



APPLICATION ACCEPTED: December 1, 2014
PLANNING COMMISSION: May 14, 2014
BOARD OF SUPERVISORS: June 3, 2014

County of Fairfax, Virginia

April 30, 2104

STAFF REPORT

APPLICATION SE 2013-HM-024

HUNTER MILL DISTRICT

APPLICANT: University of North America, Inc.

PRESENT ZONING: I-4

LOCATION: 8618 Westwood Center Drive

PARCEL: 29-3 ((20)) 0009A (pt)

SITE AREA: 3.87 acres

FLOOR AREA RATIO (FAR): 0.49

PLAN MAP: Residential Mixed Use & Park / Open Space

SPECIAL EXCEPTION CATEGORY: Category 3: Colleges, Universities

PROPOSAL: To permit a college/university use within an existing office building

Suzanne Lin

**Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service**

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz



STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2013-HM-032, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of transitional screening and barrier requirements along the northern and western property line in favor of maintaining the existing conditions.

Staff recommends approval of a modification of the interior and peripheral parking lot landscaping requirements in favor of maintaining the existing conditions.

It should be noted that it is not the intent of the 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.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be 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.

X:\DPZ\Tysons-Core\CASES\University of North America SE 2013-HM-024\Staff Report cover.doc



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

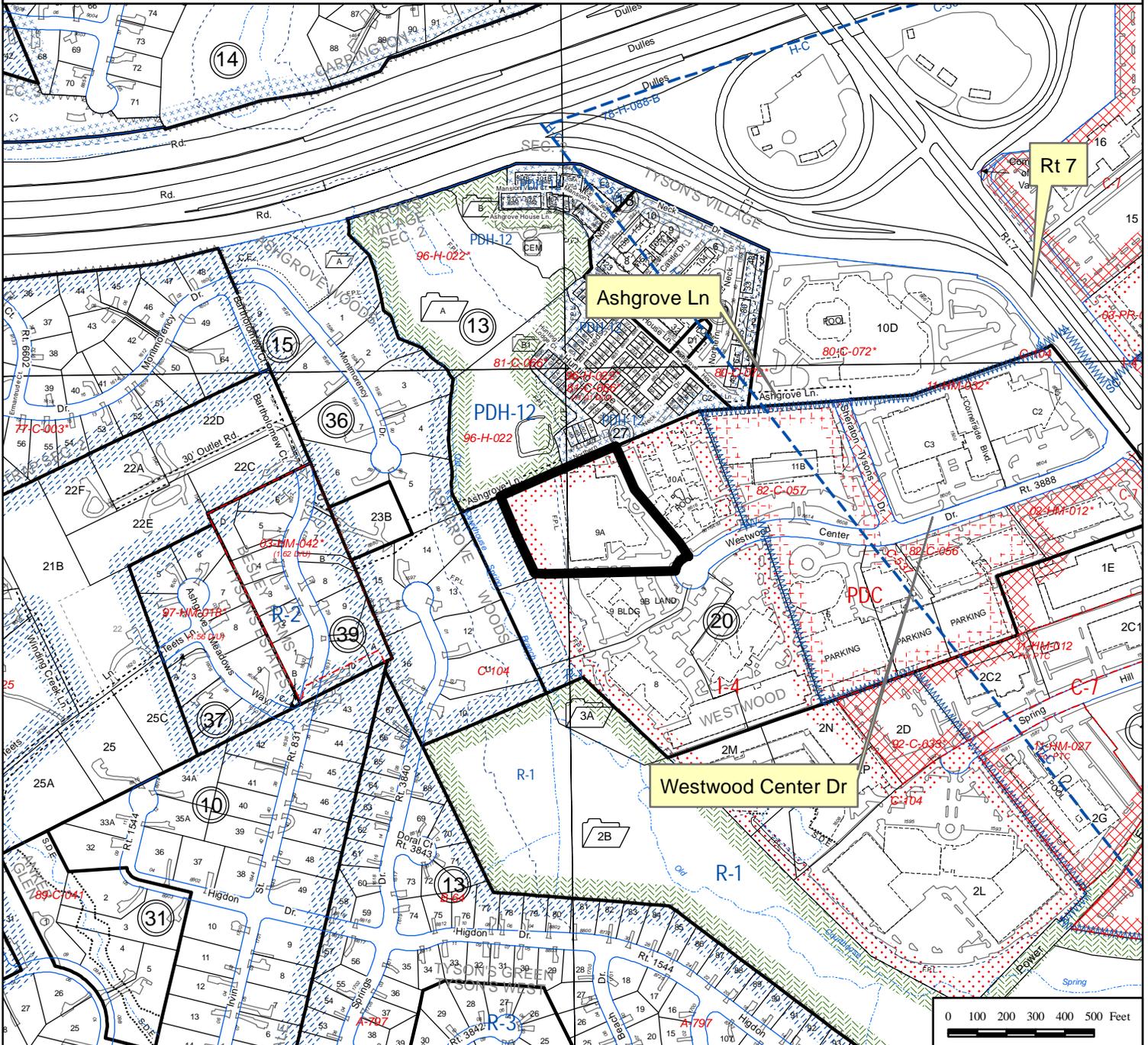
Special Exception

SE 2013-HM-024

Applicant: UNIVERSITY OF NORTH AMERICA, INC.
Accepted: 12/31/2013
Proposed: UNIVERSITY
Area: 3.87 AC OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 05-0404
Art 9 Group and Use: 3-01
Located: 8618 WESTWOOD CENTER DRIVE, VIENNA, VA 22182

Zoning: I-4
Plan Area: 2,
Overlay Dist:
Map Ref Num: 029-3- /20/ /0009A (part)



Special Exception

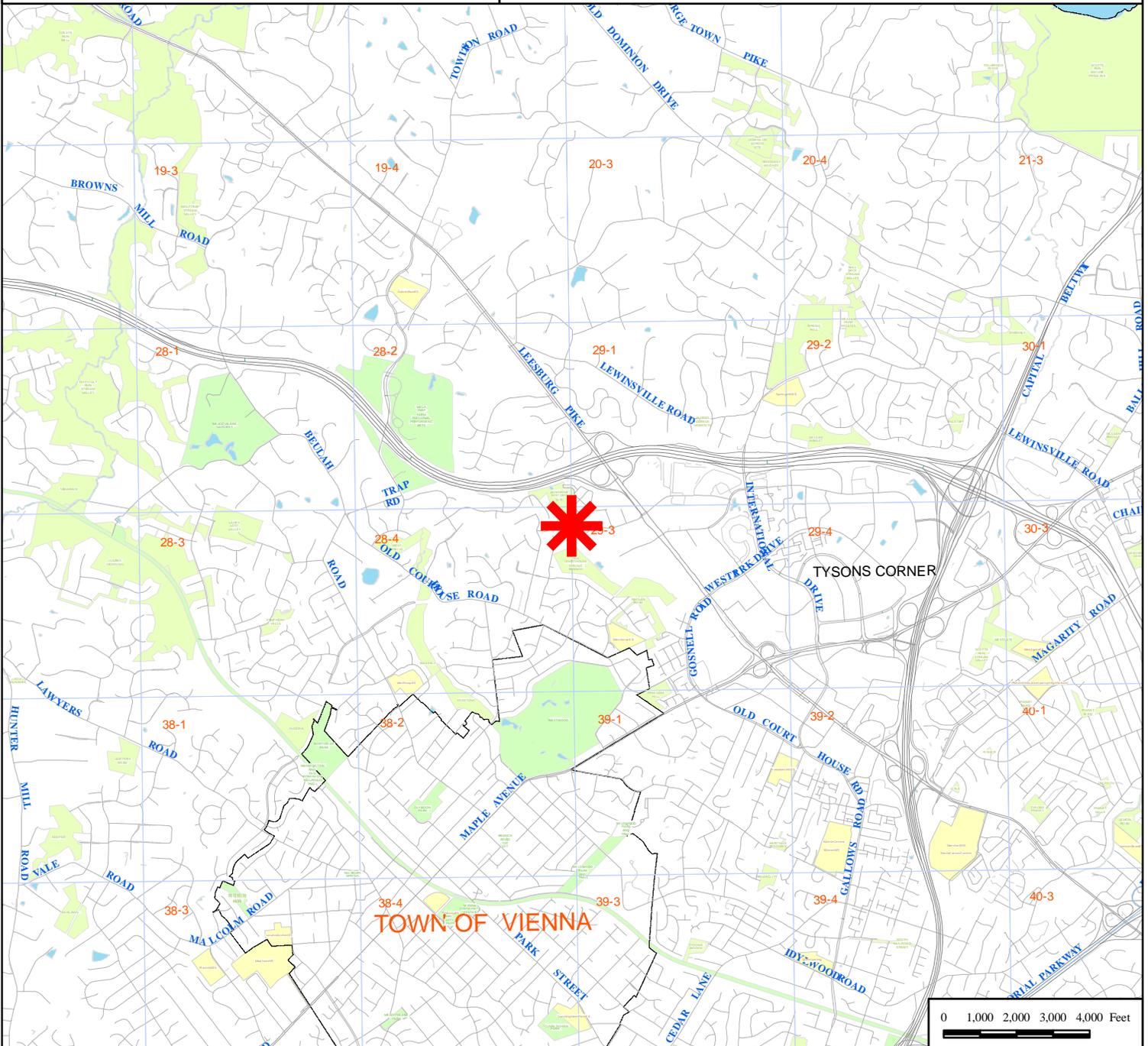
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SITE PLAN APPROVAL VOID IF FINAL BUILDING PERMITS HAVE NOT BEEN OBTAINED SUBMITTAL APPROVAL VOID IF FINAL SUBDIVISION PLAN IS NOT RECORDED WITHIN ONE YEAR

WESTWOOD 9A BUILDING
 (Plan Number)
 In Accordance with the DIFFICULTY RUN 0-3
 The site plan is submitted for approval as shown on sheets 1 through 6. The site plan is submitted for approval as shown on sheets 1 through 6. The site plan is submitted for approval as shown on sheets 1 through 6.

DATE: 3/18/83

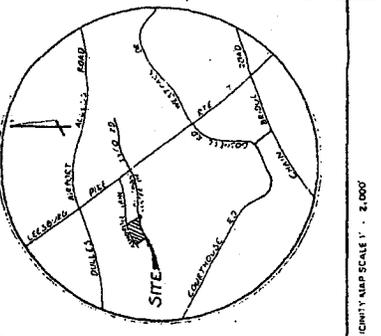
AGREEMENTS, PERMITS ETC.

DATE: 3/18/83

RECOMMENDED FOR APPROVAL

DATE: 3/18/83

APPROVED
 DIRECTOR OF ENVIRONMENTAL MANAGEMENT
 FAIRFAX COUNTY, VIRGINIA



NOTICE REQUIRED

1. THE DEVELOPER IS REQUIRED TO MAINTAIN THE EXISTING UTILITIES AND TO PROTECT THEM FROM DAMAGE DURING CONSTRUCTION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND AGREEMENTS FROM THE APPROPRIATE AGENCIES AND UTILITIES COMPANIES.

2. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

3. THE DEVELOPER SHALL MAINTAIN THE EXISTING UTILITIES AND TO PROTECT THEM FROM DAMAGE DURING CONSTRUCTION.

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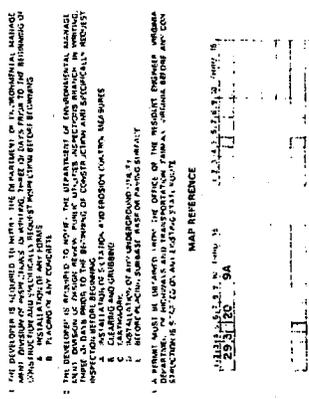
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NOTE: I HEREBY CERTIFY THAT ALL NECESSARY PERMITS AND AGREEMENTS HAVE BEEN OBTAINED AND THAT THE SITE PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING ORDINANCES AND THE SUBDIVISION ACT.

DATE: 3/18/83

APPROVED
 DIRECTOR OF ENVIRONMENTAL MANAGEMENT
 FAIRFAX COUNTY, VIRGINIA

EMERGENCY POLICE FIRE-RESCUE 911

THIS PLAN IS NOT A COMMITMENT TO PROVIDE PUBLIC SANITARY SEWER

THIS PROPERTY IS NOW IN THE NAME OF HENRY A. LONG & TRUSTEES AS RECORDED IN DEED BOOK 5711, PG. 1368

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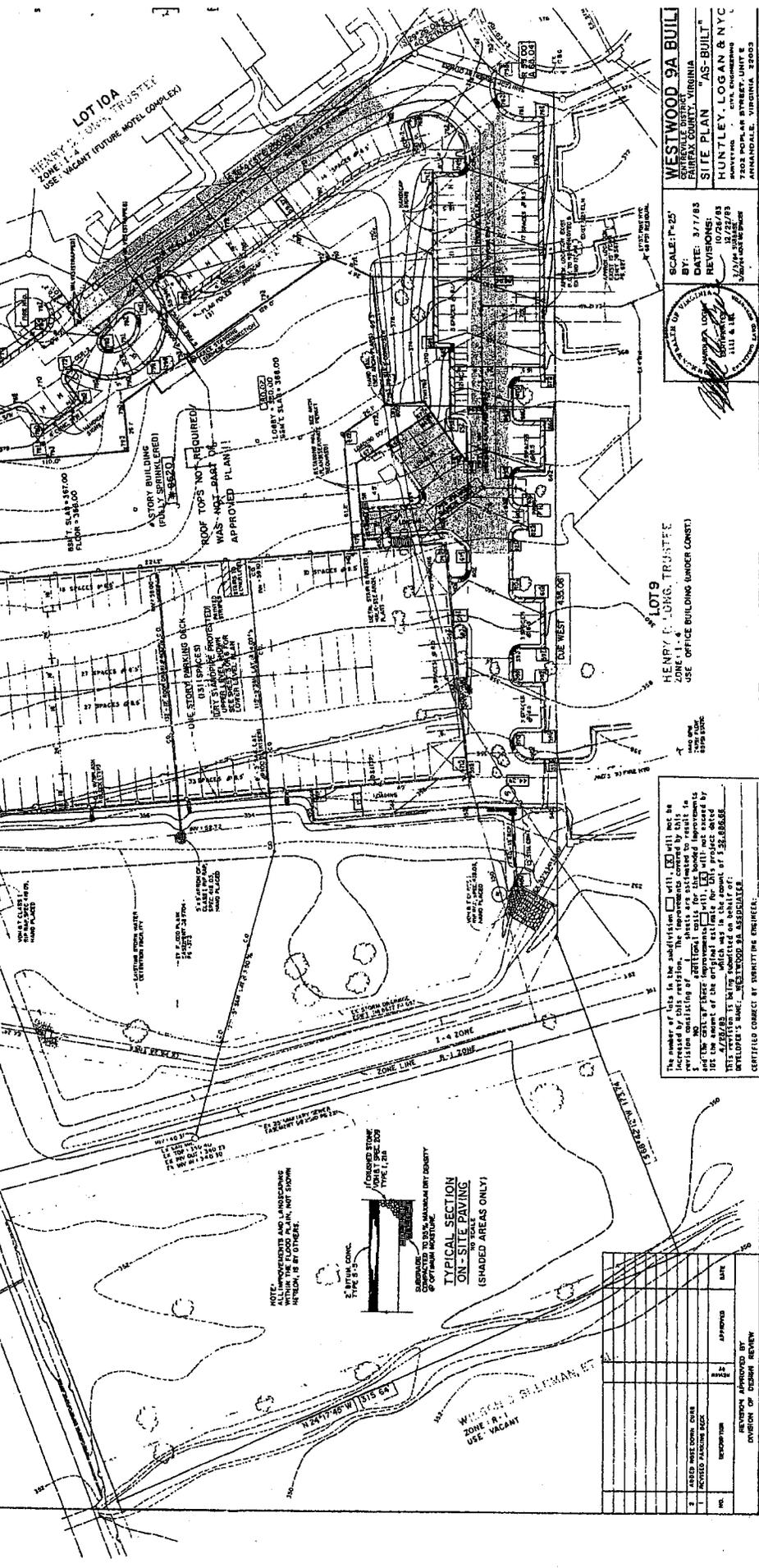
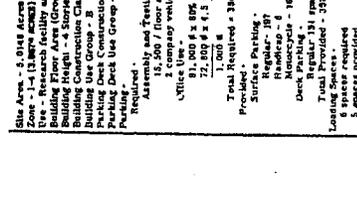
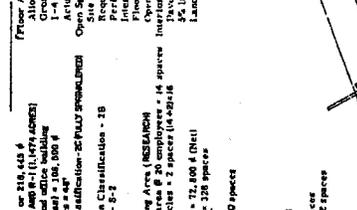
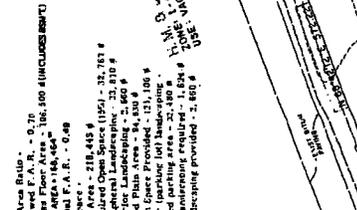
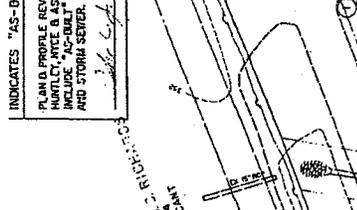
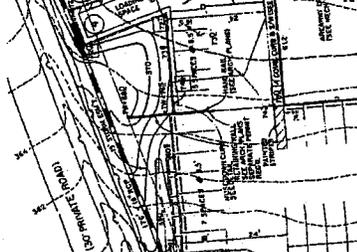
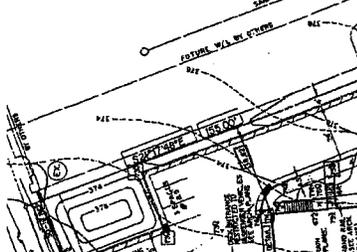
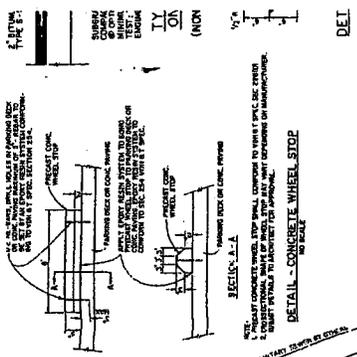
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DATE: 3/18/83



INDICATES "AS-BUILT"
 PLAND PROFILE REVISED 7/17/04 BY
 HUNTLEY, WYCE & ASSOCIATES, P.C.
 TO INCLUDE "AS-BUILT" SANITARY SEWER
 AND STORM SEWER.

Site Area - 5.018 Acres or 218,435 sq ft
 1-4 Zone Area - 11,180 sq ft (1,147,100 sq ft)
 1-4 Zone Area - 11,180 sq ft (1,147,100 sq ft)
 Building Floor Area (Gross) - 1,100,000 sq ft
 Building Height - 4 Stories + 4 ft
 Building Use Group - B (Medium-Density Residential)
 Building Use Group - B (Medium-Density Residential)
 Parking Deck Construction Classification - B
 Parking Deck Use Group - S-1
 Required:
 Assembly and Testing Area (RESEARCH)
 14 spaces
 1 Company vehicle - 2 spaces (4,400 sq ft)
 Office Use:
 31,000 sq ft BMS - 72,000 sq ft (Net)
 17,000 sq ft BMS - 3,200 sq ft (Net)
 17,000 sq ft BMS - 3,200 sq ft (Net)
 Total Required - 330 spaces
 Provided:
 Surface Parking - 16 spaces
 Handicap - 4
 Nonhandicap - 16
 On-Street - 131 spaces
 Total Provided - 157 spaces
 5 spaces provided
 5 spaces provided

NOTE:
 CONSTRUCTION AND MAINTENANCE
 WITHIN THE FLOOD PLAIN, NOT SHOWN
 HEREIN, IS BY OTHERS.
 (FLOODED STATE
 FPL 1-1-00)
 SUBMITTAL TO THE FEDERAL DEPT. OF HOUSING
 & URBAN DEVELOPMENT
 TYPICAL SECTION
 ON-STREET PAVING
 (SHADED AREAS ONLY)

REVISION APPROVED BY
 DIVISION OF DESIGN REVIEW

NO.	DESCRIPTION	DATE	APPROVED	DATE
1	AS-BUILT PAVING			
2	AS-BUILT PAVING			

SCALE: 1/4" = 1'-0"
 DATE: 3/17/04
 REVISIONS:
 10/28/03
 11/22/03
 3/17/04

WESTWOOD 9A BULL
 FAIRFAX COUNTY, VIRGINIA
 "AS-BUILT"
 HUNTLEY, WYCE & ASSOCIATES, P.C.
 7802 POPLAR STREET, SUITE 2
 ANNANDALE, VIRGINIA 22003

LOT 9
 HENRY F. LONG TRUSTEE
 USE: OFFICE BUILDING (UNDER CONSTR)

LOT 10A
 HENRY F. LONG TRUSTEE
 USE: VACANT (FUTURE HOTEL COMPLEX)

REVISION APPROVED BY
 DIVISION OF DESIGN REVIEW

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

DESCRIPTION OF THE APPLICATION

Proposal:

The applicant, University of North America, Inc., seeks a Special Exception to permit a college/university use within an existing office building at 8618 Westwood Center Drive. The applicant plans to offer graduate degrees including Master of Business Administration, Doctor of Business Administration, Master of Science and Information Technology, Master of Science and Computer Science, Doctor of Information Technology, and graduate level certificate programs. The applicant would like to lease up to 23,073 square feet in the building (11,276 square feet at this time, with an additional option to expand up to 11,797 square feet more) for their program and offer the graduate degrees. Colleges and universities are allowed by special exception in the I-4 zoning district under Category 3 – Quasi-Public Uses.

The initial 11,276 square feet would support a total enrollment of 215 students with 15 full-time and part-time staff while future expansion could result in a total enrollment up to 500 students with staff possibly increasing to 70. No land disturbance, site improvements, or exterior changes to the building are proposed with this application.

Students: 500 students

Hours: 9:30am-10:00pm, Monday through Saturday,
9:30am-6:00pm on Sunday
Classes generally starting at 10:00 am, 2:00 pm and 6:00 pm

Employees: 70 instructors and administrative staff members

Waivers and Modifications:

The applicant seeks the following waivers and modifications:

- Modification of the transitional screening and barrier requirements in favor of using the existing wooded conditions.
- Modification of the interior and peripheral parking lot landscaping requirements in favor of maintaining existing conditions.

LOCATION AND CHARACTER

The subject property is located in the Hunter Mill Magisterial District within the Tysons Corner Urban Center. The parcel is split-zoned, with the eastern portion of the site zoned I-4 and the western portion of the site zoned R-1. The applicant has filed only on the I-4 area of the subject property. The I-4 portion of the property contains approximately 3.87 acres and is occupied by one four-story building containing 106,500 square feet (SF) of gross floor area (GFA) and 352 parking spaces. The western portion of the parcel, zoned R-1, is wooded and is within the 100-year floodplain and a Resource Protection Area (RPA) associated with Old Courthouse Spring Branch. This wooded area provides a buffer between the subject property and the adjacent single family residences to the west. The Old Courthouse Spring Branch stream and a paved trail traverse the western portion of the property.



Image Source: Fairfax County Geographic Information Systems (GIS)

The table below summarizes the zoning district, use, and plan designations for the surrounding parcels.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Residential (Westwood Village)	PDH-12	Residential
South	Office	I-4 / R-1	Residential Mixed Use and Park / Open Space
East	Hotel	I-4	Residential Mixed Use
West	Residential and Open Space (SFD – Ashgrove Woods Subdivision)	R-1	Residential @ 1 to 2 du/ac and Park/Open Space

BACKGROUND

RZ C-104, approved on September 24, 1973, rezoned 109.43 acres, including the application property, from RE-1 to C-D and I-P districts. The subject property became split-zoned I-P and RE-1 as a result. With the adoption of the current Zoning Ordinance in 1978, the I-P and RE-1 zoning districts became the I-4 and R-1 districts, respectively. This split-zoning remains, as Parcel 9A is currently zoned both I-4 and R-1. The applicant is filing on the I-4 portion of the property only; there are no proffers associated with the property.

Site Plan #3741-SP-04-2, entitled “Westwood 9A Building,” was approved for Lot 9A on June 24, 1983, for the multi-level office building that currently exists on the property. The as-built plans provided with this application show 352 spaces were provided in an existing surface lot and parking structure.

COMPREHENSIVE PLAN PROVISIONS

- Plan Area:** II – Tysons Corner Urban Center
- Planning Districts:** Tysons West District—South Subdistrict and West Side District—Old Courthouse Spring Branch Subdistrict
- Plan Map:** Residential Mixed Use & Park/Open Space

Base Plan Text:

Although the entire parcel lies within the two planning districts stated above, the proposed SE area is within the Tysons West District, South Subdistrict. On page 122 of the Fairfax County Comprehensive Plan, 2011 Edition, Tysons Corner Urban Center Planning District, as amended through June 22, 2010, in the Tysons West District, South Subdistrict, it states:

Office use is the predominant land use on Westwood Center Drive and Spring Hill Road; this area away from Route 7 also includes several auto sales uses as well as two low-rise hotels. This area is planned for and developed with these existing uses. The hotels and office uses have existing intensities between 0.5 FAR and 0.7 FAR.

Tysons West is one of four Transit Oriented Development (TOD) Districts within the Tysons Corner Urban Center. These four TOD Districts surround the four future Metro stations in Tysons Corner and generally include parcels within a one-half (1/2) mile proximity to these future stations. The subject property's location within the Tysons West TOD District and its proximity to the future Spring Hill Metro station have important implications for parking at this site, as reviewed in the discussion of parking later in this report.

ANALYSIS

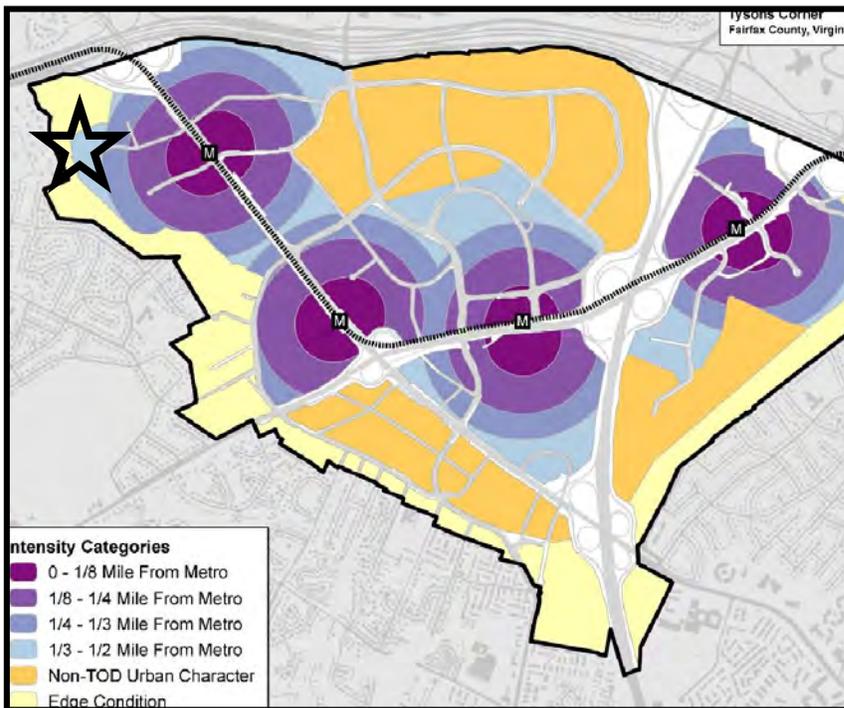
The applicant does not propose any major site changes or exterior modifications to the existing building. As such, a waiver of the requirement for the submission of a special exception plat was granted in accordance with Sect. 9-011 of the Zoning Ordinance, in favor of the submission of the as-built site plan, which shows parking tabulations and site layout.

- Title of Minor Site Plan:** Westwood Building 9A
- Prepared by:** Huntley, Logan & Nyce, P.C.
- Plan Approved:** June 24, 1983
- Plat Description:** The plat consists of two sheets excerpted from the approved as-built plans.

- The first sheet is the cover sheet of the approved as-built site plan
- The second sheet is Sheet 2 of the plans and shows the site layout with the parking and building shown.
- The applicant also submitted a sheet showing drainage for the asbuilt building, but since no physical changes are proposed to the site, this sheet is not necessary for the subject application.

Land Use Analysis

Office use is the predominant land use along Westwood Center Drive. Staff finds that a college/university use at this location would complement the adjoining uses. There would be no adverse effects related to a college/university use at this location, and the proposed use would complement the mixed-use and transit



oriented development goals for the Tysons Corner Urban Center. The subject property lies within one-half (1/2) mile of Spring Hill Metro Station, as shown in the graphic on this page. Given this location, the proposed college/university would be accessible to students, employees, and visitors by car, rail, bus and foot.

Background Image Source: Fairfax County Comprehensive Plan (Star added to denote property)

Environmental Analysis

There are no environmental issues associated with this application.

Transportation Analysis (Appendix 6)

Staff finds that proposed use would not adversely impact traffic circulation or access to and from the site. The site is located at the end of a cul-de-sac, making it easily accessible to both pedestrians and automobiles. In addition, the proposed university is less than a half a mile from the new Spring Hill Metro station. Staff has also included a development condition for the establishment of an easement to allow public access to the trail to the rear of the site along the driveway to allow people to access the site by foot. (The applicant in the recently approved RZ 2011-HM-032 site has proffered to work to provide an easement along the trail to the rear of the site).

Transportation Demand Management (TDM)

Staff has expressed a concern that traffic congestion, especially in the peak hours, could be impacted by the additional trips generated by this use. The Tysons Corner Urban Center Area Wide Recommendations in the Comprehensive Plan place great emphasis on the use of mass transit and other alternatives to automobile travel. In addition, reducing car trips is extremely important in this application given the limited parking available. The applicant currently operates a school use at this location with a total enrollment of 215 students with 15 full-time and part-time staff. The current students and employees take advantage of various non-vehicular transportation options to travel to and from the site, as demonstrated by the applicant's parking survey results contained in the statement of justification attached to this report. According to this survey, the peak parking use for the current students and staff is 56 spaces. Therefore, a significant portion of the users of this site currently use non-vehicular or carpool transportation options to travel to and from the site. The applicant anticipates similar rates in the expansion. In order to maintain and/or improve this level of non-vehicular travel to reduce traffic congestion, staff has proposed a series of development conditions to reduce trips and establish and monitor a TDM plan for the use.

The TDM conditions mandate establishment of a TDM program that includes a program manager, a 20% trip reduction prior to Metro opening and a 30% trip reduction after Metro opens. The TDM program also includes annual surveys and a \$10,000 remedy initiative fund if the trip reduction goals are not met. Staff has proposed a series of development conditions that would require the applicant to disseminate transit information via booklets and website content, to provide for adequate bicycle parking, to promote carpooling/vanpooling, and to offer various transit incentives. Given the applicant's survey of parking use, staff believes these goals could be met with the opening of the Spring Hill Metro Station.

Parking

The TDM plan and vehicle trip reductions also help mitigate the most significant issue raised by this change of use, specifically whether the parking needs can be accommodated onsite. The ultimate expansion of this university would leave 83,427 SF allocated for office use in the building which will require 252 parking spaces. Today, 352 parking spaces are provided onsite. Therefore, 101 parking spaces would remain for the university use. Par. 4 of Section 11-106 of the Zoning Ordinance indicates that university parking rates are varied, determined by a review of the exact needs of the site:

Based on a review by the Director of each proposal including such factors as the occupancy load of all classroom facilities, auditoriums and stadiums, the availability of mass transportation, and the availability of areas on site that can be used for auxiliary parking in times of peak demand; but in no instance less than one (1) space per faculty and staff member and other full-time employee, plus a sufficient number of spaces to accommodate the anticipated number of students and visitors who will drive to the institution at any one time

With 101 spaces, the applicant will be able to provide one space per faculty or staff member as the maximum staff would be 70 for this use. While the applicant would prefer to have the flexibility to have the entire enrollment onsite any one given times, staff finds this number of users on the site to be too intense. Therefore, staff has proposed two development conditions designed to limit the need for parking onsite, and thus protect nearby businesses and residences from overflow parking. The development conditions mandate that the classes be scheduled such that there is at least 30 minutes from the end of the prior class and the commencement of the next class in order to allow students and faculty time to leave from the previous class before new students and faculty arrive. In addition, the development conditions provide that no more than 250 students and staff be onsite at any one given time on weekdays, although the maximum enrollment could be on the site over the course of a day. The applicant has indicated in their statement of justification that all of the students would not be onsite at any one given time. With implementation of these development conditions, staff finds the parking issues resolved.

ZONING ORDINANCE PROVISIONS

Standard	Required I-4	Provided
Max. Building Height	75 ft.	48 ft.
Front Yard	45 degree angle of bulk plane, but not less than 40 ft.	+/-59 ft.
Rear Yard	No requirement	+/-130 ft.
Side Yard	No requirement	14 ft.
Maximum FAR (I-4)	0.50	0.49 ¹
Open Space	15%	21% ¹
Parking Spaces	University: Subject to Director review; 1 space per faculty/staff member and other full-time employee, plus sufficient number of spaces to accommodate anticipated number of students/visitors who will drive to the institution at any one time. This number shall serve as the maximum.	101
	Office: 3 spaces/1000 square feet	251
Loading Spaces	2 spaces for university 5 for office	5

1) For approved Site Plan #3741-SP-02

Transitional Screening		
	Required	Provided
North (Residential--SFA)	Transitional Screening 2—An unbroken strip of landscaped opens space a minimum of 35 feet wide	Modification requested to maintain existing conditions (existing vegetation)
South (Office)	N/A	N/A
East (Office)	N/A	N/A
West (Residential - SFD)	Transitional Screening 2	Modification requested to maintain existing conditions (+/- 195 feet of deciduous vegetation)

Barrier		
	Required	Provided
North (Residential—SFA)	Barrier D, E, or F	Modification requested to maintain existing conditions
South (Office)	N/A	N/A
East (Office)	N/A	N/A
West (Residential - SFD)	Barrier D, E, or F (42” – 48” high chain link fence; 6 foot high wall, brick, architectural block; 6 foot high wood fence)	Modification requested to maintain existing conditions

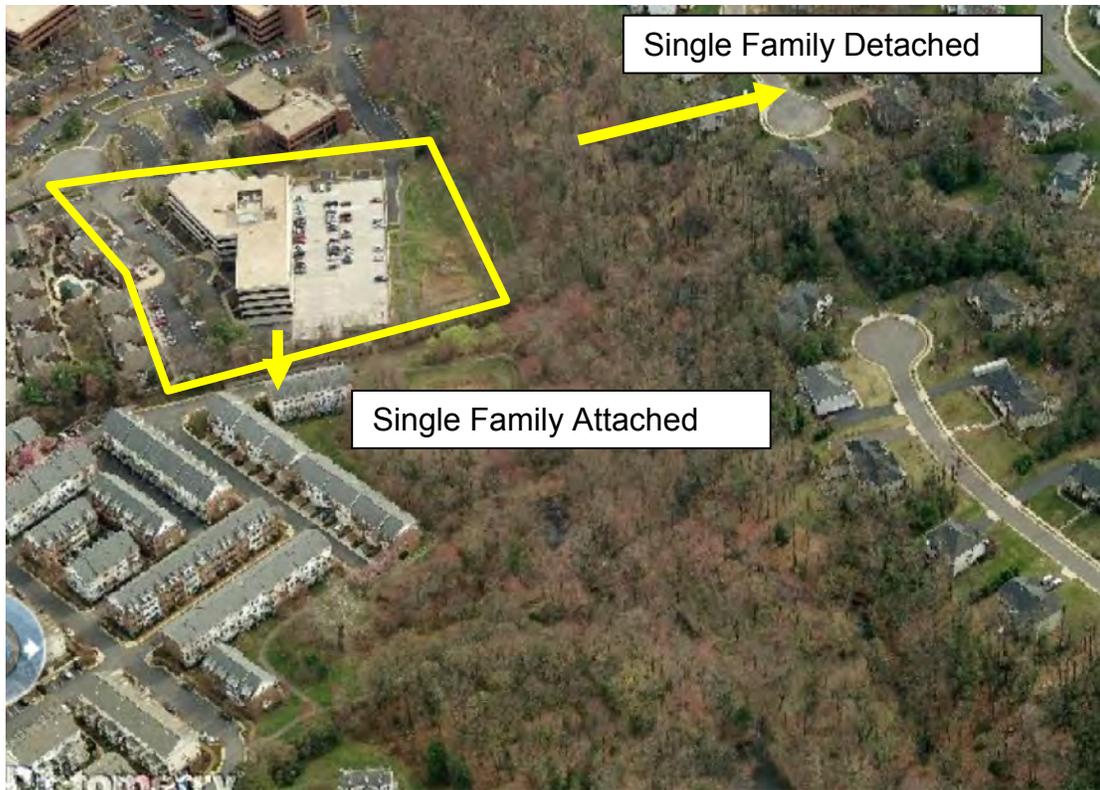
Waivers and Modifications

Transitional Screening and Barrier Requirements

According to Section 13-303 of the Zoning Ordinance, the applicant must provide an unbroken open space strip at least 35 feet wide with required trees and/or shrubs to screen the use from the adjacent residential properties to the north and west (Transitional Screening Two). One of three different barriers, as listed above, is also required pursuant to Section 13-304 of the Zoning Ordinance. The existing conditions do not conform to these requirements.

Section 13-305 of the Zoning Ordinance permits waiver or modification of the transitional screening and barrier requirements when a building, a barrier and/or the land between the building and the property line has been specifically designed to minimize adverse impact through a combination of architectural and landscaping techniques. Staff supports a modification of the transitional screening and barrier requirements because the wooded area between the building and the adjacent single residential development to the west provides a significant buffer between the two uses. Given that the western portion of the site lies within the 100-year floodplain, any disturbance to this area should be minimized. Therefore, staff supports the requested modification of the transitional screening and barrier requirements along the western property boundary in favor of maintaining the existing conditions on the site.

Staff also supports a modification of the transitional screening and barrier requirements along the northern boundary. There is an existing row of deciduous trees with some supplemental groundcover landscaping along some of that boundary. Given the existing area is not to be disturbed and that the university use will have no physical impact on the landscaping, staff supports the modification of the transitional screening and barrier requirements along the northern property boundary.



Peripheral Parking Lot Landscaping

The applicant requests a modification of the peripheral parking lot landscaping requirements, in the existing surface parking lots, in favor of maintaining the existing grasses and shrubs. No changes are proposed to the site's exterior. Staff finds that an approved modification of peripheral parking lot landscaping at this time would not have a deleterious effect on the existing or planned development of this property or the adjacent properties. Therefore, staff does not object to the requested modification.

Interior Parking Lot Landscaping

The Zoning Ordinance requires five percent of the interior parking lot to be landscaped. The previously approved site plan for the building provided approximately 2,660 square feet of landscaped area within the parking lot which appears to exceed the requirement (5% of the 32,480 SF of paved parking would be 1,624 SF) and the application site currently has numerous trees of various sizes throughout the parking lot and surrounding the building. However, the specific percentage of interior parking lot landscaping that is currently on the application property is unknown.

A modification of the interior parking lot landscaping requirement in favor of maintaining existing conditions would have no deleterious effects on the existing or planned development of this property or the adjacent properties. Staff does not object to the requested modification.

OTHER ZONING ORDINANCE REQUIREMENTS

General Special Exception Standards (Sect. 9-006)

All special exception uses shall satisfy the following general standards:

1. *The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.*

Staff believes that a college/university use at this location furthers the goals of the Tysons Corner Urban Center and finds that it is in harmony with the recommendations of the Comprehensive Plan.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

The purpose and intent of the I-4 district is to provide areas for “scientific research, development and training, offices, manufacture and assembly of products, and related supply activities.” A college/university use would be harmonious with these and related uses.

3. *The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

The proposed use in an existing building would have little impact on the surrounding properties and would, therefore, be harmonious with the neighboring properties. The development and use of nearby homes, land and buildings would not be hindered or discouraged, as the impacts associated with a college/university of this size would be similar to many of the by-right uses on adjacent properties.

4. *The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*

The proposed use would be located in close proximity to a future Metro station and would also have ample access to major arterial roads. The pedestrian and vehicular traffic associated with a college/university would not be hazardous or conflict significantly with the existing and anticipated traffic in the neighborhood, with implementation of the proposed TDM program.

5. *In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.*

The applicant proposes no additional landscaping or screening with this application, given the natural vegetation that buffers the property from the nearby residential properties. To comply with this general standard, the applicant is requesting modifications of the landscaping and screening requirements contained in Article 13 in favor of maintaining the existing conditions on the site. The applicant desires to occupy an existing building. No changes are proposed to the exterior. As such, staff supports the requested modifications of the landscaping and screening requirements.

6. *Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.*

The I-4 district requires that at least 15 percent of the gross area is landscaped open space. The previous site plan states that 32,767 square feet of open space was provided for the site plan area which is 15 percent. The previously approved site plan indicates that an adequate amount of open space was previously provided on the site, thus fulfilling this requirement.

7. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.*

No site changes are proposed that would impact the existing utility or drainage facilities approved at the time the existing building was constructed. Staff analysis indicates that the site has adequate parking for the proposed students given the site's close proximity to the Spring Hill Metro station, provided that the development conditions contained in Appendix 1 are met.

8. *Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.*

The applicant has not incorporated any requests for signs with this special exception application. However, all signs related to the proposed use shall be regulated by the provisions of Article 12 of the Zoning Ordinance.

Standards for All Category 3 Uses (Sect. 9-304)

This application is also subject to the five additional standards for all Category 3 special exception uses. Standard One concerns public uses and, therefore, is not applicable to this application because a college/university is a quasi-public use. Standards Two and Three dictate that all uses shall comply with the lot size requirements and the bulk regulations of the applicable zoning district. These requirements are satisfied with this application as indicated in Zoning Ordinance Provisions section of this report. Standard Four stipulates that all uses shall comply with the performance standards for the applicable zoning district. The proposed college/university use would continue to meet these performance standards. Finally, Standard Five specifies that all uses shall be subject to the provisions of Article 17, Site Plans. A development condition noting this requirement is included in Appendix 1.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

With implementation of the staff proposed development conditions, staff finds that the proposed application is in harmony with the Comprehensive Plan, and in conformance with the Zoning Ordinance.

Recommendation

Staff recommends approval of SE 2013-HM-024, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening and barrier requirements along the northern and western property lines in favor of maintaining the existing conditions.

Staff recommends approval of a modification of the interior and peripheral parking lot landscaping requirements in favor of maintaining the existing conditions.

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. The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

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. Proposed Development Conditions
2. Special Exception Affidavit
3. Statement of Justification
4. Plan Citations
5. Office of Community Revitalization Analysis
6. Transportation Analysis
7. DPWES - Urban Forest Management Analysis
8. DPWES – Wastewater Division Analysis
9. Park Authority Analysis
10. Zoning Ordinance Excerpts
11. Glossary of Terms

DEVELOPMENT CONDITIONS

SE 2013-HM-024

April 30, 2014

The Board of Supervisors approved SE 2013-HM-024 located at Tax Map 29-3 ((20)) 9A pt. (8618 Westwood Center Drive), for use as a college/university within the existing office building pursuant to Sect. 5-404 of the Fairfax County Zoning Ordinance. The Board's approval was subject to conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved As-Built Site Plan prepared by Huntley, Hogan and Nyce, Westwood Building 9A, 3741-SP-04-1, approved on June 24, 1983, and these conditions. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Class sessions for the College/University use shall not exceed 9:30 a.m. to 10:00 p.m. on weekdays and 9:30 a.m. to 6:00 p.m. on weekends.
5. There shall be a minimum of 30 minutes between the conclusion of one class and the beginning of the next class session.
6. The total weekday maximum daily enrollment on site shall not exceed 500 students and 70 employees, and no more than 250 students or staff onsite at any one given time.
7. All parking shall be provided on-site. The applicant shall provide on-site directional signage that identifies the location of parking spaces that serve the college/university use.
8. A Transportation Demand Management Plan (the "TDM Plan") shall be implemented by the Applicant to encourage the college/university to use transit (Metrorail and/or bus), other high-occupancy vehicle commuting modes, walking and biking in order to reduce single-occupancy automobile trips generated by the college/university and comply with the proposed parking availability.

- a. TDM Program Manager. Prior to the approval of a Non-Residential Use Permit (“Non-RUP”), the Applicant shall designate an individual to act as the TDM Program Manager (“TPM”) for the college/university, whose responsibility shall be to implement the TDM strategies. The TPM’s contact information shall be provided to Fairfax County Department of Transportation (FCDOT) staff within 30 days of the initial appointment and every time thereafter that there may be a change. The duties of the TPM may be part of other duties assigned to the individual(s). The TPM shall participate in available Tysons area wide TDM Programs, activities and transportation improvement endeavors provided by Fairfax County and the various stakeholders in the Tysons area, and shall join groups such as Tytran.

- b. TDM Work Plan. Sixty (60) days after the appointment of the TPM, the TPM shall submit the TDM Work Plan to FCDOT for review. The TDM Work Plan and any amendments thereto shall include, but not be limited to, provisions for the following:
 - i. Information Dissemination. The TPM shall make Metrorail and bus maps, schedules and forms, ridesharing and other relevant transit option information available to students, employees, and visitors in a common area such as the central lobby or admissions office. The TPM shall also publish links to internet sites to mass transit providers with multimodal transportation information, transit data, and the possibility of online transit pass sales or value loading. All incoming students, faculty and staff shall be provided with information concerning the use of SmarTrip cards, including an application.

 - ii. Car Sharing/Pooling Information. The TPM shall make information available regarding the availability of car sharing program(s), such as ZipCar, to students, visitors and guests. In addition, but subject to student confidentiality and safety requirements, zip code rosters shall be made available to all students to facilitate car pool formation/usage.

 - iii. Preferential Parking. The TPM shall provide signed preferential parking for carpools, as needed.

 - iv. Bicycle Parking. Racks shall be provided to accommodate parking for at least 20 bicycles. The bike racks shall be inverted U-style racks or other design approved by FCDOT. Location of these racks will also be coordinated with FCDOT. The TPM shall begin the implementation of bicycle parking within prior to Non-RUP. Bicycle parking racks shall be installed no later than a year after SE approval.

- v. Transit Incentives. Once the Metrorail Silver Line and Springhill Station becomes operational, the TPM shall institute transit incentives which may include, among other programs, the provision of pre-loaded smart trip cards to faculty, staff and new students and the establishment of a permit parking program.
 - vi. Coordination. The TPM shall work with FCDOT, and any other transportation management entities established in the local area of the development, to promote alternatives to single-occupant automobile commute trips.
- c. FCDOT Response. If FCDOT has not responded with any comments to the TPM within sixty (60) days of receipt of the TDM Work Plan, the TDM Work Plan shall be deemed to be approved and the TPM shall implement the TDM Work Plan.
- d. Vehicle Trip Objectives. The goal of the TDM Work Plan prior to the Metrorail Silver Line becoming operational shall be to reduce the number of vehicle trips generated by the college/university, students, employees, and visitors by twenty percent (20%) during the PM peak hour of the adjacent street as projected by using methods based on ITE's, 8th edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use Code 540 (Junior/Community College).

Once the Metrorail Silver Line is operational for a period of 12 months, the goal of the TDM Plan shall be to reduce the number of vehicle trips generated by the college/university, students, employees, and visitors by thirty percent (30%) during the PM peak hour.

- e. Annual Surveys & Coordination with FCDOT. One (1) year following approval of the TDM Work Plan by FCDOT, the TPM shall conduct an annual survey (the "Annual Survey") to be completed the next following October, and in October of each year thereafter, and provided to FCDOT. The Annual Survey shall be conducted during a week without any holidays and when Fairfax County Public Schools are in session. The Annual Survey shall gather information on the effectiveness of the TDM Work Plan and shall be used by the TPM to determine whether changes to the TDM Work Plan are needed to ensure that the vehicle trips are within the Vehicle Trip Objectives targeted goal. If the Annual Survey reveals that changes to the TDM Work Plan are needed, the TPM shall coordinate such reasonable changes with FCDOT that are acceptable to the Applicant and the college/university, and implement and adjust the TDM Work Plan accordingly. The TPM shall coordinate the preparation of the Annual Survey materials and the methodology for validating survey results with FCDOT at least thirty (30) days prior to completing each year's Annual Survey, and shall collect and analyze the results. Such analysis shall include at a minimum:

- i. A description of the TDM measures in effect for the survey period and a description of how such measures have been implemented;
- ii. The number of people surveyed and the number of people who responded;
- iii. The results of any surveys taken during the survey period;
- iv. The number of students and employees participating in the TDM programs displayed by category of participants and by mode of use; and
- v. An evaluation of the effectiveness of the TDM Work Plan and its program elements and, if necessary, proposed modifications to the plan and program elements.

Annual surveys shall be conducted until the TPM has demonstrated to FCDOT that the twenty percent (20%) or thirty percent (30%) trip reduction goal, whichever is applicable, is being met or exceeded. After the goal has been met for three (3) consecutive years, the TPM shall conduct the surveys bi-annually. If it is demonstrated that the goal has been met for two (2) consecutive bi-annual surveys, the TPM may terminate the surveys, although it shall continue the TDM Programs.

In the event the applicant has not meet the trip reduction goal after the Metrorail Silver Line has been operational for a period of 24 months, the applicant shall meet with FCDOT to develop a remedy plan and provide up to \$10,000 towards remedy initiatives.

9. A public access easement over the driveway of the site (from the existing cul de sac, along the southern end of the building connecting to the trail system along the rear of the site) shall be recorded, in a form acceptable to the County Attorney, to allow access to existing and future trails in the area. If this site should redevelop in the future, a relocation of the easement would be expected to maintain public access.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as evidenced by the issuance of a Non-RUP for the college/university use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
Suite 549, 12000 Government Center Parkway
Fairfax, Virginia 22035-0064
Phone: (703) 324-2421; Fax: (703) 324-2665
www.fairfaxcounty.gov

DATE: March 7, 2014

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal *JEG*
Office of the County Attorney

SUBJECT: Affidavit
Application No.: SE 2013-HM-024
Applicant: University of North America, Inc.
PC Hearing Date: 6/12/14
BOS Hearing Date: Not yet scheduled

REF.: 123870

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 2/27/14, which bears my initials and is numbered 123870, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Jonathan Buono, Planning Technician I (Sent via e-mail)
Zoning Evaluation Division
Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 27, 2014
(enter date affidavit is notarized)

I, William M. Baskin, Jr., do hereby state that I am an
(enter name of applicant or authorized agent)

123870

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

in Application No.(s): SE 2013-HM-024
(enter County-assigned application number(s), e.g. SE 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 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)
University of North America, Inc. Agent: Claude C. Martin	8618 Westwood Center Drive Vienna, Virginia 22182	Applicant/Lessee/Agent of Tax Map 029-3-20-0009A
Baskin, Jackson & Duffett, PC Agent: William M. Baskin, Jr.	301 Park Avenue Falls Church, Virginia 22046	Attorney/Agent for the Applicant
8618 Westwood Center Drive, LLC	4719 Hampden Lane, 3rd Floor Bethesda, Maryland 20814	Owner/Lessor of Tax Map 029-3-20-0009A
The Law Office of William B. Lawson, PC Agent: William Barnes Lawson, Jr.	6045 Wilson Boulevard, #100 Arlington, Virginia 22205	Attorney/Agent for the Applicant

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

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

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

Special Exception Attachment to Par. 1(a)

DATE: February 27, 2014
(enter date affidavit is notarized)

123870

for Application No. (s): SE 2013-HM-024
(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)
Washington Property Company, LLC	4719 Hampden Lane, 3rd Floor Bethesda, Maryland 20814	Manager for Owner/Lessor of Tax Map 029-3-20-0009A

Agent:
Derek Hendon

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

SPECIAL EXCEPTION AFFIDAVIT

123870

DATE: February 27, 2014
(enter date affidavit is notarized)

for Application No. (s): SE 2013-HM-024
(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:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

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

- University of North America, Inc.
8618 Westwood Center Drive
Vienna Virginia 22182

DESCRIPTION OF CORPORATION: (check one statement)

- [x] 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 SHAREHOLDERS: (enter first name, middle initial and last name)

- Claude C. Martin
Jill Ku Martin
Jacob H. de Bruin
Paul R. de Bruin
Ravi C. Nayaran
Benjamin G. Davis
Bernard JE Van Gil

(check if applicable) [] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit 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.

Special Exception Attachment to Par. 1(b)

DATE: February 27, 2014
(enter date affidavit is notarized)

123870

for Application No. (s): SE 2013-HM-024
(enter County-assigned application number (s))

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

Baskin, Jackson & Duffett, PC
301 Park Avenue
Falls Church, Virginia 22046

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)

William M. Baskin, Jr.
John G. Jackson

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

8618 Westwood Center Drive, LLC
4719 Hampden Lane, 3rd Floor
Bethesda, Maryland 20814

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)

Stanley M. Barg
David A. Ross
CKN Investments Limited Partnership

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

Special Exception Attachment to Par. 1(b)

DATE: February 27, 2014
(enter date affidavit is notarized)

123870

for Application No. (s): SE 2013-HM-024
(enter County-assigned application number (s))

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

CKN Investments Management, LLC
c/o 4719 Hampden Lane, 3rd Floor
Bethesda, Maryland 20814

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)

JoAnn K. Nulsen
Charles K. Nulsen Family Dynasty Trust
- Benefit of the minor children of Charles
and JoAnn Nulsen.

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

The Law Office of William B. Lawson, P.C.
6045 Wilson Boulevard, #100
Arlington, Virginia 22205

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)

William B. Lawson, Jr.

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

Special Exception Attachment to Par. 1(b)

DATE: February 27, 2014
(enter date affidavit is notarized)

123870

for Application No. (s): SE 2013-HM-024
(enter County-assigned application number (s))

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

CKN Partner, LLC
c/o 4719 Hampden Lane, 3rd Floor
Bethesda, Maryland 20814

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 K. Nulsen, III

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

JKN Partner, LLC
c/o 4719 Hampden Lane, 3rd Floor
Bethesda, Maryland 20814

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)

JoAnn K. Nulsen

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

Special Exception Attachment to Par. 1(b)

DATE: February 27, 2014
(enter date affidavit is notarized)

123870

for Application No. (s): SE 2013-HM-024
(enter County-assigned application number (s))

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

Washington Property Company, LLC
4719 Hampden Lane, 3rd Floor
Bethesda, Maryland 20814

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)

CKN Investments Limited Partnership

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)

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 27, 2014
(enter date affidavit is notarized)

123870

for Application No. (s): SE 2013-HM-024
(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, and number, street, city, state, and zip code)

CKN Investments Limited Partnership
c/o 4719 Hampden Lane, 3rd Floor
Bethesda, Maryland 20814

(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)

- CKN Partner, LLC
JKN Partner, LLC
Charles K. Nulsen, III
CKN Investment Management, LLC

(check if applicable) [] There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 27, 2014
(enter date affidavit is notarized)

123870

for Application No. (s): SE 2013-HM-024
(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 "Special Exception Attachment to Par. 2" form.

Application No.(s): SE 2013-HAM-024
(county-assigned application number(s), to be entered by County Staff)

SPECIAL EXCEPTION AFFIDAVIT

123870

DATE: Feb. 27, 2014
(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing 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 more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

None.

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 "Special Exception 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.

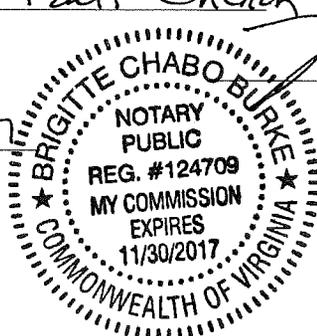
WITNESS the following signature:

(check one) Applicant Applicant's Authorized Agent

William M. Daskin, Jr Agent
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 27th day of February, 2014, in the State/Comm. of Virginia, County/City of Falls Church

My commission expires: 11/30/2017



Brigitte Chabo Burke
Notary Public

NOV 12 2013

Zoning Evaluation Division

STATEMENT OF JUSTIFICATION

University of North America
8618 Westwood Center Drive
Vienna, VA
November 7, 2013

1. DESCRIPTION OF PROPOSED USE

A. TYPE OF OPERATION - College or University

The applicant proposes to offer the following graduate degree programs: Master of Business Administration (MBA); Doctor of Business Administration (DBA); Master of Science and Information Technology (MSIT); Master of Science and Computer Science (MSCS); Doctor of Information Technology (DIT); as well as a variety of graduate level certificate programs. (See Executive Summary attached)

The applicant currently leases 11,276 square feet at 8618 Westwood Center Drive and seeks Special Exception approval for its existing space and for the possible future use of 11,797 square feet located in Suite 200 of 8618 Westwood Center Drive. The space will include classrooms, offices for staff and faculty.

Because the University will confer degrees it falls under the classification of college or university, requiring a special exception. Non-degree programs would fall under the classification of a school of special education or a school of general education, either of which are permitted by right in the I-4 zone. For the purpose of this application the enrollment and staff numbers set forth below are for the total enrollment, not just for the degree programs offered.

B. HOURS OF OPERATION

The applicant will offer classes at various times between 9:30 a.m. and 10:00 p.m., Monday thru Saturday and between 9:30 a.m. and 6 p.m. Sundays.

C. ESTIMATED NUMBER OF STUDENTS

The anticipated total enrollment for the existing space is 215 students. Future expansion could result in up to a total enrollment of 500

students; however, at no time would the total enrollment be on-site at the same time.

D. PROPOSED NUMBER OF EMPLOYEES/FACULTY, ETC.

The applicant currently has 13 full-time, and 2 part-time administrative staff members and 3 full-time and 16 part-time faculty members. In the event of future expansion, it is anticipated that administrative staff could increase to 30 and faculty could increase to 40.

E. ESTIMATE OF TRAFFIC IMPACT OF THE PROPOSED USE INCLUDING THE MAXIMUM EXPECTED TRIP GENERATION AND DISTRIBUTION OF TRIPS BY MODE AND TIME OF DAY

The school's estimated parking projections are attached and are the basis for expected trip generation and distribution of trips by mode and time of day. A parking tabulation for the site is also attached.

Classes generally start at 10:00 A.M., 2:00 P.M. and 6:00 P.M. We estimate that approximately 30% of the students arrive by automobile and have at least one other passenger, while the remainder uses public transportation.

F. VICINITY OR GENERAL AREA TO BE SERVED BY THE USE

The school serves students from all over the United States who currently reside in the Washington, D. C. metropolitan area.

G. DESCRIPTION OF THE BUILDING FASCAD AND ARCHITECTURE OF PROPOSED NEW BUILDING OR ADDITIONS

Not applicable. The application is for existing space and no exterior changes are proposed.

H. A LISTING, IF KNOWN, OF ALL HAZARDOUS OR TOXIC SUBSTANCES

The site contains no known hazardous or toxic substances as identified in Section 9-011(7) (H) of the zoning ordinance.

I. WITH EXCEPTION OF THE WAIVERS NOTED BELOW, THE PROPOSED USE CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS, ADOPTED STANDARDS AND ANY APPLICABLE CONDITIONS.

The following modifications are requested

1. Modification to ZO Sec. 13-305, transitional screening and barrier requirements. Property is an existing building with no exterior changes required. The subject property is split zoned between R-1 and I-4. Substantial natural vegetation exists between the building and single family homes behind the property.
2. Modification to ZO Sec. 13-202 and 203, peripheral and interior parking lot screening. No changes are proposed to the existing parking lot screening.

Inasmuch as the current proposal merely uses existing structures without proposing any expansion of the building, it is requested that the existing approved site plan for the building be used in lieu of a Special Exception Plat.

The proposed use is in harmony with the purpose and intent of the I-4 zoning district which district is to provide, among other things, development and training. Additionally, the only difference between the proposed use and a school of special education, which may be operated by right on the premises, is the type of diploma awarded.

The proposed use will not adversely affect the use or development of neighboring properties nor will it hinder or discourage the appropriate development and use of adjacent or nearby property or impair the value thereof.

The proposed use will be such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

Adequate utility, drainage, parking, loading and other necessary facilities to serve the use shall be provided.

The subject property is owned by 8618 Westwood Center Drive, LLC.

Parking Tabulations for 8618 Westwood Center Drive

Total Floor Area = 106,500 sq. ft.

Required Parking:

Office Use: (current = 95,422 sq. ft.)

3 spaces/1000 sq. ft. = 286 spaces

University Use: (current = 11,276 sq. ft.)

(Based on a review by the Director per Sect.
11-106(4))

Peak use = 56 spaces per survey of faculty
and students

Total Required Current Parking:

342 spaces

Office Use: (Future = 83,427 sq. ft.)

3 spaces/1000 = 252 spaces

University Use: (Future = 23,073 sq. ft.)

Peak Use = 70 (estimate after Metro opens)

Total Required Future Parking:

322 spaces

Provided Parking :

351 spaces

Required Loading:

Office Use = 5 spaces

University Use = 2 spaces

Total required loading = 5 spaces

(Per Sect. 11-202.15)

Provided Loading :

5 spaces

Adjacent to the DAAR, office uses are planned to take advantage of the visibility from the Toll Road and to continue the planned and existing office focus found in the North Central District located to the east.

The land use concept for the Tysons West district is shown in the map below. The district is composed of two subdistricts separated by Leesburg Pike: South and North Subdistricts.

Guidance for evaluating development proposals in each subdistrict is contained in the Areawide Recommendations and the following subdistrict recommendations. Redevelopment options are dependent on the degree to which necessary public infrastructure can be provided and Plan objectives and development conditions set forth in the Areawide and subdistrict guidance can be satisfied by development proposals.

SOUTH SUBDISTRICT

The South Subdistrict is comprised of about 104 acres and is bounded by the DAAR and Toll Road/Leesburg Pike interchange on the north, Leesburg Pike on the east, the North Central 7 Subdistrict on the south and the West Side District on the west.

Base Plan

Auto sales use is the predominant land use along Leesburg Pike; the frontage properties also include two high-rise hotels and several office buildings. This area is planned for and developed with auto sales and office use with support retail and service uses at existing intensities ranging between 0.7 FAR and 1.0 FAR.

Office use is the predominant land use on Westwood Center Drive and Spring Hill Road; this area away from Leesburg Pike also includes several auto sales uses as well as two low-rise hotels. This area is planned for and developed with these existing uses. The hotels and office uses have existing intensities between 0.5 FAR and 0.7 FAR.

Redevelopment Option

This subdistrict is envisioned for substantial redevelopment to create a mixed use TOD with significant office, residential and retail components, as well as arts and entertainment uses. Retail should include such uses as restaurants and cafes, art galleries, small theaters, specialty and general retail that can help form the foundation for an arts and entertainment center. Residential development is an important component of this subdistrict; live/work and loft housing, if provided, should be integrated with or be in close proximity to arts and entertainment uses. A series of urban parks should be provided and be linked by the street grid; this green network will provide places for people of all ages to walk and enjoy parks and open space.

To achieve this vision, development proposals should address the Areawide Recommendations, and provide for the following.

- The vision for this subdistrict is to redevelop with significantly higher intensity near the Metro station as well as to become more diverse in land uses and incorporate an arts and entertainment focus. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.

- Logical and substantial parcel consolidation should be provided that results in well-designed projects that function efficiently on their own, should include a grid of streets and public open space system, and integrate with and facilitate the redevelopment of other parcels in conformance with the Plan. In most cases, consolidation should be sufficient in size to permit redevelopment in several phases that are linked to the provision of public facilities and infrastructure and demonstrate attainment of critical Plan objectives such as TDM mode splits, green buildings and affordable/workforce housing. If consolidation cannot be achieved, as an alternative, coordinated proffered development plans may be provided as indicated in the Areawide Land Use Recommendations.
 - In this subdistrict, the goal for assembling parcels for consolidation or coordinated proffered development plans is at least 20 acres. A consolidation of less than 20 acres should be considered if the performance objectives for consolidation in the Land Use section of the Areawide Recommendations are met.
 - When a consolidation includes land located in the first intensity tier (within 1/8 mile of a Metro station), it should also include land in the second intensity tier (between 1/8 and 1/4 mile of a station), in order to ensure connectivity to the Metro station.
- Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts/subdistricts through the provision of the grid of streets. The major vehicular circulation and access improvements in this subdistrict are the extension of Boone Boulevard and planned new ramps from the DAAR connecting to Boone Boulevard.
- Redevelopment along planned street alignments should provide right-of-way, construct portions of the street integral to the development, and further the implementation of streets serving the development. Other streets should create urban blocks, and pedestrian and bike circulation improvements should be provided, including multi-use trails along the adjacent stream valley park land. The ability to realize planned intensities will depend on the degree to which access and circulation improvements are implemented consistent with guidance in the Areawide Urban Design and Transportation Recommendations.
- Urban design amenities, such as streetscapes, plazas, courtyards, landscaping, public art, lighting and seating should be provided consistent with the Areawide Urban Design Recommendations.
- The green network planned for this subdistrict illustrates how the existing Dominion Power easement could be used as a pedestrian and open space amenity that links the Old Courthouse Spring Branch Stream Valley Park to the Tysons West Metro station, as well as to several urban parks; alternatives that provide open spaces linking this subdistrict to the area's Metro station in a similar manner should be considered.
- This area should also include one planned civic plaza (urban park), at least one acre in size and located within 1/4 mile of the Metro station. This plaza should be large enough for open-air activities such as farmers' markets and musical performances by small groups for residents and workers in this area. A common green urban park of at least one acre should also be located in the subdistrict to provide active and passive recreation and leisure opportunities for residents and workers.

- For active recreation, about four to six acres of new park land to support two athletic fields should be established in the area between existing park land and the Boone Boulevard extension. The land for these athletic fields may also be located in part in the abutting Tysons Central 7 District. Publicly accessible open space and recreational facilities should be provided consistent with the guidance in the Areawide Environmental Stewardship Recommendations.
- When redevelopment includes a residential component, it should include recreational facilities and other amenities for the residents, as well as affordable/workforce housing as indicated under the Areawide Land Use Recommendations
- Public facility, transportation and infrastructure analyses should be performed in conjunction with any development application. The results of these analyses should identify needed improvements, the phasing of these improvements with new development, and appropriate measures to mitigate other impacts. Also, commitments should be provided for needed improvements and for the mitigation of impacts identified in the public facility, transportation and infrastructure analyses, as well as improvements and mitigation measures identified in the Areawide Recommendations.
- In addition, a second electrical power substation will need to be constructed near the Dominion Power easement which contains a high voltage line. This improvement will need to be located either in the Tysons West District or in the abutting Tysons Central 7 District. From the second substation to the existing substation on Tyco Road, the high voltage line should be placed underground, in order to ensure a pedestrian friendly environment. However, if undergrounding proves infeasible, redevelopment should relocate the line or accommodate it in place.
- Under this option, building heights may range from 105 feet to 400 feet, depending upon location, as conceptually shown on the Building Height Map in the Areawide Urban Design Recommendations. The tallest buildings should be closest to the Metro station where building height is planned up to 400 feet. Building heights (generally between one-eighth and one-quarter mile from the Metro station) should be between 150 and 225 feet. Beyond one-quarter mile, buildings should have lower heights, with areas along Leesburg Pike to the south at 175 feet and areas at the western edge of the subdistrict having heights up to 105 feet. The exception is the Tysons Sheraton Hotel, which is a gateway landmark at 215 feet in height; property abutting to the east and south should not have buildings exceeding 150 feet in order to maintain this building as an existing gateway to Tysons Corner. Building heights should be consistent with the guidelines in the Areawide Urban Design Recommendations.
- Exposed parking structures adjacent to the DAAR should not be visible to the residential neighborhoods north of the DAAR.



County of Fairfax, Virginia

MEMORANDUM

DATE: March 20, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division,
Department of Planning & Zoning

FROM: 
Barbara A. Byron, Director
Office of Community Revitalization

SUBJECT: OCR Comments – University of North America
SE 2013-HM-024

The Office of Community Revitalization (OCR) has reviewed the above referenced Special Exception application marked “Accepted” by the Department of Planning and Zoning on December 30, 2013. The plat includes as-built features for the Westwood 9A Building, dated March 7, 1983.

The applicant proposes to operate an advanced degree university within an existing building. The anticipated total enrollment for the existing space is 215 students, with attendance spread throughout the day during operation hours between 9:30 a.m. and 10:00 p.m.

OCRR has no comments or objections regarding the proposed special exception request.

CC: Suzanne Lin, DPZ/ZED/PD
Scott Sizer, Revitalization Program Manager, OCR
OCR File

Office of Community Revitalization
12055 Government Center Parkway, Suite 1048
Fairfax, VA 22035
703-324-9300, TTY 711
www.fcrevit.org





County of Fairfax, Virginia

MEMORANDUM

DATE: April 15, 2014

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Michael A. Davis, Acting Chief *PUH For MAD*
Site Analysis Section, DOT

FILE: 3-5(SE 2013-HM-024)

SUBJECT: SE 2013-HM-024; University of North America
Tax Map: 029-3 ((20)) 0009A

This department has reviewed the SE application and the plat revised through December 22, 1983. We have the following comments.

The applicant is located in an office building adjacent to the County's planned Ashgrove Trail (behind the office building) and within a half mile radius to the future Metro rail silver line Spring Hill Station. Therefore, FCDOT requests a public access easement in the driveway aisle south of the office building to connect the future trail with the metro rail station.

Due to its location in Tysons Corner and proximity to the metro rail station, the applicant stated in the Statement of Justification that approximately thirty percent (30%) of the students will arrive by automobile and have at least one other passenger and the remainder seventy percent (70%) will use public transportation. Staff has crafted a set of Transportation Demand Management (TDM) development conditions that is consistent with the development conditions of SE 2009-PR-027, another university/college-use applicant that is also a tenant in an office building in Tysons Corner. The TDM conditions have been provided to the applicant and should be included in the development conditions of this SE application.

Staff would like to note that there may be a parking issue with the applicant's proposed use expansion and the available parking spaces that they have in the garage that is shared with other tenants in the office building. The applicant states that the maximum number of people onsite at one time would be 280 before the use expansion and 560 after the expansion. There are only 101 parking spaces available to the applicant in the parking garage. The applicant should strongly enforce their TDM strategies and encourage carpool and transit use so the parking demand does not exceed the available parking spaces.

MAD/AY



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

GREGORY A. WHIRLEY
COMMISSIONER

January 29, 2014

To: Ms. Barbara Berlin
Director, Zoning Evaluation Division

From: Noreen H. Maloney
Virginia Department of Transportation – Land Development

Subject: SE 2013-HM-024
University of North America

All submittals subsequent to the first submittal shall provide a response letter to the previous VDOT comments. Submittals without comment response letters are considered incomplete and will be returned without review.

This office has reviewed the subject application and offers the following comment.

- The enrollment for this application will not adversely impact peak hour traffic.



County of Fairfax, Virginia

MEMORANDUM

DATE: March 10, 2014

TO: Suzanne Lin, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Hugh Whitehead, Urban Forester II *HW*
Forest Conservation Branch, DPWES

SUBJECT: 8618 Westwood Center Drive (University of North America)
SE 2013-HM-024

I have reviewed the above referenced Special Exception application including a Statement of Justification and an "As-Built" plan of the Westwood 9A Building in which the use is proposed, dated November 12, 2013 and December 30, 2013, respectively. A site visit was conducted on March 4, 2014.

The application regards a proposed change in use of the building and does not propose any site work for the new use. All Zoning Ordinance requirements for tree canopy, transitional screening, and interior and peripheral parking lot landscape appear to be satisfied for the site. Urban Forest Management Division staff has no further comments at this time.

If there are any questions or further assistance is needed, please contact me at (703)324-1770.

HCW/
UFMDID #: 187727

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes





County of Fairfax, Virginia

MEMORANDUM

DATE: February 4, 2014

TO: Suzanne Lin
Department of Planning and Zoning

FROM: Sharad Regmi, P.E.
Engineering Analysis and Planning Branch

SUBJECT: Sanitary Sewer Analysis Report

REF: **Application No. SE-2013-HM-024**
Tax Map No. 029-3-((20))-0009-A

The following information is submitted in response to your request for a sanitary sewer analysis for above referenced application:

1. The application property is located in the Difficult Run (D-3) watershed. It would be sewer into the Blue Plains Treatment Plant.
2. Based upon current and committed flow, there is excess capacity in the Blue Plains Treatment. For purposes of this report, committed flow shall be deemed that for which fees have been paid, building permits have been issued, or priority reservations have been established by the Board of Supervisors. 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 inch line located on the property is 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.

<u>Sewer Network</u>	<u>Existing Use +Application</u>		<u>Existing Use + Application +Previous Applications</u>		<u>Existing Use + Application + Comp Plan</u>	
	<u>Adeq.</u>	<u>Inadeq</u>	<u>Adeq.</u>	<u>Inadeq</u>	<u>Adeq.</u>	<u>Inadeq</u>
Collector	X		X		X	
Submain	X		X		X	
Main/Trunk	X		X		X	

5. **Other pertinent comments:**





FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Barbara Berlin, AICP, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, AICP, Manager
Park Planning Branch, PDD

A handwritten signature in black ink, appearing to be "SS", located to the right of the "FROM:" line.

DATE: January 28, 2014

SUBJECT: SE 2013-HM-024, University of North America, Inc.
Tax Map Number: 29-3 ((20)) 9A

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land, resources, facilities or service levels of the Park Authority.

FCPA Reviewer: Andrea Dorlester
DPZ Coordinator: Suzanne Lin

Copy: Cindy Walsh, Director, Resource Management Division
Suzanne Lin, DPZ Coordinator
Chron Binder
File Copy

INDUSTRIAL DISTRICT REGULATIONS

PART 4 5-400 I-4 MEDIUM INTENSITY INDUSTRIAL DISTRICT**5-401 Purpose and Intent**

The I-4 District is established to provide areas for scientific research, development and training, offices, manufacture and assembly of products, and related supply activities. Basically, the provisions of the I-4 District are similar to those of the I-3 District, but a greater intensity of development is allowed than that permitted in the I-3 District.

5-402 Permitted Uses

1. Accessory uses and accessory service uses as permitted by Article 10.
2. Child care centers and nursery schools, limited by the provisions of Sect. 405 below.
3. Churches, chapels, temples, synagogues and other such places of worship.
4. Contractor's offices and shops.
5. Crematory, human or animal.
6. Establishments for printing of any size, production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing, or repair of materials, goods or products and associated retail sales; however, bulk storage of flammable materials for resale, and those particular heavy industrial uses set forth in Par. 13 of Sect. 9-501 shall not be permitted.
7. Establishments for scientific research, development and training.
8. Financial institutions.
9. Funeral homes.
10. Kennels, limited by the provisions of Sect. 405 below.
11. Light public utility uses (Category 1), all uses except radio or television broadcasting tower facilities, microwave facilities, satellite earth stations, and mobile and land based telecommunication facilities.
12. Mobile and land based telecommunication facilities, subject to the provisions of Sect. 2-514.
13. Motor freight terminals.
14. Motor vehicle storage and impoundment yards.
15. New vehicle storage, limited by the provisions of Sect. 405 below.
16. Offices.

SPECIAL EXCEPTIONS

3. All applications for medical care facilities shall be filed at the same time as the application for a State Medical Facilities Certificate of Public Need. The application for the special exception shall be referred to the Health Care Advisory Board for a recommendation and report, which shall be developed in accordance with the provisions of Par. 1 and Par. 2 of Sect. 308 below and furnished to the Planning Commission and Board of Supervisors.

9-304 Standards for all Category 3 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 3 special exception uses shall satisfy the following standards:

1. For public uses, it shall be concluded that the proposed location of the special exception use is necessary for the rendering of efficient governmental services to residents of properties within the general area of the location.
2. Except as may be qualified in the following Sections, all uses shall comply with the lot size requirements of the zoning district in which located.
3. Except as may be qualified in the following Sections, all uses shall comply with the bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Category 3 use may be increased.
4. All uses shall comply with the performance standards specified for the zoning district in which located, including the submission of a sports illumination plan as may be required by Part 9 of Article 14.
5. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-305 Additional Standards for Conference Centers and Retreat Houses

1. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.

9-306 Additional Standards for Independent Living Facilities

1. Housing and general care shall be provided only for persons who are sixty-two (62) years of age or over, couples where either the husband or wife is sixty-two (62) years of age or over and/or persons with handicaps (disabilities), as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse, if any. In addition, any dwelling unit within the facility may include a live-in aide. For the purposes of this Section, a live-in aide is any person who meets the definition set forth in the U.S. Department of Housing and Urban Development (HUD) regulations, Article 24, of the Code of Federal Regulations, Section CFR 5.403 and 982.316, and is further subject to Public and Indian Housing Notices PIH 2008-20 and 2009-22, and any future applicable notices issued by HUD.

An independent living facility may also provide for a resident care provider(s), subject to the provisions of this Section. A resident care provider is any person who lives in a

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 by the applicable zoning district. See Sect. 2-421 and 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	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
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	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		