, underground detention and water quality treatment or a wet pond is necessary to provide for a community reflecting the goals of the Tysons Corner Urban Center. The residential buildings will be of a density that will provide sufficient funds for maintenance of a wet pond or an underground stormwater management system.

5. A modification to the Non-Core Area Streetscape Design Concept (Figure 15) as presented on pages 47 and 48 in the Tysons Urban Plan to utilize the existing mature oaks along Westpark Drive and Park Run Drive.

Justification: The large, mature existing oaks meet the intent of providing shade to the walkway immediately. The existing trees are hardy, require little or no maintenance and range from 12 – 18 inch caliper in size.

We look forward to working with you and your staff on this exciting project, and we will do our part in meeting our goal to complete this case in the fall of 2002.

Very truly yours,

WEST*GROUP



Thomas D. Fleury
Senior Vice President

Attachment: Exhibit A

1. Base Development Assumptions

Site Area of Land Bays A & C	121.80 Acres
By-Right Non-Residential FAR	0.469 FAR, or 2,490,707 GFA By-Right

2. Maximum Residential Bonus Calculation

FAR Bonus equals 3 to 1 up to a maximum of	150%	of Base FAR, or
	0.704	FAR, or
Applied to the Site Area of Land Bays A & C	121.801	
Permits a Total Potential GFA in Land Bays A & C	3,736,061	
less Potential Non-Residential GFA In Land Bays A & C	(2,490,707)	
equals the Maximum Bonus GFA	1,245,354	

3. The Proposed Project Calculations

Assumed Units/Acre	100
A-6 Site Area	13.54
Proposed Number of Units	1,354
Average SF/Unit	1,306
Proposed Project GFA	1,770,099
divide this Proposed Project GFA by	3
This GFA must be "Charged against the Non-Res. Bank Account"	590,033

4. The Non-Residential GFA "Bank Account" Calculations

Non-Residential GFA permitted in Land Bay A	2,305,011
Non-Residential GFA permitted in Land Bay C	185,696
Total Non-Residential GFA "Bank Account" for Land Bays A & C	2,490,707
less One-Third of Residential GFA which must be deducted from the "Bank Account"	(590,033)
less Existing Non-Residential GFA in Land Bay A	(1,704,887)
less Existing Non-Residential GFA in Land Bay C	(175,940)
Remaining GFA in Non-Residential FAR "Bank Account"	19,847

5. The 1.5 Maximum Bonus Cap

At Full Buildout under This Proposal, Land Bays A & C Would Contain the Following GFA:

Existing Non-Residential GFA in Land Bay A	1,704,887
Existing Non-Residential GFA in Land Bay C	175,940
Future Developed Non-Residential GFA in Land Bays A & C	19,847
Total Non-Residential GFA Developed	1,900,674
plus Proposed Residential GFA	1,770,099
Total Developed GFA	3,670,773
which equals	1.47 of Permitted GFA

Conclusion: The Proposed Project does not exceed the 1.50 Bonus Cap.

6. Comparing These Calculations to The Chart in the Comprehensive Plan

NONRES. GFA/FAR	NONRES. %	RES. GFA/FAR	RES. %	TOTAL GFA/FAR
1,900,674	52%	1,770,099	48%	3,670,773
0.36	52%	0.33	48%	0.69
which equals				1.47 of Permitted FAR



March 6, 2002

Ms. Barbara A. Byron, Director
Zoning Evaluation Branch
Office of Comprehensive Planning
12055 Government Center Parkway
Fairfax, VA 22035

RECEIVED
OFFICE OF COMPREHENSIVE PLANNING
MAR 07 2002
ZONING EVALUATION DIVISION

Re: Zoning Map Amendment
Tax Map 29-4-007-A3
C-3 Zoning District to PRM Zoning District
Proffer Condition Amendment PCA 88-D-005-5

Dear Ms. Byron:

On behalf of the applicant, WEST*GROUP PROPERTIES LLC (WEST*GROUP), for a Zoning Map Amendment on Tax Map 29-4-007-A3, and the applicants, WEST*GROUP, West*Mac Associates Limited Partnership, West*Park Associates Limited Partnership, Gannett, AMT and the Board of Supervisors, for a Proffer Condition Amendment, PCA 88-D-005-5, please accept this letter as the appropriate Statement of Justification and waiver of submission requirements for the above-referenced applications.

Background:

On October 15, 1990, the Board of Supervisors (BOS) approved RZ 88-D-005 to rezone 193.54 acres of land from the I-3 and I-4 Districts to the C-3 District. The approval permitted a floor area ratio (FAR) of 0.54 on the property, or a total of 4,691,753 square feet (SF) of gross floor area (GFA). This property is known as West*Park and is comprised of Sub-units L-1 and L-3 of the Tysons Corner Urban Center in the Comprehensive Plan.

On October 31, 1994, the BOS approved PCA 88-D-005 to, among other things, divide the overall 193.54 acres contained within the West*Park site into five land bays (A through E). On September 18, 1995, the BOS approved PCA 88-D-005-2 to increase the overall allowable FAR within West*Park from 0.54 FAR (4,691,753 SF of GFA) to a maximum of 0.599 FAR (5,200,000 SF of GFA). On March 22, 1999, the BOS approved PCA 88-D-005-3 to increase the proffered density at West*Park from 0.599 FAR (5,200,00 SF of GFA) to 0.6096 FAR (5,297,325 SF of GFA). On July 26, 1999, the BOS approved PCA 88-D-005-4 to designate new land bays for parcels traded by WEST*GROUP and WEST*MAC.

Current Proposal:
The PCA Application

The PCA application is requesting that WEST*GROUP Parcel A-3, (Land Bay A-6) be deleted to allow a concurrent zoning map amendment of the property from the C-3 District to the PRM District (Planned Residential Mixed-Use). The PCA application simply requests an adjustment to the tabulations, deleting 13.5453 acres of land from Land Bay A.

Subsequent to the creation of the Land Bays, WEST*GROUP acquired Land Bay C. Moving the 8.7 acre parcel from Land Bay C to WEST*GROUP's Land Bay A is a logical adjustment to be made at this time. No changes are requested for Land Bay B, Land Bay D or Land Bay E. The applicants, therefore, request a waiver of the Article 16 GDP submission requirements and in lieu of full requirements will provide a revised cover sheet and tabulation sheet.

The Rezoning Application

The WEST*GROUP 13.5453 acre site is located in the Tysons Corner Urban Center portion of the McLean Planning District in Area II and within Sub-unit L-1. The property is bounded by Park Run Drive to the east, Westpark Drive to the south, the Lincoln Apartment development to the north and International Drive to the west.

This application is requesting a zoning map amendment from the C-3 District to the PRM District for the construction of a mix of residential buildings, including high rise condominiums, mid-rise elevator rental units, or other high density multifamily housing that proves to be appropriate on the site.

The PRM District allows a 3.0 FAR, which would compute to 1,770,099 square feet or approximately 1,354 residential units averaging approximately 1,300 square feet each on the 13.54-acre property. This application proposes approximately 100 units an acre and the applicant is willing to proffer to a cap of 100 units per acre and an FAR not to exceed 3.0. All parking will meet current code requirements, but an increase above code minimum parking may be constructed if the market so demands.

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- more compact, less sprawl, more green space
- pedestrian friendly
- reduced auto trips by reversing AM and PM cycles and proximity to, in our case, Tysons Transit stop which connects to Metro
- less burden on public schools (mid-rise/high-rise apartments create 19 school age children per 100 versus 64 per 100 single family homes)

- 41% of the population choose to live in apartments rather than being forced to do so by circumstances
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- Renters do pay real estate taxes via rent often at a 1.97 to 1 ratio to single family homes. “Construction of 100 apartments creates 122 new jobs, \$579,000 in local taxes and fees, 5.2 million dollars in local income generated by workers and businesses. Annualized, the 100 apartments create 46 local jobs, \$308,000 in taxes and \$1.8 million in local wages and business receipts.
- Apartments create safe and secure neighborhoods and quality of life created by proximity to jobs, shopping, hotels, restaurants and synergy created in the downtown of Fairfax.

Comprehensive Plan Provisions:

Planning Issues:

1. The residential and mixed use development discussion on page 8 of the Tysons Comer Urban Center Amendment to the Comprehensive Plan (Amendment 92-30 6/27/94) (the “Plan”) cites: “One of the principal goals outlined in the Policy Plan is to expand housing opportunities in or near employment centers, as a way to minimize the impacts of commuters on the road system and to make use of public transit more feasible as a transportation alternative.... Additional residential development would result in fewer peak-hour trips than non-residential use.... More people could walk to work and shopping...” The property is bordered on the south by the Avalon Crescent rental apartments consisting of 600 4-5 story walkup units, on the immediate west by the Lincoln at Tysons consisting of 1001 garden apartments, on the north and east by Phases 1, 2 and 4 of the 1.2 million square foot Freddie Mac (Federal Home Loan Mortgage Corporation). Tysons II Galleria Shopping Center is one block to the south. The new 750,000 square foot Gannett/USA complex is located within 1,600 feet of the proposed project. The existing 1000 unit Rotunda condominiums and the 300 unit Lillian Courts condominiums are within 500 feet to the east. The approximately 2,900 existing residential units coupled with our proposal for up to 1,354 rental and condominium units equates to approximately 4,250 units available to serve the 50,000,000 square foot core of Tysons which equates to 46% of the anticipated residential square feet shown in figure 6, page 21 of the Tysons Plan and 2,150 units less than the 1993 zoning envelope.
2. Concept for future Development “vision” (Page 9, paragraph 2). “Tysons Comer is envisioned to contain more housing within walking distance of jobs.” This project meets that vision perfectly.
3. Major objectives for Tysons Comer, page 10, paragraph 5. “Encourage development of additional housing, including affordable units, in Tysons Comer so that employees may live near their workplaces, thus reducing the number and length of commuter auto trips.” This project meets that objective and we will work closely with the appropriate parties to address the affordable dwelling unit issue in a logical and meaningful way without rendering the project financially unfeasible.

4. Transportation, Page 14 "Establish dedicated sources of private sector revenue for transportation facilities." The Tysons Corner Area Wide Transportation Contribution for this property was previously paid in accordance with Proffer III.B.2 pursuant to RZ 88-D-005.
5. Alternative Land Use. The applicant proposes to utilize the alternative land use recommendations as cited on pages 28 and 29 of the Tysons Plan ... "In areas where Land Use Recommendations identify housing as a desirable option [see such recommendation for Land Unit L, Figure 31, page 99 of the Plan "Option w/o rail"] ... As an option residential use is appropriate on any portion of Sub-unit L-1... planned nonresidential intensity can be replaced by residential use as provided under Alternate Land Use Guidelines in the Areawide Recommendations section." Using the concept that residential traffic generates less peak hour impacts, "the ratio for converting planned nonresidential intensity to residential use should be 1:3 (one nonresidential square foot for three residential square feet)... the increase... should not be greater than 50% above the planned nonresidential intensity."

The applicant, therefore, proposes to convert approximately 590,033 square feet of its previously approved by-right nonresidential gross floor area to residential for up to 1,354, approximately 1,300 square foot residential units or 1,770,099 square feet residential gross floor area. Evidence of meeting the "not greater than 50%" requirement cited above is attached as Exhibit A.

Building Heights and Setbacks. Figure 10, page 34 of the Tyson Plan indicates a cap of 150 feet for the subject property and the applicant seeks a height of 150' for the entire site, consistent with the Plan.

Waivers and Modifications required as determined at the time of application.

1. A waiver of loading requirements for multifamily uses per Section 11-201 & 11-203 of the Zoning Ordinance.
Justification: A loading space is not necessary for these buildings, as they will provide residential housing to individual homeowners. There will not be a need, therefore, for regular commercial deliveries with large trucks. Section 11-201 of the Zoning Ordinance specifically states that in a P-District there is general application of this requirement as determined by the Director.
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Justification: In order to provide a coordinated development of residential buildings on this site, a private street will be necessary to allow the development to provide

streetscaping and permit radii and street widths that may not meet VDOT standards but will provide for a well designed community.

4. A waiver to allow underground detention and water quality in a residential multifamily area and to allow a wet pond in a residential area.

Justification: Given the intensity of this development, underground detention and water quality treatment or a wet pond is necessary to provide for a community reflecting the goals of the Tysons Corner Urban Center. The residential buildings will be of a density that will provide sufficient funds for maintenance of a wet pond or an underground stormwater management system.

5. A modification to the Non-Core Area Streetscape Design Concept (Figure 15) as presented on pages 47 and 48 in the Tysons Urban Plan to utilize the existing mature oaks along Westpark Drive and Park Run Drive.

Justification: The large, mature existing oaks meet the intent of providing shade to the walkway immediately. The existing trees are hardy, require little or no maintenance and range from 12 – 18 inch caliper in size.

We look forward to working with you and your staff on this exciting project, and we will do our part in meeting our goal to complete this case in the fall of 2002.

Very truly yours,

WEST*GROUP



Thomas D. Fleury
Senior Vice President

Attachment: Exhibit A

1. Base Development Assumptions

Site Area of Land Bays A & C 121.80 Acres
By-Right Non-Residential FAR 0.469 FAR, or
2,490,707 GFA By-Right

2. Maximum Residential Bonus Calculation

FAR Bonus equals 3 to 1 up to a maximum of 150% of Base FAR, or
0.704 FAR, or
Applied to the Site Area of Land Bays A & C 121.801
Permits a Total Potential GFA in Land Bays A & C 3,736,061
less Potential Non-Residential GFA in Land Bays A & C (2,490,707)
equals the Maximum Bonus GFA 1,245,354

3. The Proposed Project Calculations

Assumed Units/Acre 100
A-6 Site Area 13.54
Proposed Number of Units 1,354
Average SF/Unit 1,306
Proposed Project GFA 1,770,099
divide this Proposed Project GFA by 3
This GFA must be "Charged against the Non-Res. Bank Account" 590,033

4. The Non-Residential GFA "Bank Account" Calculations

Non-Residential GFA permitted in Land Bay A 2,305,011
Non-Residential GFA permitted in Land Bay C 185,696
Total Non-Residential GFA "Bank Account" for Land Bays A & C 2,490,707
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less Existing Non-Residential GFA in Land Bay A (1,704,887)
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5. The 1.5 Maximum Bonus Cap

At Full Buildout under This Proposal, Land Bays A & C Would Contain the Following GFA:

Existing Non-Residential GFA in Land Bay A 1,704,887
Existing Non-Residential GFA in Land Bay C 175,940
Future Developed Non-Residential GFA in Land Bays A & C 19,847
Total Non-Residential GFA Developed 1,900,674
plus Proposed Residential GFA 1,770,099
Total Developed GFA 3,670,773
which equals 1.47 of Permitted GFA

Conclusion: The Proposed Project does not exceed the 1.50 Bonus Cap.

6. Comparing These Calculations to The Chart in the Comprehensive Plan

NONRES. GFA/FAR	NONRES. %	RES. GFA/FAR	RES. %	TOTAL GFA/FAR
1,900,674	52%	1,770,099	48%	3,670,773
0.36	52%	0.33	48%	0.69

which equals 1.47 of Permitted FAR



August 9, 2002

RECEIVED
Department of Planning & Zoning

AUG 12 2002

Zoning Evaluation Division

Barbara A. Byron, Director
Zoning Evaluation Division
12055 Government Center Parkway, 8th Floor
Fairfax, Virginia 22035

Re: RZ2002-PR-0162/FDP 2002-PR-1064

Dear Ms. Byron:

This letter comes in response to a Staff comment received concerning the above application to rezone approximately 13.5 acres of land in Tysons Corner from the C-3 to the PRM Zoning District (the "Application"). The CDP/FDP supporting this application provides for the development of up to 1,292 multi-family units in four (4) high-rise buildings and 58 single-family attached units. The Staff comment has suggested that these proposed single-family attached dwellings may not meet the criteria to qualify as a permitted secondary use in the PRM zone.

Section 6-406 (3) of the PRM zone, Use Limitations, provides as follows:

"The principal residential use shall be multiple family dwelling units. Single family attached dwellings may be allowed at the periphery of the development to provide a transition from the high density development to adjacent lower density development."

Consistent with these district regulations of the PRM Zoning District, multiple family residential is the primary use anticipated by the Application. In addition, the Application proposes peripheral single-family attached dwelling units as a secondary use. We believe that the proposed single-family attached dwelling units meet the requirements of the PRM District for the following reasons.

1. The 1,292 multi-family units proposed by the Application (i.e. 95.7% of the total units) constitute the principal residential use for the project. The 58 single-family attached units (i.e. 4.3% of the total units) are clearly a secondary use.
2. Our proposed single-family attached dwellings are located at the periphery of the development, specifically along the west side of Park Run Drive, which periphery is most proximate to the lower density commercial development along the east side of Park Run Drive.
3. The development on the east side of Park Run Drive is the latest phase of the Freddie Mac headquarters. As indicated on the enclosed excerpt of the approved site plan for the Freddie Mac development, the density for that commercial project is 0.814 F.A.R..

Re: Re: RZ2002-PR-0162/FDP 2002-PR-1064

4. The proposed density of the entire parcel subject to this Application is a 3.0 F.A.R. as provided in the PRM Zoning District. (See Density Graphic and Tabulation enclosed, as excerpted from Sheet 13 of 13 of the CDP/FDP).
5. The F.A.R. for the portion of subject property on which the single-family attached dwelling units will be located, per our design, is 190,558 GFA on 170,383 sf of land, or a density of 1.19 F.A.R. (See Density Graphic and Tabulation enclosed, as excerpted from Sheet 13 of 13 of the CDP/FDP).
6. The F.A.R. for the high-rise condominium portion of the property is 1,055,864 GFA on 292,062 sf of land, or a density of 3.62 F.A.R. (See Density Graphic and Tabulation enclosed, as excerpted from Sheet 13 of 13 of the CDP/FDP).
7. The F.A.R. of the high-rise apartment portion of the property is 523,678 GFA on 127,588 sf of land, or a density of 4.10 F.A.R. (See Density Graphic and Tabulation enclosed, as excerpted from Sheet 13 of 13 of the CDP/FDP).
8. Therefore, the peripheral single-family attached dwellings at a density of 1.19 F.A.R. create a transition between the .814 F.A.R. commercial density on the east side of Park Run Drive and the 3.62 - 4.10 F.A.R. high-rise multi-family densities that are the principal use proposed by the Application. This is clearly the intent and purpose of the PRM provisions allowing single-family attached dwellings as a permitted secondary use.

A picture is worth a thousand words, and so this density transition is best demonstrated by the enclosed architectural rendering of the view looking north on Park Run Drive. Depicted in this rendering at actual relative heights are the new Freddie Mac headquarters on the right, and the proposed single-family attached units on the left. As this view clearly indicates, the relative heights and masses of the two uses are extremely compatible. The single-family attached units create an attractive streetscape, allowing the proposed project to fit into the fabric of the surrounding neighborhood in terms of bulk and mass and providing a transition between different uses and densities along Park Run Drive.

Furthermore, any change to the proposed CDP/FDP to provide for multiple family use instead of single-family attached use at the location in question would be semantic only. In order for the proposed townhomes to meet the definition of "multi-family" use, the only modification to the design required would be to create shared points of entrance at the stoop level of adjoining units. Otherwise, the product type would remain visually the same and would be changed only as necessary to meet the definition of multi-family use. It is essential to the project that a low-rise product be provided at this location to provide a diversity of product for the homebuyer. Accordingly, any change to create multi-family units would be one of definition only and would not provide a different construction type, scale, or building mass in the area in question.

We strongly urge staff not to force the applicant to make what would amount to a semantic change to the detriment of the viability of the project.

Barbara A. Byron, Director
Zoning Evaluation Division
August 9, 2002
Page 3 of 3

Re: RZ2002-PR-0162/FDP 2002-PR-1064

In the event the Staff, in consultation with the Zoning Administrator, elects to interpret the Use Limitation cited in 6-406(3) as inconsistent with the Application, then please consider this letter as our formal request to the Board of Supervisors to authorize a variance of Use Limitation 3 of 6-406 to allow fee simple single-family attached dwelling units as a permitted secondary use based upon the rationale cited above.

As always, thank you for your attention to this matter. If you have any questions or would like additional information, please don't hesitate to give me a call.

Very truly yours,
WEST*GROUP



Thomas D. Fleury
Senior Vice President

Encs. Site Tabulation from Freddie Mac Site Plan
Density Graphic and Tabulation from CDP/FDP
Architectural Rendering of Park Run Drive

Cc: Supervisor Gerald Connolly
Linda Smyth, Planning Commissioner
Jane Gwinn, Zoning Administrator

PROJECT NAME

WEST * MAC, PHASE 4

DISTRICT PROVIDENCE

FAIRFAX COUNTY, VIRGINIA

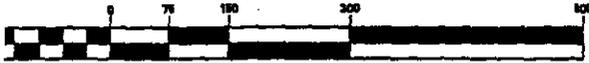
SHEET 1 OF 47 SP - 3/25 REV. 5-5-88	<u>COUNTY NUMBER</u>
	9698-SPV-02-5-C
COUNTY REVIEWER _____	PLAN CONTROL TECHNICIAN _____

SANITARY SEWER

SITE TABULATIONS (SP PLANS)

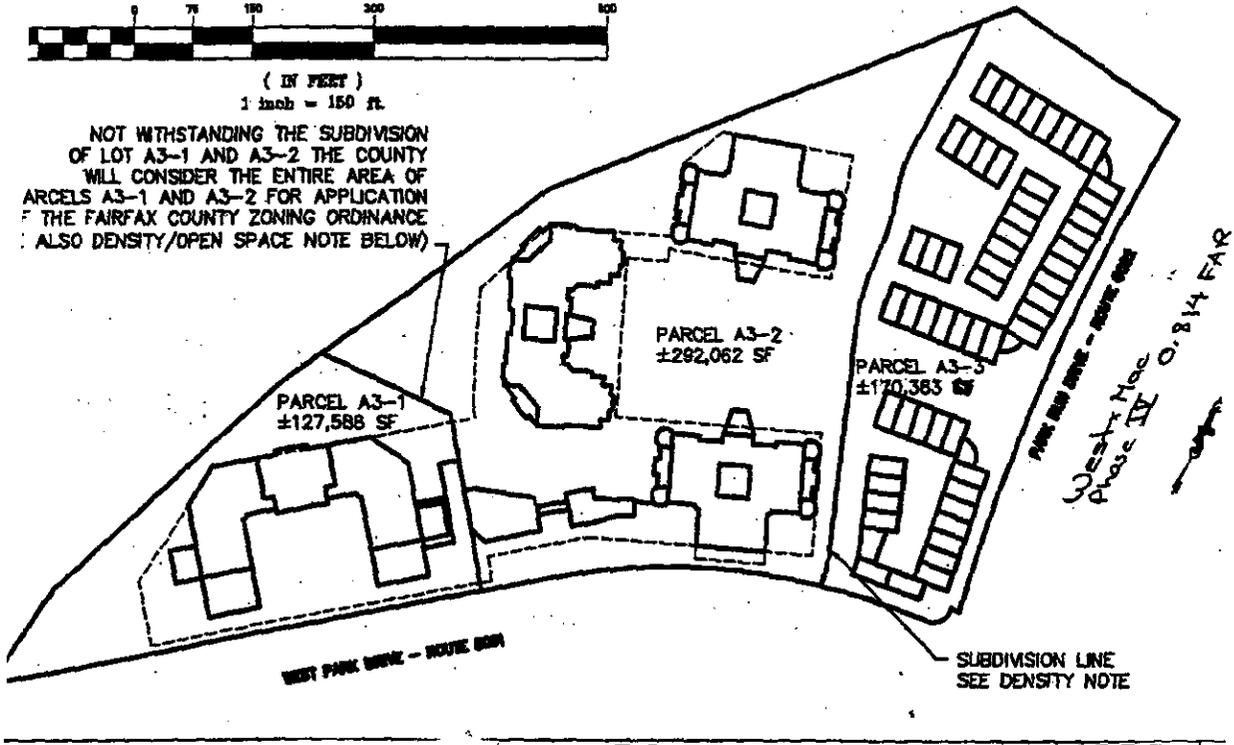
1)	AREA IN ACRES	10.8679	AREA IN SF	473,406
2)	AREA OF STREET DEDICATION	N/A		
3)	USE	OFFICE BUILDING WITH STRUCTURE PARKING		
4)	NO OF LOTS	ONE	AREA OF LOTS	10.8679 AC.
5)	EXISTING BUILDING GROSS FLOOR AREA	_____		
6)	EXISTING BUILDING NET FLOOR AREA	_____		
7)	PROPOSED BUILDING GROSS FLOOR AREA	385,263 S.F.		
8)	PROPOSED BUILDING NET FLOOR AREA	308,210 S.F.		
9)	TOTAL FLOOR AREA RATIO (FAR) FOR ENTIRE SITE	0.814		
10)	PROPOSED BUILDING HEIGHT	77 FT. (8 STORIES)		
11)	TOTAL HANDICAPPED PARKING REQUIRED	23 SPACES		
12)	TOTAL HANDICAPPED PARKING PROVIDED	23 SPACES		
13)	TOTAL HANDICAPPED VAN SPACES REQUIRED	3 SPACES		
14)	TOTAL HANDICAPPED VAN SPACES PROVIDED	3 SPACES		
15)	LOADING SPACES REQUIRED	5 SPACES (MAX.)		
16)	LOADING SPACES PROVIDED	5 SPACES		
17)	TOTAL PARKING SPACES REQUIRED	1,000 SPACES (SEE TAB. SHT. 8)		
18)	TOTAL PARKING SPACES PROVIDED	1,166 SPACES		
19)	OPEN SPACE REQUIRED	71,011 SQ FT (15%)		
20)	OPEN SPACE PROVIDED	209,340 SQ FT (44.2%)		
21)	DENSITY (LOTS PER ACRE)	N/A		

GRAPHIC SCALE



(IN FEET)
1 inch = 150 ft.

NOT WITHSTANDING THE SUBDIVISION OF LOT A3-1 AND A3-2 THE COUNTY WILL CONSIDER THE ENTIRE AREA OF PARCELS A3-1 AND A3-2 FOR APPLICATION OF THE FAIRFAX COUNTY ZONING ORDINANCE (ALSO DENSITY/OPEN SPACE NOTE BELOW)



DENSITY GRAPHIC

SCALE - 1" = 150'

PARCEL A3-1

AREA = 127,588 SF
TOTAL GFA = ±523,678 SF (INCLUDES ±489918 SF OF APARTMENTS AND ±53,760 SF OF RETAIL)
AREA A3-1 FAR = 4.10±

PARCEL A3-2

AREA = 292,062 SF
TOTAL GFA = 1,055,864 SF (INCLUDES ±380,953 SF FOR CONDO BUILDING 1, ±334,105 SF FOR CONDO BUILDING 2A, AND ±340,806 SF FOR CONDO BUILDING 2B. DOES NOT INCLUDE CELLAR AREA)
AREA A3-2 FAR = 3.62±

PARCEL A3-3

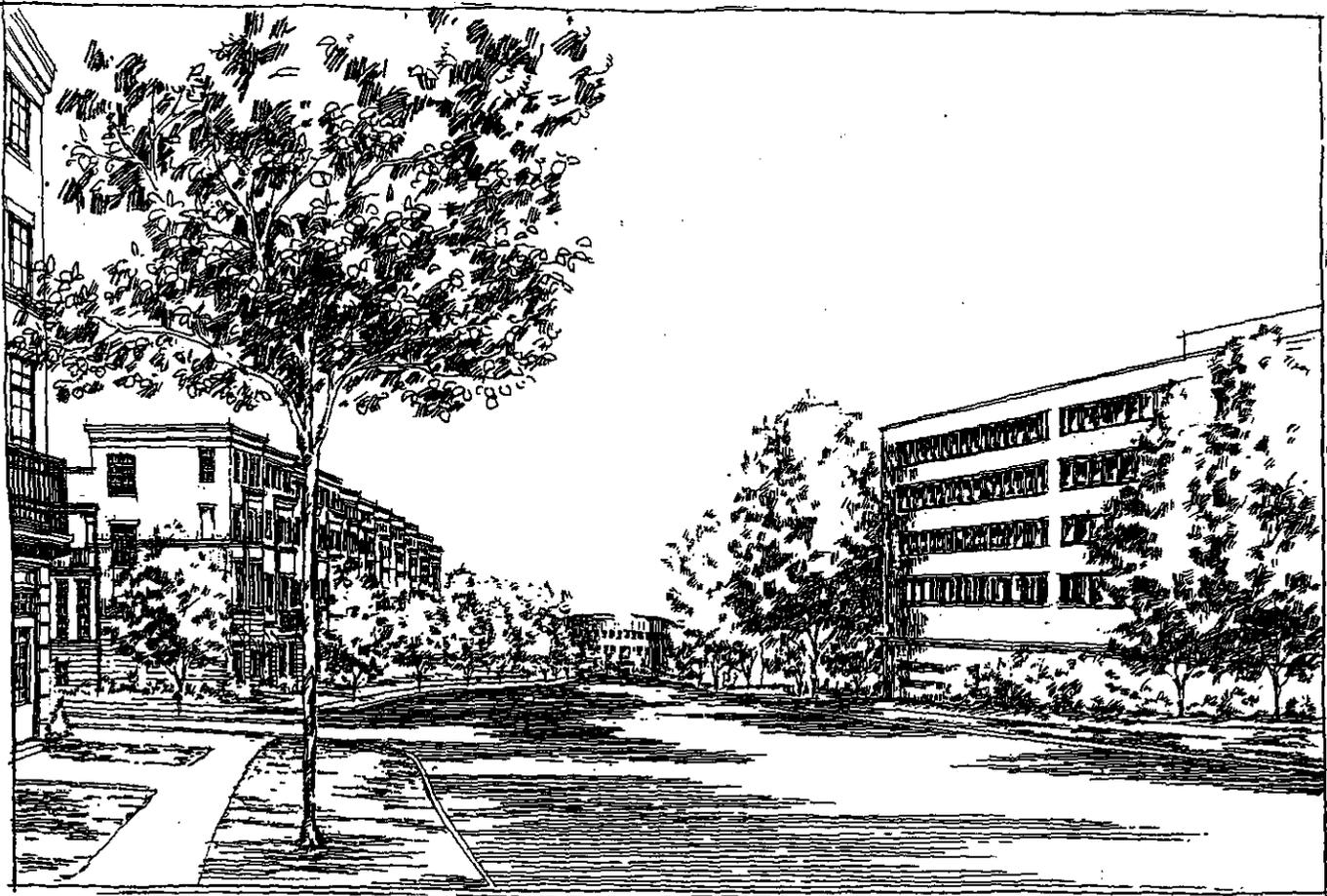
AREA = 170,383 SF
TOTAL GFA = ±190,558 SF (INCLUDES 58 TOWNHOUSES)
AREA A3-3 FAR = 1.19±

TOTAL SITE

AREA = 590,033 SF
TOTAL GFA = 1,770,100 SF
TOTAL SITE FAR = 3.0

DENSITY/OPEN SPACE NOTE:

THE TOTAL SITE AREA IS 590,033 SQUARE FEET OR 13.5453 ACRES ("GROSS TRACT AREA") AND THE MAXIMUM DENSITY SHALL NOT EXCEED 3.0 FLOOR AREA RATIO ("FAR") OR 1,770,100 SQUARE FEET OF GROSS FLOOR AREA ("GFA"). HOWEVER, INDIVIDUAL BUILDING SITES AND/OR LOTS WITHIN THE GROSS TRACT AREA MAY EXCEED 3.0 FAR. OPEN SPACE SHALL BE CALCULATED ON THE ENTIRE SITE AREA OF 13.5453 ACRES.



WEST PARK

Travis's Corner, VA
WESTCOTA, DC August 8, 2002
RENAISSANCE HOUSING

**ILLUSTRATIVE PLAN
PARK RUN DRIVE PERSPECTIVE**

THE LESSARD ARCHITECTURAL GROUP INC.
2400 Riverside Drive, Suite 100, Falls Church, VA 22044, TEL: 703/261-9244, FAX: 703/261-9432



FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Fred Selden, Director 
Planning Division, DPZ

SUBJECT: Comprehensive Plan Land Use Analysis: PCA 88-D-005-5 & RZ 2002-PR-016
West Group Properties, LLC

DATE: 28 October 2002

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject applications and Conceptual and Final Development Plan Amendments (CDPA/FDPA) dated May 1, 2002 as revised through October 17, 2002. The extent to which the proposed use, intensity and development plans are consistent with the land use guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The applicant proposes to delete 13.54 acres of land from Land Bay A which is part of the 189.49 acre land area associated with West Group development in Tysons Corner. The application proposes to rezone the 13.54 acres from the C-3 District to the PRM District for the construction of a mix of high rise residential and townhouse buildings. A maximum of 100 dwelling units per acres (du/ac) and an overall floor area ratio (FAR) of 3.0 is proposed. The following describes the application:

Application Area	13.54 acres	
No. of Multi-Family Units	1354 units in 4 buildings	
No. of Townhouse Units	58 units	
Maximum Building Heights	14-19 stories for high rise units 60 feet for townhouse units	
Open Space Provided	35% - 4.74 acres – includes dedication of 1.30 acres for linear park	
Stormwater management	Proposed underground detention BMPs (Waiver Requested)	
Secondary Uses - includes retail, recreation, eating establishment and gate house.	Maximum of 53,760 square feet.	

Note: The applicant proffers that any reduction in the number of townhouse units or reduction in gross floor area from such reduction may be utilized as multi-family units provided that the total number of residential units does not exceed 1,345, the total floor area does not exceed 1,770,100 or the maximum FAR exceed 3.0. The applicant further proffers that secondary retail uses shall be a minimum of 30,000 square feet. The building heights do not include 15 to 20 foot high penthouse areas which the application indicates will not exceed 25% of the roof area.

The CDP/FDP submitted with the application consists of 13 sheets and contains details of building elevations, view sheds through the site, focal landscape, open space and recreation areas, pedestrian connections, streetscape proposals and a phasing plan.

LOCATION AND CHARACTER OF THE AREA

The application property is bounded by Park Run Drive to the east, Westpark Drive to the south, the Lincoln Apartment development to the north and International Drive to the west. The site is currently vacant and wooded; the site has a significant change in grade elevation and drops from approximately 470 feet in the westernmost portion of the site to approximately 360 feet in the easternmost portion of the site.

COMPREHENSIVE PLAN CITATIONS:

Plan Area: II **Planning Sector:** Tysons Corner Urban Center
Land Unit L - Sub-Unit L-1

Plan Text: Beginning on page 116 of 146 in the Area II text, the Tysons Corner Urban Center, LAND UNIT RECOMMENDATIONS, Land Unit L, the 2000 Comprehensive Plan states:

“Land Unit L is comprised of about 250 acres, bounded by the Dulles Airport Access Road (DAAR) on the north, the Capital Beltway on the east, Land Unit N on the south and the Lincoln apartments on the west. Land Unit L contains the West*Park development which is the largest office park in Tysons Corner. In 1993, existing land use is predominantly office use which is developed on about 65% of the land unit's acreage, the other 35% being vacant.

...

“The portion of Land Unit L that is north of Westpark Drive is the West Park non-core area, one of the two largest land units in Tysons Corner, the other being West Gate (Land Unit R). Both areas have developed as office parks with a predominantly campus-like setting, and the vision for both is to continue their development in predominantly office uses. Additional development in the West Park Land Unit will be primarily infill office buildings on the vacant parcels. Opportunities exist to introduce a housing component. Further opportunities exist for higher intensity development, if supported by a rail transit station.

In the event that rail is extended through Tysons Corner, a rail station may be located in proximity to the southern most portion of this land unit (i.e. Sub-unit L-3). An express bus station, the Tysons Westpark Transit Station, is already planned for a site in Sub-unit L-1 adjacent to the DAAR at the intersection of Jones Branch Drive and International Drive. Future express bus service is planned from Washington Dulles International Airport to the West Falls Church-VT/UVA Metro Station.

...
“Guidance for evaluating development proposals for this land unit is contained in the Area-wide Recommendations, the Land Unit Recommendations and the Development Review Guidelines Sections of the Plan. Specific Guidance for uses and intensities as envisioned in the Plan are provided in the sub-unit text below. Achieving planned intensity is predicated upon successfully incorporating these recommendations and guidelines into development proposals. In addition, urban design and transportation guidelines are set forth in the Development Review Guidelines Section.”

“SUB-UNIT L-1

Sub-unit L-1 is planned for office use with support retail and service uses up to an average .55 FAR for Sub-units L-1 and L-3 combined. The combined sub-units should not exceed a maximum of 4,700,000 square feet of non-residential gross floor area. New development and/or redevelopment should integrate the parcels of the sub-unit through pedestrian linkages and urban design amenities.

Option without Rail

As an option, residential use is appropriate on any portion of the sub-unit. In any development proposal submitted under this option, planned nonresidential intensity can be replaced by residential use as provided under the Alternative Land Use Guidelines in the Area-wide Recommendations section.”

...
“Height Limit: Up to 75 feet north of Jones Branch Road and west of the EQC located in the vicinity of the DAAR/ Capital Beltway interchange; up to 125 feet south of Jones Branch Road; up to 150 feet in the rest of the sub-unit. Building heights at or near the top of the limit can be achieved if the result is more usable open space, improved pedestrian circulation and urban design amenities. In addition, a variety of roof-top elevations should be provided in the sub-unit with the maximum heights used to help establish focal point(s) (see the Building Heights Map, Figure 10, and Building Height Guidelines).

If a rapid rail station site is located in proximity to this Sub-unit, maximum building heights within 1,600 feet of the station platform may increase up to 30%. All transit related height increases should be consistent with the Building Height Guidelines and the resulting height should not adversely impact the character and development of adjacent and nearby lands or neighborhoods.”

...
On pages 34 and 35 in the Area II text, the Tysons Corner Urban Center, the LAND USE GUIDELINES, the 2000 Comprehensive Plan states:

“Alternative Land Uses

When an alternative land use can be demonstrated to be compatible with the surrounding development and when the Plan's transportation needs, pedestrian orientation, and other aspects are adequately addressed, such uses can be considered. The following land uses are those alternatives which may be considered in addition to those specifically identified in the Land Unit Recommendations.

- In areas where the Land Unit Recommendations identify housing as a desirable option, additional housing should be encouraged by converting planned nonresidential use to housing: when a viable, quality living environment can be created which provides recreational facilities and other amenities for the residents; where the development is compatible with surrounding uses; where it generates less peak-hour traffic impacts than the specific land unit or sub-unit recommendation; and where its scale is similar to the planned nonresidential use. Logical and substantial parcel consolidation should be encouraged that results in well-designed projects which function efficiently and do not preclude other properties from developing in accord with the Plan. The ratio for converting planned nonresidential intensity to residential use should be 1:3 (one nonresidential square foot for three residential square feet); to ensure a compatible scale, the maximum intensity increase under the replacement ratio should not be greater than 50% above the planned nonresidential intensity. The application of this conversion ratio is illustrated in Figure 8. In transit station areas, the 1:3 conversion ratio should only apply when its application would result in a development that is at least 1/3 housing. Where the development in a transit area would not be at least 1/3 housing, the conversion ratio should be 1:1 non-residential to residential.

Alternative types of housing should be encouraged to integrate into predominantly nonresidential developments, in order to provide a variety of housing, including affordable housing, within this employment center. Since the planned nonresidential intensities are relatively high throughout most of Tysons Corner, the housing type (when the above conversion is used) should be limited to multi-family development. Multi-family development has the design flexibility that is necessary to integrate within nonresidential areas, and provide a comparable and compatible scale.”

On pages 54 through 56 in the Area II text, the Tysons Corner Urban Center, the LAND USE GUIDELINES, the 2000 Comprehensive Plan states:

“Guidelines for Areas Outside the Core

In the Land Use Concept, the areas outside the Core are designated Non-Core and Transitional Areas. These areas include retail, office, and residential uses that are generally more suburban in character. Much of the office development is in the form of suburban office parks with large open areas or wooded buffers between buildings. Surface parking predominates. Aside from a relatively small number of warehouse and distribution uses, the industrial area includes a wide variety of retail sales and service uses in warehouse-style buildings. The garden apartments and townhouses are typically suburban. Exceptions are the more urban high-rise apartments found next to the Capital Beltway and the high-intensity mixed-use development on the southern edge of Route 7, across from the Tysons Corner Center.

Development is auto-oriented, another suburban characteristic, requiring an auto trip for most activities and lunch hour errands. Sidewalks and trails are not consistently provided: some areas do not have any or the facilities are intermittent. The provision of interparcel connections is most successful in the office parks, but fails in other areas where each building has been developed in isolation from those around it. In addition, distances between different types of uses and the lack of pedestrian amenities discourage walking. The urban design challenge is to make these areas more accessible for people and to enhance the visual quality of some areas. The following guidelines and example of the streetscape design concept are intended to help meet these goals for Non-Core areas except parcels fronting Route 7. (See the Route 7 Boulevard Concept for design guidance adjacent to Route 7.)

Guidelines: Improved Circulation and Parking

- Build sidewalks and trails indicated on the Pedestrian Systems Map and proposed in the Land Unit Recommendations to ensure easy mobility between uses. When feasible, build interparcel connections for vehicles as well, to limit unnecessary trips in and out of the parcel to get to adjacent parcels.
- Encourage improved parking lot design to ensure pedestrian safety by building some pedestrian walkways between parking aisles, as well as pedestrian crosswalks to the building.
- Provide shelters at transit stops (including existing bus stops) that protect patrons from the weather, and that are safe, easy to maintain and relatively vandal-proof.

Guidelines: Improving Visual Image and Identity

All the following guidelines are encouraged:

- For multi-building complexes, establish an architectural theme utilizing similar materials and relating building elements such as materials, entries, windows, and roof lines.
- Design retail development in physically unified complexes, not as scattered buildings with separate circulation and sometimes conflicting access points. Retail development with freestanding structures should generally be discouraged, unless coordinated design, access and circulation can be provided.
- Integrate the design of parking structures with that for the buildings being served, so that the whole complex is unified.
- Improve parking lot landscaping with shade trees and other plant materials, both along the aisles and at the ends, while maintaining good visibility for drivers. Break up large parking lots into smaller lots by using planting areas as dividers.
- Incorporate plazas or courtyards at major buildings or to serve a group of buildings. Such plazas could include distinctive paving to define them, as well as seating, landscaping, lighting and water features.
- Coordinated lighting and signage plans for a given development complex are encouraged, to reinforce the complex's identity through clearly recognizable common features. In addition, a coordinated streetscape plan, including street tree types, street furniture, signage and lighting should be provided. These plans should be coordinated not only within a development, but also be compatible with adjacent properties. Signage should be designed appropriately for its location and purpose.
- Provide a well-landscaped, high-quality image both toward the primary street entrance and on any facade that can be seen from adjacent buildings or side streets. Provide color, texture and seasonal visual interest in the landscaping scheme. Select low-maintenance materials for areas not likely to receive consistent maintenance.
- Undergrounding of utilities should be encouraged and should be coordinated with future roadway improvements.

Since the character of non-core areas varies the most, the design concept indicates flexibility in building placement; however, projects should provide at least the minimum streetscape and sidewalk widths. The following streetscape design concept example and illustrations provide measurable detail to ensure that basic aspects of the Non-core Concept can be implemented. The actual dimensions will vary from the example based on site specific conditions. Implementation will occur through development proposals for those aspects addressing private property and adjacent public rights-of-way, and through the Capital Improvement Program (CIP) and/or joint public/private funding efforts for segments of public rights-of-way as roadways are improved. In situations where development or redevelopment is not likely to occur, implementing the streetscape design concept may require public/private cooperation in providing funding for these improvements. The following streetscape design concept and illustrations apply to areas outside the Core, except for the areas adjacent to Route 7, Route 123, International Drive and Gallows Road, which are to be addressed by the guidance under Streetscape Design Concept for Major Roadways.

Example of Non-Core Areas Streetscape Design Concept (See Illustration, Figure 15):

- Treatment of sidewalks with planting strip next to roadways: For continuity, a minimum 4-foot sidewalk with 6-foot planting strip should be provided next to the road. Special pavement treatments and trees in tree grates could be considered as alternatives to vegetation in the planting strip. Vegetation within planting strips should be low maintenance, and include grasses, ground cover, flowering plants, and/or ornamental shrubs. In addition, street furniture and other pedestrian amenities are encouraged to be placed within the planting strip.
- Building setbacks/angle of bulk plane: Setbacks or front yards of 25 to 40 feet would achieve the goal of bringing new buildings closer to the roadway. The lesser front yard or setback is appropriate when no parking is located in front yard. With the larger front yards (greater than 25 feet to 40 feet), a 10-foot landscape/pedestrian activity area should be provided between the sidewalk and any parking or buildings. This 10-foot area could include a variety of treatments, including but not limited to the following: a landscaped plaza with seating and lighting; formal arrangements of trees (bosques); informally grouped trees and other plantings; and any of the above with public art or a water feature. A site's design may vary from these standards when greater setbacks are needed to create a focal point through the grouping of buildings, to infill within the constraints of existing structures, or to preserve natural features (i.e. steep slopes, dense vegetation, flood plain, etc.).

To encourage the siting of buildings closer to the street, the allowable angle of bulk plane should be reduced. For example, 20 to 25 degree angles of bulk plane should be provided to ensure that portions of buildings with maximum heights are away from the front yard pedestrian areas in order to maintain the area's pedestrian scale (see Figure 15).

- Street trees for the planting strip next to the sidewalk: Major shade trees that can be walked under should be planted with spacing of 40 to 50 feet on center, using trees that are at least 3 inch caliper in size at the time of planting. The trees should be hardy and require little to no maintenance, and be resistant to disease, heat and pollution. Special pavement treatments and trees in tree grates could be considered as alternatives to vegetation in the planting strip.

When street trees and other plantings are to be located in proximity to roadways or within medians, special attention to clear zones, as well as safety and sight distance, should be observed in the design of streetscape for development proposals. Modification to the above streetscape

guidance should occur when necessary to conform to applicable Virginia Department of Transportation (VDOT) requirements and guidelines.”

PLAN MAP: Mixed use, as shown on the Comprehensive Plan map.

ANALYSIS

Conformance with the Comprehensive Plan. The application property is located in Land Unit L, Sub-unit L-1, of the Tysons Urban Center which is outside of the core activity center. This land unit is planned for office use with support retail and service uses up to an average .55 FAR, including Sub-Unit L-3. However, this site is identified as an appropriate site for high density residential development as provided under the Alternative Land Use Guidelines. These guidelines permit the replacement of non-residential intensity with residential use at a ratio of 1:3 provide that the maximum intensity increase under the replacement ratio is not greater than 50% above the planned non-residential density. In order to demonstrate conformance with the Plan guidance and limitations for the conversion ratio, the applicant has submitted Attachment A to the statement of justification which indicates that the proposed development will not exceed 150% of the base permitted FAR.

Generally, staff finds the proposal to be consistent with the Plan’s intent to provide additional housing within the intense office and retail development in Tysons Corner. This site will have proximity to a planned transit station (express bus) to the north adjacent to the Dulles Airport Access Road at the intersection of Jones Branch Drive and International Drive; preliminary planning for Metrorail to Tysons indicates a high potential for a station to the south near Tysons Boulevard and Rt. 123. However, the following concerns have been identified:

Issue: Alternative Housing Types The Comprehensive Plan indicates that alternative types of housing should be encouraged to integrate into predominately non-residential developments in order to provide a variety of housing, including affordable housing within the Tysons employment center. When the residential conversion ratio is used, the Plan strongly encourages development of multi-family units which usually provide the design flexibility necessary to integrate the residential development within non-residential areas and provide a compatible and comparable scale of development.

The rezoning application proposes multi-family units and up to 58 4-story townhouse units that may also include an optional penthouse and rooftop garden. The townhouse units represent less than 1% of the total number of units. Staff finds that the overall layout and design concerns initially identified with the townhouse units have been satisfactorily addressed. The townhouse units provide an appropriate pedestrian-oriented residential presence at the street level and at a human scale that provides transition to the retail elements of the development and appropriate setback and perspective to the high rise buildings internal to the site. The provision of the townhouse units does not impede the provision of other desirable development elements provided by the application such as affordable housing, multiple plazas, focal landscaped areas and adequate open space.

Issue: Building Height The site specific Plan text for Sub-unit L-1 indicates that building heights up to 150 feet may be appropriate for the site provided that adequate useable open space, design amenities and improved pedestrian circulation may be provided. The development plan indicates that the center sections of each of the 4 high rise buildings will achieve the maximum building height of 150 feet; "wing" sections on the multi-family buildings are provided at 2-4 stories lower than the highest sections of each building, providing the appropriate variety and articulation of building heights envisioned by the Plan for the Sub-unit. It is further noted that the applicant has included in the development plans a sheet entitled "Height/Grade/Density Demonstrations which indicates a maximum building height of 150 feet measured in accordance with the Zoning Ordinance.

Issue: Streetscape. One of the most basic elements of the Urban Design Guidelines for Tysons Corner is the recommendation for appropriate landscaping and streetscaping. The applicant initially intended to preserve the majority of the existing mature street trees along both West Park Drive and Park Run Drive. However, transportation and frontage improvements shown on the most recently revised CDP/FDP indicate the removal of most of these mature trees.

To address this concern, the applicant has submitted a streetscape exhibit depicting the application property frontage along both West Park and Park Run Drives. To accommodate the various building setbacks and development design, variations of the streetscape are proposed and shown as Streetscape Sections A, B, C and D.

Streetscape Section A consists of a 6-foot and a 15-foot wide planting strip on either side of a five foot wide sidewalk. New street trees are proposed in both planting strips and are shown to be planted approximately 30 feet on center; no plantings are depicted within the right-of-way. The applicant has proffered that all replacement trees shall be 3-inch caliper trees. The Streetscape Exhibit should also clarify and confirm that all new street trees proposed will be a minimum of 3-inch caliper trees. Streetscape Section A is proposed for the entire site frontage along West Park Drive with the exception of approximately 100 feet where surface parking is proposed in front of the retail building where Streetscape Section B is proposed.

Section B proposes a 6-foot wide planting strip and a 5-foot wide sidewalk. New street trees are again depicted in the planting strip; however, no planted edges are provided on the other side of the sidewalk. This detailed drawing of Section B conflicts with the plan view section which also depicts shrubs or hedge plantings. It would be preferable to modify the streetscape exhibit so that Section B includes the low, evergreen hedge treatment. This discrepancy should be clarified to avoid plan interpretation questions at the time of site plan review.

Streetscape Section C consists of an 8-foot wide planting strip for new street trees, a 5-foot wide sidewalk and a 3-foot wide planting strip for an evergreen hedge; this section is proposed along the majority of the Park Run Drive frontage, adjacent to the townhouse units. Based on the limits of the right-of-way shown, it appears that many of the existing mature street trees may be retained. Streetscape Section D encompasses the access into the site from Park Run Drive and the focal landscape plazas at the corners of the entrance into the site. Sections C and D depict portions of the streetscape to be within the public street right-of-way.

The Plan guidance indicates that modifications and alternatives to the streetscape concepts provided for the non-core areas may occur when needed. With the provision of the clarifications noted above, staff finds that the streetscaping shown could be considered an appropriate alternative to meet the specific streetscape guidelines for the non-core areas. However, the Plan Note on the Streetscape Exhibit indicates that due to the to the existing location of fiber optics, VDOT may have the final review on any portion of the streetscape which is located within the right-of-way; this could result in little or no streetscaping along Park Run Drive. The proposed development should provide a streetscaping plan which either accommodates or relocates utilities or provides alternative planting schemes that are also described within the streetscape plan. At a minimum, the Plan Note should be revised to indicate that if utilities or right-of-way issues preclude the provision of streetscaping as shown, an alternative proposal shall be coordinated and reviewed with DPZ and the Urban Forester prior to final site plan approval to ensure that a comparable and implementable streetscape plan may be provided.

Issue: Development Design and Amenities The applicant has addressed previously identified concerns with respect to the layout and design of buildings, parking, travel aisles, integration and access of common open and recreation areas. The proposed development is consistent with the Plan guidance which encourages a high quality design and visual image, integrated and improved circulation, parking and pedestrian access, and functional, aesthetic public space in the form of plazas, gardens and outdoor amenities. The applicant has provided an appropriate commitment to the architectural design and themes presented with the development plans, including the architectural treatment of retaining walls and garage structures. The applicant has further committed to the provision of landscaping as provided on Sheet 4 of the CDP/FDP. It would be highly desirable for the applicant to incorporate the other multiple plan sheets related to the design details for each of the various focal landscape and plaza areas and site amenities. These additional design sheets provide important conceptual and illustrative information on the level of design quality, quantity, texture, and variety of planting schemes which may be provided.

DMJ/FS

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Angela Kadar Rodeheaver, Chief 
Site Analysis Section
Department of Transportation

FILE: 3-4 (RZ 2002-PR-016)

SUBJECT: RZ 2002-PR-016; West*Group Properties, LLC
Land Identification Map: 29-4 ((7)) A3

DATE: November 4, 2002

Comments by the Department of Transportation (FCDOT) regarding the subject application are noted below. These comments are in addition to those contained in this department's memorandum of October 1, 2002.

Traffic Study

On June 13, 2002 the applicant submitted a traffic impact study for the subject application. This department reviewed the study and is in concurrence with the conclusions and roadway improvements proposed by the applicant.

A trip generation comparison of the current zoning and the subject application is attached in Figure A.

Rail Alignment

As noted in this department's memorandum of October 1, 2002, the Board of Supervisors was to examine the merits of the Locally Preferred Alternative (LPA) at the October 28 Board meeting. At that meeting, the Board of Supervisors endorsed Metrorail Build Alternative and Alignment Option T6 as the County's Locally Preferred Alternative for the Dulles Corridor Rapid Transit Project. This alternative does not impact the subject site.

AKR:lj

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

TRIP GENERATION

<u>Development Option</u>	<u>Morning Peak Hour</u>			<u>Evening Peak Hour</u>		
	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
Office Option						
451,000 sf. General Office	545	74	619	99	485	584
Residential Option						
460 High Rise Apartments	34	102	136	96	61	157
830 High Rise Condominiums	50	220	270	185	115	300
60 Town Homes	6	28	34	27	13	40
Retail Component						
36880 Sq. Ft Grocery Store	66	43	109	204	205	420
14,660 Sq. Ft Specialty Retail	<u>45</u>	<u>48</u>	<u>94</u>	<u>41</u>	<u>31</u>	<u>72</u>
	111	91	203	255	236	492

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT 

FILE: 3-4 (RZ 2002-PR-016)

SUBJECT: RZ 2002-PR-016; West*Group Properties, LLC
Land Identification Map: 29-4 ((7)) A3

DATE: October 1, 2002

Comments by the Department of Transportation (FCDOT) regarding the subject application are noted below. These comments are based upon a generalized development plan (GDP) revised to September 20, 2002, and draft proffers dated September 21, 2002, made available to this department.

Currently the Commonwealth of Virginia's Department of Rail and Public Transportation is developing an Environmental Impact Statement (EIS) of constructing a rapid transit system between Tysons area and the Dulles International airport. The Draft EIS has been completed and public hearings have been held. The project team has identified a locally preferred alternative (LPA) and at present time awaits approval of the LPA by the Commonwealth Transportation Board (CTB). The project team's recommended LPA is to build Metrorail throughout the length of the study corridor with an alignment through the Tysons area known as T-6. The Fairfax County Board of Supervisors is expected to examine the merits of the LPA and make a decision about endorsing the LPA at its October 28 meeting. The CTB is scheduled to act on the project team's recommendation on Dec. 19, 2002. Federal review and action on the EIS (which will include a LPA) will be late Spring 2003.

One of the alternatives included in the Draft EIS is known as T-4 and presents a rail alignment through Tysons area that would, if selected, significantly affect the proposed development. Federal review and action on the EIS which will include a LPA is not expected till late spring of 2003. While it appears, at this time, that alignment T-4 is not being recommended federal approval on this matter has not yet been secured. Should the T-4 alignment (or another similar alignment) be finally adopted by the Commonwealth and approved by the federal agency, the development, as indicated on the CDP/FDP, will result in conflict with the alignment. This will need to be resolved either through redesign of the project or the rail alignment.

Assuming an alignment other than T4 is selected and the applicant moves forward with the subject development proposal, the following concerns should be addressed.

- The applicant should delete the 14 surface parking spaces depicted to serve the retail uses on the site. These spaces are likely to create significant circulation and access problems, particularly since the travel aisle serving these spaces will be the primary means of full access to the garage. Backing vehicles and drivers waiting for clearing spaces have the potential to cause stacking delays into West Park Drive, particularly since this is the only left turn access into the retail component. All retail trips should be directed to the garage.

- The applicant is depicting improvements to West Park Drive including a raised median to control and direct left turn access to the site and a third travel lane along the frontage of the site. A commitment to construction of these improvements has also been made. This department supports construction of the proposed improvements.
- It should be ensured that the applicant's striping of a turn lane from Park Run Drive to the guardhouse entrance does not adversely affect the capacity of the left turn lane from Park Run Drive to West Park Drive. It is, however, expected to remain a low volume traffic movement.
- All sidewalks along public streets but not within VDOT right-of-way will require a maintenance agreement by the applicant.
- We have expressed concern to the applicant about the second, northern entrance from Park Run Drive to the residential community, particularly with regard to the lack of a right-turn deceleration lane and lack of adequate capacity for vehicles waiting to gain entrance to the site. The applicant has made some adjustments providing additional capacity and has indicated, in a letter dated August 26, 2002, that they will consider the installation of signage restricting access. The applicant should commit to place a sign stating 'Resident Entrance Only' or with similar language at this entrance.
- There have been discussions regarding the primary entrance to the development from Park Run Drive pertaining to heavy trucks. This department has some concern that there is inadequate capacity for trucks waiting to gain admittance to the site. The applicant has pulled the gate and guardhouse further into the site to create additional capacity; however long vehicles may still overhang the street and, more likely, the right-turn deceleration lane.

AKR/MAD:lj

cc: Michelle Brickner, Director, Office of Site Development Services, Department of Public Works and Environmental Services

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division, DPZ

FROM: Fred Selden, Director 
Planning Division, DPZ

SUBJECT: Environmental Analysis: PCA 88-D-005-5 & RZ 2002-PR-016
West Group Properties, LLC

DATE: 28 October 2002

This memorandum includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject applications and Conceptual and Final Development Plan Amendments (CDPA/FDPA) dated May 1, 2002 as revised through October 17, 2002. The extent to which the proposed use, intensity and development plans are consistent with the environmental guidance contained in the Policy Plan is noted.

DESCRIPTION OF THE APPLICATION

The application proposes to rezone the 13.54 acres from the C-3 District to the PRM District for the construction of a mix of high rise residential and townhouse buildings. A maximum of 100 dwelling units per acres (du/ac) and an overall floor area ratio (FAR) of 3.0 is proposed. Due to the intensive urban development planned and proposed for this site, the majority of the site will be cleared. The development proposal includes some effort to preserve the existing mature street trees along the site's frontage along Westpark Drive and Park Run Drive; additional preservation efforts are proposed along the northwestern edge of the site where a linear park is proposed. A waiver to allow underground stormwater management and water quality measures in a residential development is requested.

LOCATION AND CHARACTER OF THE AREA

The application property is bounded by Park Run Drive to the east, Westpark Drive to the south, the Lincoln Apartment development to the north and International Drive to the west. The site is currently vacant and wooded with upland forest cover; the site has a significant change in grade elevation and drops from approximately 470 feet in the westernmost portion of the site to approximately 360 feet in the easternmost portion of the site.

COMPREHENSIVE PLAN CITATIONS:

Plan Area: II **Planning Sector:** Tysons Corner Urban Center
Land Unit L - Sub-Unit L-1

The following citations from the Environmental section of the Policy Plan are applicable:

"Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from avoidable impacts of land use activities in Fairfax County.

Policy a: Ensure that new development and redevelopment complies with the County's Chesapeake Bay Ordinance."

"Objective 5: Minimize light emissions to those necessary and consistent with general safety.

Policy a: Recognize the nuisance aspects of unfocused light emissions."

"Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices. . ."

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way."

ANALYSIS

Issue: Stormwater Management The applicant is requesting a waiver to allow underground stormwater management and water quality measures in connection with the residential development. This issue will be addressed at the time of site plan review. However, if a waiver is not granted, the applicant has not provided any alternative stormwater quantity or quality control measures on the site. The applicant should be aware that retrofitting above ground facilities will likely require re-design and new development plan approvals through the Planning Commission and/or Board of Supervisors.

Issue: Lighting In order to minimize nighttime light pollution and glare, lighting within the proposed development should have full cut-off luminaires to ensure that glare does not project above the horizontal plane. Full cut-off street lighting fixtures should be provided to the maximum extent feasible as may be acceptable to the applicable public utilities for lighting fixtures in public rights-of-way. All interior private street and parking lot lighting should also feature full cut-off fixtures; up lighting for design elements such as signs, landscaping or architectural illumination is strongly discouraged. Security lighting, such as "wall packs", lighting for pedestrian paths and other common areas, shall also be shielded and directed downward. Guidance for good lighting practices may be found in the handbook entitled "lighting for Exterior Environments" by the Illuminating Engineers Society of North America (IESNA) also referred to as RP-33.

Issue: Tree Restoration and Preservation The applicant has provided a commitment to appropriate tree preservation and restoration efforts in connection with the application. However, the draft proffer commitment indicates that the submission of a tree preservation plan is tied to the submission of the second site plan submission. Given the flexibility provided in the phasing of the development and the fact the tree preservation efforts would also extend to the existing street trees along the site frontage, it would be preferable to tie the submission of a tree preservation plan as part of any site plan which impacts existing trees identified with preservation efforts such as the existing street trees and in the area of the linear park...

DMJ/FS

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Cathy Lewis, Staff Coordinator
Zoning Evaluation Division, DPZ

DATE: July 23, 2002

FROM: Todd Nelson, Urban Forester II
Urban Forestry Division, OSDS 

SUBJECT: Tysons Westpark; RZ 2002-PR-016

RE: Request for assistance dated June 24, 2002

This review is based upon a site visit conducted on July 22, 2002, and the Conceptual/Final Development Plan (CDP/FDP) stamped "Received, Department of Planning and Zoning, June 17, 2002."

Site Description: This site is completely forested and consists primarily of a sub-climax upland forest cover type. The southern portion of the site consists primarily of white oak, tulip poplar, red oak, American beech, hickory and blackgum. These trees are in good condition and should be considered a priority for preservation. The northern portion of the site consists primarily of hickory, dogwood, tulip poplar, white oak, American beech, and American hornbeam. These trees are in good condition and should also be considered a priority for preservation. There are four 18 to 24 inch diameter American beech trees along the northwestern property line adjacent to the proposed condominiums. These trees are in good to excellent condition and should be considered a priority for preservation. There is also an understory stand of American beech and American hornbeam along the northwest property line that should also be considered a priority for preservation as these trees are in good condition.

1. **Comment:** The subclimax upland forests in the northern and southern portions of the site are in good condition and are suitable areas for tree preservation.

Recommendation: A tree save area, or areas, should be provided in the northern and southern portions of the site to preserve the existing subclimax upland forest. To receive additional tree cover credit for preservation of large contiguous tree save areas, these tree save areas should have a minimum size of 10,000 square feet, a minimum width of 25 feet, and be protected in perpetuity by a deed restriction.

2. **Comment:** The four 18 to 24 inch diameter American beech trees along the northwestern property line adjacent to the proposed condominiums, and the surrounding sub-climax upland forest are in good to excellent condition and are suitable for tree preservation.

Recommendation: A tree save area should be provided in the northwestern portion of the site to preserve the four 18 to 24 inch diameter American beech trees and surrounding sub-

climax upland forest. To receive additional tree cover credit for preservation of large contiguous tree save areas, these tree save areas should have a minimum size of 10,000 square feet, a minimum width of 25 feet, and be protected in perpetuity by a deed restriction.

- 3. Comment:** The understory stand of American beech and American hornbeam along the northwest property line is in good condition and is a suitable area for preservation.

Recommendation: A tree save area should be provided along the northwest property line, to preserve the understory stand of American beech and American hornbeam.

- 4. Comment:** Several northern red oak trees along Park Run Drive and West Park Drive are in fair condition and are proposed for preservation, however, these trees may not survive construction.

Recommendation: Obtain a commitment from the Applicant to replace these red oak street trees if they do not survive construction.

- 5. Comment:** It is not clear how the Applicant proposes to landscape this site.

Recommendation: To curtail the spread of disease or insect infestation, a landscape plan should be submitted that shows a variety of native tree species, of various sizes, planted throughout the site. Native trees that are well suited for this location include white oak, red maple, red oak, American holly, American beech, willow oak, dogwood, and many others.

To receive additional tree cover credit, native and desirable trees should comprise at least 90% of all trees listed on site. Tree species and planting locations that are effective for energy conservation can also receive additional tree cover credit. See PFM sections 12-0501.5B and 12-0501.10D.

- 6. Comment:** The proposed limits of clearing and grading adjacent to the proposed townhouses and condominiums are unrealistic to protect the natural corridor easement proposed for preservation.

Recommendation: Provide realistic limits of clearing and grading between the proposed construction and the natural corridor easement, or redesign the CDP/FDP to protect the proposed natural corridor easements proposed for preservation.

- 7. Comment:** Several landscape trees are shown to be planted 2 to 3 feet from various restrictive barriers.

Recommendation: The minimum width of any planting area should be 8', measured from the interior sides of the restrictive barrier such as curb or pavement. Landscape trees should be planted no closer than 4' from any restrictive barrier.

8. **Comment:** Given the nature of the tree cover on this site, and depending upon the ultimate development configuration provided, several proffers will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following proffer language to ensure effective tree preservation:

Tree Preservation Plan: "The applicant shall submit a tree preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division.

The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 12 inches in diameter and greater 10 feet to either side of the limits of clearing and grading shown on the CDP/FDP for the entire site. The tree survey shall also include areas of clearing and grading not shown on the CDP/FDP resulting from engineering requirements, such as off-site clearing and grading for utilities or stormwater outfall. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan."

Tree Preservation Fencing: "All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing 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, shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets for the entire site.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence, except super silt fence, shall be performed under the supervision of a certified arborist. Three days prior to the commencement of any clearing, grading, or demolition activities, the Urban Forestry Division shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed."

Tysons Westpark
RZ 2002-PR-016
July 23, 2002
Page 4 of 4

Site Monitoring: “The developer shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions. The monitoring schedule shall be described and detailed in the tree preservation plan, and reviewed and approved by the Urban Forestry Division.”

Limits of Clearing and Grading: “The applicant shall conform to the limits of clearing and grading as shown on the CDP/FDP subject to the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails outside of the limits of clearing and grading as shown on the CDP/FDP, they shall be located in the least disruptive manner necessary as determined by the Urban Forester, DPWES. A replanting plan shall be developed and implemented, subject to approval by the Urban Forester, for any areas outside the limits of clearing and grading that must be disturbed.”

Please contact me at 324-1770 if you have any questions.

TLN/
UFDID# 02-2339

cc: Denise James, Environmental Planner, DPZ
DPZ file
RA file


FAIRFAX COUNTY PARK AUTHORITY
MEMORANDUM

TO: Barbara A. Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Lynn S. Tadlock, Director
Planning and Development Division

DATE: August 5, 2002

SUBJECT: RZ/FDP 2002-PR-016
West*Group Properties LLC
Loc: 29-4((7)) A3

BACKGROUND

The Fairfax County Park Authority (FCPA) staff has reviewed the proposed Development Plan dated May 1, 2002 for the above referenced application. The Development Plan shows 1,354 new proposed homes on approximately 13.5 acres. The proposal will add approximately 2,505 residents to the current population of Providence District.

COMPREHENSIVE PLAN CITATIONS
1. Park Services and New Development (The Policy Plan, Parks and Recreation Objective 4, p. 180)

“Maximize both the required and voluntary dedication, development, and renovation of lands and facilities for parks and recreation to help ensure an equitable distribution of these resources commensurate with development throughout the County.”

Policy a: “Provide neighborhood park facilities on private open space in quantity and design consistent with County standards; or at the option of the County, contribute a pro-rata share to establish neighborhood park facilities in the vicinity...”

Policy b: “Mitigate the cumulative impacts of development that exacerbate or create deficiencies of Community Park facilities in the vicinity. The extent of facilities, land or contributions to be provided shall be in general accordance with the proportional impact on identified facility needs as determined by adopted County standards. Implement this policy through

application of the Criteria for Assignment of Appropriate Development Intensity.”

2. **New Park Facilities** (Area II, Tysons Corner Urban Center, Development Review Guidelines, p. 22 of 146)

“Each Development proposal should provide or contribute to the provision of appropriate active and/or passive recreation facilities and specified components of the open space system in accord with the Area-wide Recommendations and Land unit recommendations in the Tysons Corner Plan.”

3. **New Park Facilities** (Area II, Tysons Corner Urban Center, Area-wide Guidelines, p. 75 of 146)

“Neighborhood park facilities, e.g., tot lots, multi-purpose courts, open play and picnic areas, should be incorporated into residential development.”

“The residential growth of Tysons Corner will generate an increasing demand for athletic fields and other traditional outdoor recreation facilities.”

4. **Protect Park Resources** (The Policy Plan, Parks and Recreation Objective 3, p. 179)

“Ensure the long term protection, maintenance and preservation of park resources.”

Policy a. “Protect park resources from the adverse impact of development on nearby properties.”

ANALYSIS AND RECOMMENDATIONS

The residents of this development will need access to outdoor recreational facilities. Typical recreational needs include playground/tot lots, basketball, tennis and volleyball courts and athletic fields. Based on the Zoning Ordinance Sections 6-110 and 16-404, the applicant shall provide \$955 per non-ADU (affordable dwelling unit) residential unit for outdoor recreational facilities to serve the development population. With 1,354 non-ADUs proposed, the Ordinance-required contribution is \$1,293,070.

The \$955 per unit funds required by Ordinance offset only a portion of the impact to provide recreational facilities for the new residents generated by this development. Typically, a large portion if not all of the Ordinance-required funds are used for outdoor recreational amenities onsite (such as an outdoor pool and tot lots). As a result, the Park Authority is not compensated for the increased demands caused by residential development for other recreational facilities that the Park Authority must provide (such as picnic areas, ballfields, and basketball courts).

In order to offset the additional impact caused by the proposed development, the applicant should provide an additional \$513,525 to the Park Authority for recreational facility development at one or more of our sites located within the service area of this development. The Development Plan currently does not show any proposed recreational facilities. If no qualifying outdoor recreational amenities are provided, the applicant should dedicate \$1,806,595 to the FCPA.

The Park Authority strongly recommends that the applicant provide some recreational amenities onsite. Outdoor plazas, pools, and an indoor health club should be provided with a residential development of this scale. The applicant should submit information regarding planned recreation facilities onsite. If the Development Plan is revised to propose qualified outdoor recreational facilities onsite, the value of those facilities can be credited against the \$1,293,070 required by the Zoning Ordinance.

cc: Kirk Holley, Manager, Planning and Land Management Branch
Marjorie Pless, Naturalist, Resource Management Division
Allen Scully, Plan Review Team, Planning and Land Management Branch
File Copy

Date: 10/10/02

Case # RZ-02-PR-016

Map: 29-4
Acreage: 13.55

PU 3552

Rezoning
From : C-3 To: PRM

TO: County Zoning Evaluation Branch (DPZ)
FROM: FCPS Facilities Planning (246-3609)
SUBJECT: Schools Impact Analysis, Rezoning Application

The following information is submitted in response to your request for a school impact analysis of the referenced rezoning application.

I. Schools that serve this property, their current total memberships, net operating capacities, and five year projections are as follows:

School Name and Number	Grade Level	9/30/01 Capacity	9/30/01 Membership	2002-2003 Membership	Memb/Cap Difference 2002-2003	2006-2007 Membership	Memb/Cap Difference 2006-2007
Westbriar 3048	K-6	398	446	463	-48	457	-59
Kilmer 3071	7-8	850	860	901	-51	950	-100
Marshall 3070	9-12	1500	1235	1310	190	1290	210

II. The requested rezoning could increase or reduce projected student membership as shown in the following analysis:

School Level (by Grade)	Unit Type	Proposed Zoning			Unit Type	Existing Zoning			Student Increase/Decrease	Total Students
		Units	Ratio	Students		Units	Ratio	Students		
K-6	HR	1292	X.063	81	-	-	-	81	81	
	RT	58	X.201	12	-	-	-	12	12	
7-8	HR	1292	X.011	14	-	-	-	14	14	
	RT	58	X.048	3	-	-	-	3	3	
9-12	HR	1292	X.028	36	-	-	-	36	36	
	RT	58	X.102	6	-	-	-	6	6	

Source: Capital Improvement Program, FY 2002-2006, Facilities Planning Services Office

Note: Five-year projections are those currently available and will be updated yearly. School attendance areas subject to yearly review.

Comments

Enrollment in the schools listed (Westbriar Elementary, Kilmer Middle) is currently projected to be near or above capacity.

Enrollment in the school listed (Marshall High) is currently projected to be below capacity.

The 152 students generated by this proposal would require 6.08 additional classrooms at Westbriar Elementary, Kilmer Middle (152 divided by 25 students per classroom). Providing these additional classrooms will cost approximately \$2,128,000 based upon a per classroom construction cost of \$350,000 per classroom.

The foregoing information does not take into account the potential impacts of other proposals pending that could affect the same schools.

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Staff Coordinator
Zoning Evaluation Division, OCP

DATE: June 21, 2002

FROM: Gilbert Osei-Kwadwo (Tel: 324-5025) *gok*
System Engineering & Monitoring Division
Office of Waste Management, DPW

SUBJECT: Sanitary Sewer Analysis Report

REFERENCE: Application No. PCA 88-D-005-5 CONC.W/ RZ/FDP 2002-PR-016

Tax Map No. SEVERAL PROPERTIES ON 29-2 & 29-4

The following information is submitted in response to your request for a sanitary sewer analysis for the above referenced application:

1. The application property is located in the SCOTTS RUN (E-1) Watershed. It would be sewerred into the Blue Plains Treatment Plant.
2. Based upon current and committed flow, excess capacity is available at this time. For purposes of this report, committed flow shall be deemed as for which fees have been previously paid, building permits have been issued, or priority reservations have been established in accordance with the context of the Blue Plains Agreement of 1984. No commitment can be made, however, as to the availability of treatment capacity for the development of the subject property. Availability of treatment capacity will depend upon the current rate of construction and the timing for development of this site.
3. An existing 8-21 inch pipe lines located IN EASEMENTS & PUBLIC ROADS and WITHIN the properties are adequate for the proposed use at this time.
4. The following table indicates the condition of all related sewer facilities and the total effect of this application.

Sewer Network	Existing Use + Application		Existing Use + Application + Previous Rezonings		Existing Use + Application + Comp Plan	
	Adeq.	Inadeq.	Adeq.	Inadeq.	Adeq.	Inadeq.
Collector	X	_____	X	_____	X	_____
Submain	X	_____	X	_____	X	_____
Main/Trunk	X	_____	X	_____	X	_____
Interceptor	_____	_____	_____	_____	_____	_____
Outfall	_____	_____	_____	_____	_____	_____

5. Other Pertinent information or comments: _____

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

May 24, 2002

TO: Barbara Byron, Director
Zoning Evaluation Division
Office of Comprehensive Planning

FROM: Ralph Dulaney (246-3868)
Planning Section
Fire and Rescue Department

SUBJECT: Fire and Rescue Department Preliminary Analysis Rezoning Application RZ
2002-PR-016, Final Development Plan FDP 2002-PR-016 and Proffered
Condition Amendment PCA 88-D-005-05

The following information is submitted in response to your request for a preliminary Fire and Rescue Department analysis for the subject:

1. The application property is serviced by the Fairfax County Fire and Rescue Department Station #29, Tysons Corner.
2. After construction programmed for FY 20___, this property will be serviced by the fire station planned for the _____.
3. In summary, the Fire and Rescue Department considers that the subject rezoning application property:
 - a. currently meets fire protection guidelines.
 - b. will meet fire protection guidelines when a proposed fire station becomes fully operational.
 - c. does not meet current fire protection guidelines without an additional facility; however, a future station is projected for this area.
 - d. does not meet current fire protection guidelines without an additional facility. The application property is ___ of a mile outside the fire protection guidelines. No new facility is currently planned for this area.

FAIRFAX COUNTY WATER AUTHORITY

8570 EXECUTIVE PARK AVENUE - P.O. BOX 1500

MERRIFIELD, VIRGINIA 22116-0815

PLANNING AND ENGINEERING DIVISION
C. DAVID BINNING, P.E., DIRECTOR

TELEPHONE
(703) 289-6325

FACSIMILE
(703) 289-6382

June 20, 2002

Ms. Barbara A. Byron, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway
Suite 801
Fairfax, Virginia 22035-5505

Re: RZ 02-PR-016
FDP 02-PR-016
Water Service Analysis

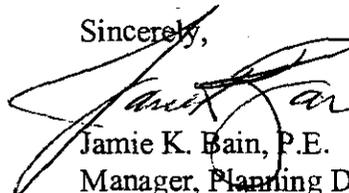
Dear Ms. Byron:

The following information is submitted in response to your request for a water service analysis for the above application:

1. The property is located within the Fairfax County Water Authority service area.
2. Adequate domestic water service is available at the site from existing 12 & 8-inch water mains located at the property. See the enclosed property map. The Generalized Development Plan has been forwarded to Plan Control for distribution to Engineering Firm.
3. Depending upon the configuration of the onsite water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact me at (703) 289-6302.

Sincerely,



Jamie K. Bain, P.E.
Manager, Planning Department

FAIRFAX COUNTY, VIRGINIA

MEMORANDUM

TO: Barbara Byron, Director
Zoning Evaluation Division
Department of Planning and Zoning

DATE: 9/19/02

FROM: Carl Bouchard, Director
Stormwater Planning Division
Department of Public Works & Environmental Services

SUBJECT: Rezoning Application Review



Name of Applicant/Application: West Group Porperities LLC

Application Number: RZ/FDP2002-PR-016 and PCA 88-D-005-05

Information Provided: Application - Yes
Development Plan - Yes
Other - Statement of Justification

Date Received in SWPD: 5/22/02

Date Due Back to DPZ: 6/18/02

Site Information: Location - 029-4-07-00-0000-A3 see PCA
Area of Site - 189.49 acres
Rezone from - C-3 to PRM
Watershed - Scotts Run

Stormwater Planning Division (SWPD), Maintenance and Stormwater Management Division (MSMD), and Planning and Design Division (PDD) Information:

I. Drainage:

- MSMD/PDD Drainage Complaints: **There are no downstream complaints on file with PDD, relevant to this proposed development.**
- Master Drainage Plan, proposed projects, (SWPD): **No downstream deficiencies are identified in the Fairfax County Master Drainage Plan.**
- Ongoing County Drainage Projects (SWPD): **None.**
- Other Drainage Information (SWPD): **None.**

II. Trails (PDD):

Yes No Any funded Trail projects affected by this application?

If yes, describe:

Yes No Any Trail projects on the Countywide Trails priority list or other significant trail project issues associated with this property?

If yes, describe:

III. School Sidewalk Program (PDD):

Yes No Any sidewalk projects pending funding approval or on the School Sidewalk Program priority list for this property?

If yes, describe:

Yes No Any funded sidewalk projects affected by this application?

If yes, describe:

IV. Sanitary Sewer Extension and Improvement (E&I) Program (PDD):

Yes No Any existing residential properties adjacent to or draining through this property that are without sanitary sewer facilities?

If yes, describe:

Yes No Any ongoing E&I projects affected by this application?

If yes, describe:

V. Other Projects or Programs (PDD):

Yes No Any Board of Road Viewers (BORV) or Fairfax County Road Maintenance Improvement Projects (FCRMIP) affected by this application?

If yes, describe:

Yes No Any Commercial Revitalization Program (CRP) projects affected by this application?

If yes, describe:

Yes No Any Neighborhood Improvement Program (NIP) projects affected by this application?

If yes, describe:

Other Program Information (PDD): **None.**

Application Name/Number: West Group Porperties LLC / RZ/FDP2002-PR-016

******* SWPD AND PDD, DPWES, RECOMMENDATIONS*******

Note: The SWPD and PDD recommendations are based on the SWPD and PDD involvement in the below listed programs and are not intended to constitute total County input for these general topics. It is understood that the current requirements pertaining to Federal, State and County regulations, including the County Code, Zoning Ordinance and the Public Facilities Manual will be fully complied with throughout the development process. The SWPD and PDD recommendations are to be considered additional measures over and above the minimum current regulations.

DRAINAGE RECOMMENDATIONS (SWPD): Proposed location of SWM Pond on the CDP / FDP dated March 7, 2002 appears to be too small to provide adequate Stormwater Detention for the 13.55 acre site and there are no below ground systems shown on the plan as indicated in Note 7. Applicant should size the SWM facilities on site (or offsite as indicated in Note 7 through possible retrofit of existing SWP/BMP) in accordance with PFM section 6-0300 and shall include location and type of on-site storm water control facility on the site plan. If the pond is offsite, applicant should verify that existing stormwater control facility will be modified to accommodate the proposed development, should enter into a maintenance agreement with downstream SWM facility owner if appropriate and should ensure that the existing pond modifications are completed or bonded prior to plan approval.

STREAM PROTECTION STRATEGY (SPS) RECOMMENDATIONS, (SWPD: This site is in the "Watershed Restoration Level II" management category as determined by the Stream Protection Strategy baseline Report 2001. The primary goal of this category is to maintain areas to prevent further degradation and implement measures to improve water quality to comply with regulations and water quality standards. In this regard, this site should be developed with the use of innovative BMPs and a reduction in imperviousness and if appropriate, sections of on site stream that need stabilizing should be restored or stabilized.

TRAILS RECOMMENDATIONS (PDD): None.

SCHOOL SIDEWALK RECOMMENDATIONS (PDD): None.

SANITARY SEWER E&I RECOMMENDATIONS (PDD): None.

Yes NOT REQUIRED Extend sanitary sewer lines to the development boundaries on the _____ sides for future sewer service to the existing residential units adjacent to or upstream from this rezoning. Final alignment of the sanitary extension to be approved by Department of Public Works and Environmental Services during the normal plan review and approval process.

Other E&i Recommendations (PDD): None.

OTHER SWPD and PDD PROJECT/PROGRAM RECOMMENDATIONS: None.

SWPD and PDD Internal sign-off by:
Planning Support Branch (Ahmed Rayyan) ab
Utilities Design Branch (Walt Wozniak) mg
Transportation Design Branch (Larry Ichter) nc
Stormwater Management Branch (Fred Rose) FR
RS

CEB/RZ/FDP2002-PR-016

cc: Gordon Lawrence, Coordinator, Office of Safety, Fairfax County Public Schools (only if sidewalk recommendation made)

PART 1 16-100 STANDARDS FOR ALL PLANNED DEVELOPMENTS**16-101 General Standards**

A rezoning application or development plan amendment application may only be approved for a planned development under the provisions of Article 6 if the planned development satisfies the following general standards:

1. The planned development shall substantially conform to the adopted comprehensive plan with respect to type, character, intensity of use and public facilities. Planned developments shall not exceed the density or intensity permitted by the adopted comprehensive plan, except as expressly permitted under the applicable density or intensity bonus provisions.
2. The planned development shall be of such design that it will result in a development achieving the stated purpose and intent of the planned development district more than would development under a conventional zoning district.
3. The planned development shall efficiently utilize the available land, and shall protect and preserve to the extent possible all scenic assets and natural features such as trees, streams and topographic features.
4. The planned development shall be designed to prevent substantial injury to the use and value of existing surrounding development, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.
5. The planned development shall be located in an area in which transportation, police and fire protection, other public facilities and public utilities, including sewerage, are or will be available and adequate for the uses proposed; provided, however, that the applicant may make provision for such facilities or utilities which are not presently available.
6. The planned development shall provide coordinated linkages among internal facilities and services as well as connections to major external facilities and services at a scale appropriate to the development.

16-102 Design Standards

Whereas it is the intent to allow flexibility in the design of all planned developments, it is deemed necessary to establish design standards by which to review rezoning applications, development plans, conceptual development plans, final development plans, PRC plans, site plans and subdivision plats. Therefore, the following design standards shall apply:

1. In order to complement development on adjacent properties, at all peripheral boundaries of the planned development district, the bulk regulations and landscaping and screening provisions shall generally conform to the provisions of that conventional zoning district which most closely characterizes the particular type of development under consideration.
2. Other than those regulations specifically set forth in Article 6 for a particular P district,

the open space, off-street parking, loading, sign and all other similar regulations set forth in this Ordinance shall have general application in all planned developments.

3. Streets and driveways shall be designed to generally conform to the provisions set forth in this Ordinance and all other County ordinances and regulations controlling same, and where applicable, street systems shall be designed to afford convenient access to mass transportation facilities. In addition, a network of trails and sidewalks shall be coordinated to provide access to recreational amenities, open space, public facilities, vehicular access routes, and mass transportation facilities.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted in the zoning district if the site were developed as a conventional subdivision. See Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBa: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBa value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways. Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PD	Planning Division
ADU	Affordable Dwelling Unit	PDC	Planned Development Commercial
ARB	Architectural Review Board	PDH	Planned Development Housing
BMP	Best Management Practices	PFM	Public Facilities Manual
BOS	Board of Supervisors	PRC	Planned Residential Community
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SP	Special Permit
DP	Development Plan	TDM	Transportation Demand Management
DPWES	Department of Public Works and Environmental Services	TMA	Transportation Management Association
DPZ	Department of Planning and Zoning	TSA	Transit Station Area
DUI/AC	Dwelling Units Per Acre	TSM	Transportation System Management
EQC	Environmental Quality Corridor	UP & DD	Utilities Planning and Design Division, DPWES
FAR	Floor Area Ratio	VC	Variance
FDP	Final Development Plan	VDOT	Virginia Dept. of Transportation
GDP	Generalized Development Plan	VPD	Vehicles Per Day
GFA	Gross Floor Area	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	ZAD	Zoning Administration Division, DPZ
Non-RUP	Non-Residential Use Permit	ZED	Zoning Evaluation Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZPRB	Zoning Permit Review Branch
PCA	Proffered Condition Amendment		