



# County of Fairfax, Virginia

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

November 29, 2012

Ben I. Wales  
Cooley LLP  
Reston Town Center, One Freedom Square  
11951 Freedom Drive, Suite 1500  
Reston, VA 20190

RE: Proffered Condition Amendment Application PCA 2004-PR-044

Dear. Mr. Wales:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on October 16, 2012, approving Proffered Condition Amendment Application PCA 2004-PR-044 in the name of Tysons Corner Property Holdings, LLC and Tysons Corner Holdings LLC. The Board's action amends the proffers for Rezoning Application RZ 2004-PR-044, previously approved for for mixed use development with an overall Floor Area Ratio (FAR) of 1.76 to permit modifications to proffers. The subject property is located at 1961 Chain Bridge Road, on approximately 12.95 acres of land zoned PDC, HC and SC [Tax Map 29-4 ((1)) 35A pt.], in the Providence District and is subject to the proffers dated August 13, 2012.

Sincerely,

Catherine A. Chianese  
Clerk to the Board of Supervisors

Cc: Chairman Sharon Bulova  
Supervisor Linda Smyth, Providence District  
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, Transportation Planning Division  
Donald Stephens, Transportation Planning Division  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
Planning Commission  
Denise James, Office of Capital Facilities/Fairfax County Public Schools  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 16th day of October, 2012, the following ordinance was adopted.

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
PROFFERED CONDITION AMENDMENT PCA 2004-PR-044**

**WHEREAS**, the Tysons Corner Property Holdings, LLC and Tysons Corner Holdings LLC, filed in the proper form an application to amend the proffers for RZ 2004-PR-044 hereinafter described, by amending conditions proffered and accepted pursuant to Virginia Code Ann. 15.2-2303(a), and

**WHEREAS**, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

**WHEREAS**, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

**NOW, THEREFORE, BE IT ORDAINED**, that that certain parcel of land situated in the Providence District, and more particularly described as follows (see attached legal description):

Be, and hereby is further restricted by the amended conditions proffered and accepted pursuant to Virginia Code Ann., 15.2-2303(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

**BE IT FURTHER ENACTED**, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcels.

GIVEN under my hand this 16th day of October, 2012.

  
Catherine A. Chianese  
Clerk to the Board of Supervisors



**PROFFERS**  
**TYSONS CORNER PROPERTY HOLDINGS LLC AND**  
**TYSONS CORNER HOLDINGS LLC**  
**PCA 2004-PR-044**

August 13, 2012

Pursuant to Section 15.2-2303(A) of the Code of Virginia (1950, as amended) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended), subject to the Board of Supervisors approval of the requested Proffered Condition Amendment affecting the property identified on the Fairfax County Tax Maps as Tax Map 29-4 ((1)) 35A (part) (the "Property"), the Property owner/applicant and Lessee/applicant for themselves and their successors and/or assigns (collectively referred to as the "Applicant") hereby reaffirm the Proffers associated with RZ 2004-PR-044 dated June 7, 2005 and revised January 22, 2007, as they pertain to the Property, which shall remain in full force and effect on the Property with the addition of the below proffered condition:

73. Residential Units in Phases 1 and 2. Irrespective of the number of residential units indicated in Proffer #6 (associated with RZ 2004-PR-044) for Phases 1 and 2, the Applicant shall be permitted to provide the range of units indicated below as long as the total number of units in both phases combined does not exceed 803 units.

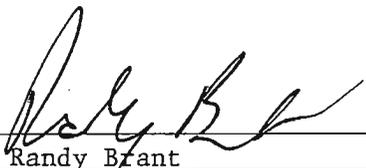
- Phase 1: 259-436
- Phase 2: 278-408

Signatures on following pages

TYSONS CORNER HOLDINGS LLC,  
a Delaware limited liability company  
Lessee of Tax Map # 29-4 ((1)) 35A

By: TYSONS CORNER LLC,  
a Virginia limited liability company,  
its sole member

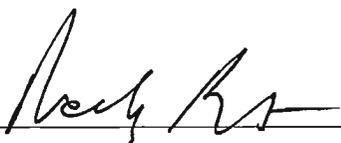
By: MACW TYSONS, LLC,  
a Delaware limited liability company,  
its member

By:   
Name: Randy Brant  
Title: Executive Vice President

TYSONS CORNER PROPERTY HOLDINGS LLC,  
a Delaware limited liability company  
Owner of Tax Map # 29-4 ((1)) 35A

By: TYSONS CORNER PROPERTY LLC,  
a Virginia limited liability company,  
its sole member

By: MACW TYSONS, LLC,  
a Delaware limited liability company,  
its member

By:   
Name: Randy Brant  
Title: Executive Vice President