



# County of Fairfax, Virginia

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

## Memorandum

**DATE:** May 9, 2013

**TO:** Tom Burke, P.E., AICP  
Department of Transportation

**FROM:** Barbara C. Berlin, AICP, Director  
Zoning Evaluation Division, DPZ

**SUBJECT:** Interpretation for RZ 2011-MV-031, MidAtlantic Realty Partners LLC;  
Tax Map 83-1 ((1)) 34C: Transportation Contributions

This memorandum is in response to your e-mail of February 27, 2013 and clarification of February 28, 2013 (attached), requesting an interpretation on the proffers accepted by the Board of Supervisors with the approval of RZ 2011-MV-031. As I understand it, the question is whether Proffer 2J for transportation contributions may be used to fund a transportation study for the Huntington area. Proffer 2J requires transportation contributions to be provided by MidAtlantic during three phases of its development. It is my understanding that you are specifically interested in the first phase contribution that is due prior to site plan approval for the first building. Specifically, the proffer 2J (1) states:

"J. Transportation Contributions.

- (1) Prior to site plan approval for the first building (for the purposes of this Proffer 2J, the two residential buildings shall be considered one building), the Applicant shall contribute \$183,907 for interchange improvements for Telegraph Road at Huntington Avenue and \$39,033 for interchange improvements for Telegraph Road at North Kings Highway or other transportation improvements within 1 mile of the Application Property"

While the proffers identify specific road improvements, they also allow for the contribution to be spent on other transportation improvements within one mile of the application property. You indicate that the core study area would be between Telegraph Road and Richmond Highway (Route 1) and may extend south to the Penn Daw area. The core of the study area would be within the one mile radius of the MidAtlantic site and is required to identify needed transportation

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improvements anticipated by this proffer. You note that the study area may expand beyond the one mile radius to see of regional traffic patterns could be affected by improvements within the core area.

Given that the core of the study area is within one mile of the MidAtlantic development, it is my determination that the use of the initial proffer contribution for a transportation study of the Huntington area would be in substantial conformance with the proffer. Further, it is my determination that expansion of the study area would be in substantial conformance with the proffer provided the core of the study is within one mile of the MidAtlantic development and expansion of the study area is to determine improvements within the core area.

This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator and coordinated with the Fairfax County Department of Transportation. If you have any questions regarding this interpretation, please feel free to contact William Mayland at (703) 324-1290.

Attachments: A/S

cc: Gerald Hyland, Supervisor, Mt. Vernon District  
Earl Flanagan, Planning Commissioner, Mt. Vernon District  
Jeffrey McKay, Supervisor, Lee District  
James Migliaccio, Planning Commissioner, Lee District  
Diane Johnson Quinn, Deputy Zoning Administrator, ZAD, DPZ  
Kenneth Williams, Plan Control, Land Development Services, DPWES  
Angela Rodeheaver, Chief, Site Analysis Section, DOT  
Kevin J. Guinaw, Chief, Special Projects/Applications Management Branch, DPZ  
File: RZ 2011-MV-031, Imaging, Reading File

## Mayland, William

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**From:** Burke, Thomas W.  
**Sent:** Wednesday, February 27, 2013 8:54 AM  
**To:** Berlin, Barbara C.; Mayland, William  
**Subject:** Proffer Interpretation

Good Morning Barbara & Bill,

I think you are both aware of a transportation study that DOT is proposing for the Huntington Area. We want to take a more comprehensive look at regional and local traffic patterns, evaluate the feasibility of physical improvements to the roadway network, explore potential multimodal solutions and TDM policies, etc. This would be done in a more broad manner than what is done with APRs and RZs, which are more "piecemeal." Both Supervisors Hyland and McKay are 100% onboard and supportive.

Identifying a funding source for this study had been a major question. Supervisor McKay mentioned proffers from the Mid-Atlantic site on Huntington that just went through RZ in 2012. I recall these proffers, as I was the DOT reviewer that worked with Bill on this application. There are funds identified in the proffers for specific roadway improvements. If it is determined that those improvements can't be done, or if there are other transportation improvements that become more of a priority, the proffers were written in such a way that the funds could be used elsewhere (for transportation, within the vicinity).

My question...and I've asked this of Bill in the past. Supervisor McKay has also asked one or both of you about this as well, I believe. Can those funds be used for a study? Bill told me he thought they could be...but do we need an official proffer interpretation? If so, what is the process for doing so? Would that be through DPWES? Is there someone else I should be coordinating with?

Assuming the proffer interpretation reveals that we can utilize the funds for a study, what would be the process for securing those funds? Again, if there is someone else I should be talking with and you can point me in their direction, I'd greatly appreciate it!

I got a question about this from Mike McClanahan from Supervisor McKay's staff at BOS yesterday. I think he's anxious to get the study going. The first proffer would provide \$200k+ at site plan for the first building, which could be sooner rather than later. I told him I'd see what I could find out!

Thanks!

-Tom

**THOMAS W. BURKE, P.E., AICP**  
**SENIOR TRANSPORTATION PLANNER**

Fairfax County Department of Transportation  
4050 Legato Road, Suite 400  
Fairfax, VA 22033

## Mayland, William

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**From:** Burke, Thomas W.  
**Sent:** Thursday, February 28, 2013 3:27 PM  
**To:** Mayland, William  
**Subject:** RE: Proffer Interpretation

We envisioned a "core" study area that would be between Telegraph Road and Route 1...but it would also go to the south, probably to Penn Daw area. This might squeeze into the 1-mile criteria. But we also envisioned an expanded area that might look at Van Dorn to the west and George Washington Memorial Parkway to the east. It might go down to Hybla Valley too. This is because of the regional traffic issue...we want to see if regional traffic patterns could be affected...shifted. We will look at transit solutions and would need to look at a larger swath, down Route 1. This expanded area would not meet the 1-mile criteria. But our core area would.

Tricky, huh? Let me know if that expanded area causes problems. I am not sure we can remove from the scope, because the expanded area is where we get to the root of the problem (and solution, hopefully). Maybe we supplement the study with additional funds (might be necessary anyway, since the first site plan proffer might not be enough to fund the whole study. Perhaps we can say the proffer funds cover the core portion of the study and the supplemental funds cover the expanded? Maybe we can get creative.

Let me know what you think!

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**From:** Mayland, William  
**Sent:** Thursday, February 28, 2013 3:19 PM  
**To:** Burke, Thomas W.  
**Subject:** RE: Proffer Interpretation

Tom, can you verify the scope of the transportation study. As you may remember the MidAtlantic transportation contributions were to be spent within 1 mile of the site.

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dates for compliance may be permitted as determined appropriate by the Zoning Administrator.

J. Transportation Contributions.

- (1) Prior to site plan approval for the first building (for the purposes of this Proffer 2J, the two residential buildings shall be considered one building), the Applicant shall contribute \$183,907 for interchange improvements for Telegraph Road at Huntington Avenue and \$39,033 for interchange improvements for Telegraph Road at North Kings Highway or other transportation improvements within 1 mile of the Application Property.
- (2) Prior to the issuance of the first RUP or NonRUP for the second building, the Applicant shall contribute another \$183,907 for interchange improvements for Telegraph Road at Huntington Avenue and \$39,033 for interchange improvements for Telegraph Road at North Kings Highway or other transportation improvements within 1 mile of the Application Property.
- (3) Prior to the issuance of a building permit for the third building the Applicant shall contribute \$300,000 toward the design and/or construction of the interchange of Huntington Avenue and Richmond Highway. In the event that this interchange is removed from the Comprehensive Plan or is constructed by others, then the contribution shall be directed toward other transportation improvements within 1 mile of the Application Property.

K. The contributions noted above shall escalate on a yearly basis from the base year of 2013 and shall change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) ("CPI-U"), both as permitted by Virginia State Code Section 15-2-2303-3.

3. TDM Strategies.

- A. Transportation demand management ("TDM") strategies, as detailed below, shall be utilized by the Applicant and/or its successors or assigns to reduce vehicular trips generated by residents and employees of the Application Property during peak hours.
- B. Mass transit, ride-sharing, and other transportation strategies shall be utilized to reduce baseline trips generated from the Application Property during peak hours by a minimum of 30%. For purposes of this proffer, the baseline number of trips from which such reductions are measured shall be determined using the trip generation rates data published by the Institute