



APPLICATION ACCEPTED: February 23, 2015
BOARD OF ZONING APPEALS: April 29, 2015 @ 9:00 a.m.

County of Fairfax, Virginia

April 22, 2015

STAFF REPORT

SPECIAL PERMIT SP 2015-PR-029

PROVIDENCE DISTRICT

APPLICANT/OWNER: Macerich

ZONING: C-4, C-7, PDC, SC, HC

LOCATION: 1971 and 1981 Chain Bridge Road,
7966 Tysons Corner Center

ZONING ORDINANCE PROVISIONS: 8-801, 8-804

TAX MAP: 29-4 ((1)) 19, 29-4 ((1)) 35A (pt.) and 29-4 ((2)) 26

AREA: 8.31 acres

PLAN MAP: Retail and Other Commercial Uses and Mixed Use

SPECIAL PERMIT PROPOSAL: To permit a temporary theatrical/circus use.

STAFF RECOMMENDATION:

Staff recommends approval of SP 2015-PR-029 subject to the proposed development conditions contained in Appendix 1.

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

Laura B. Arseneau

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/



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 Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

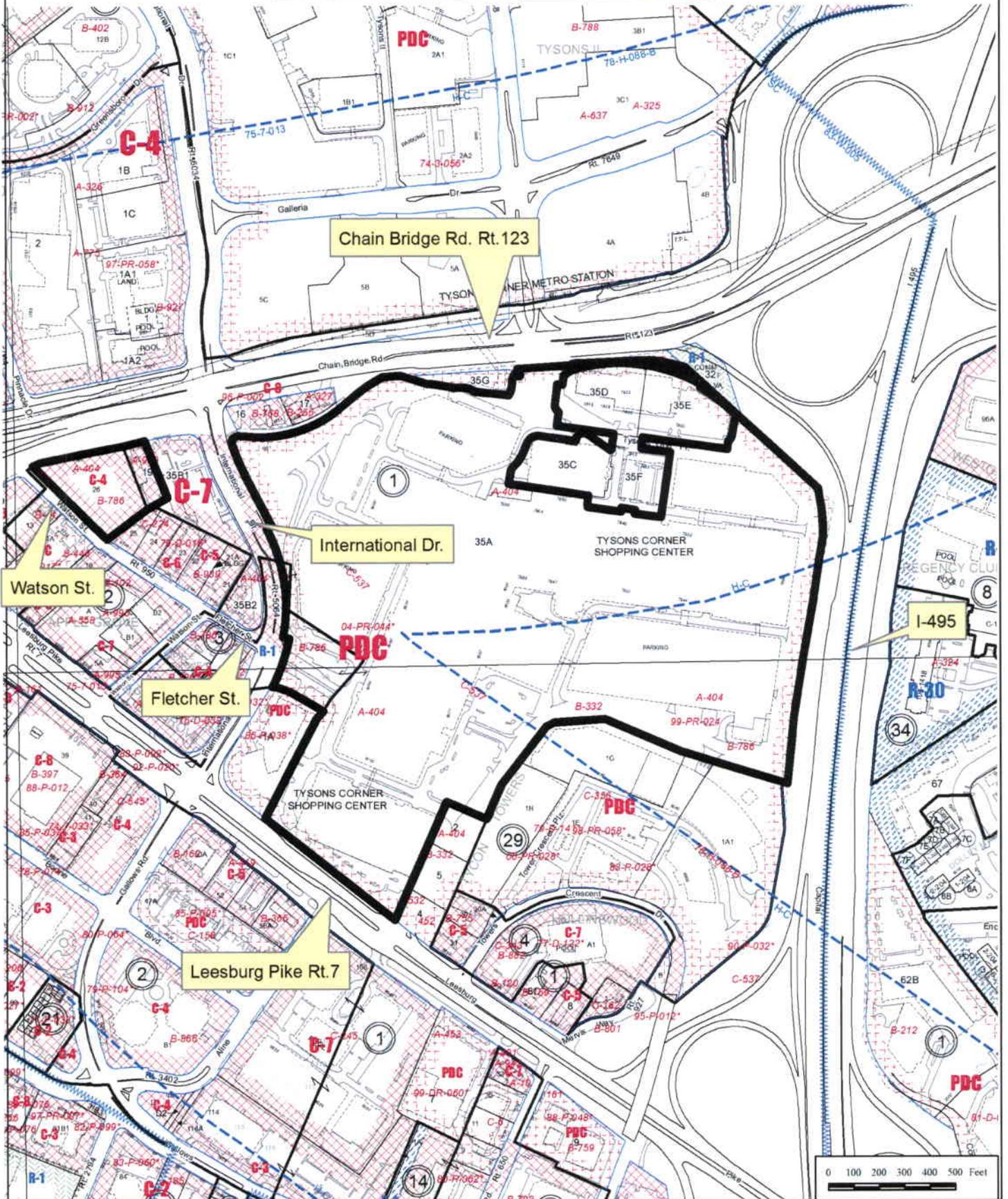
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

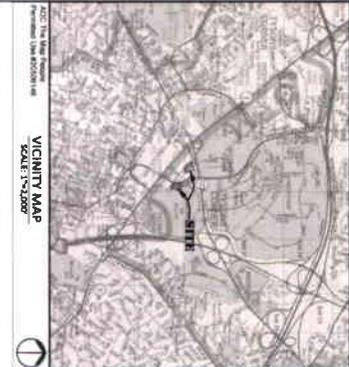
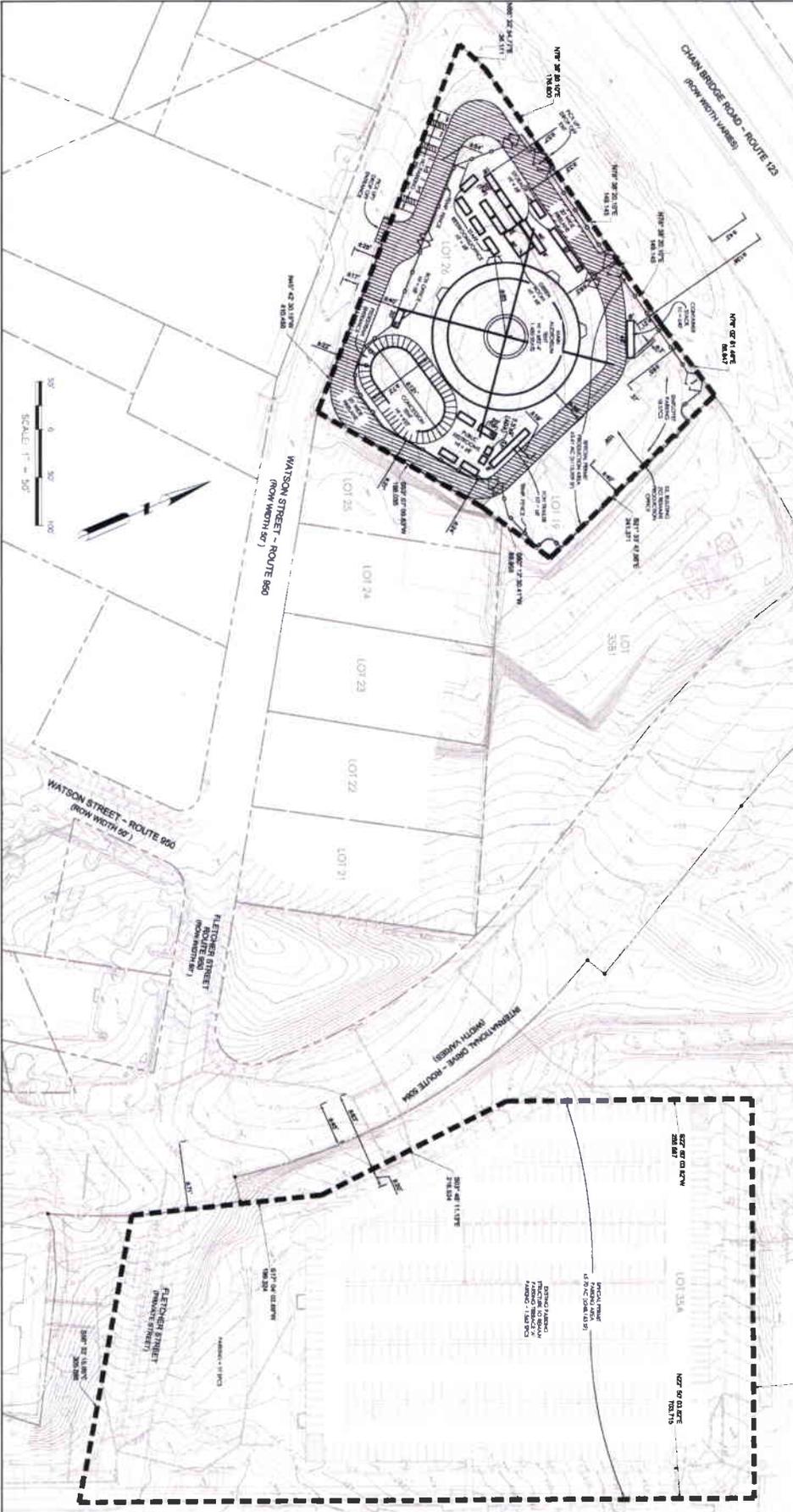
For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Permit SP 2015-PR-029 MACERICH





NOTES:

- 1) The proposed site is located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029.
- 2) The proposed site is located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029.
- 3) The proposed site is located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029, located on the subject of the Special Permit (SP) 15-PR-029.
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<p>SPECIAL PERMIT PLAT - SP 2015-PR-029 PETER PAN THEATRICAL PERFORMANCE TYSONS CORNER CENTER</p> <p>PROVIDENCE DISTRICT FAIRFAX COUNTY, VIRGINIA</p>	<p>Revision:</p> <table border="1"> <tr><td>REVISED PER COUNTY COMMENTS</td><td>08/05/15</td></tr> <tr><td>ADD'D DROP OFF INFERENCE NOTATION</td><td>02/17/16</td></tr> <tr><td>REVISED PER COUNTY COMMENTS</td><td>04/08/16</td></tr> </table>	REVISED PER COUNTY COMMENTS	08/05/15	ADD'D DROP OFF INFERENCE NOTATION	02/17/16	REVISED PER COUNTY COMMENTS	04/08/16	<p>Date:</p> <table border="1"> <tr><td>08/05/15</td></tr> <tr><td>02/17/16</td></tr> <tr><td>04/08/16</td></tr> </table>	08/05/15	02/17/16	04/08/16		<p>Stantec</p> <p>4800 DALL DRIVE, SUITE 100 CHANTILLY, VA 20151</p> <p>Tel: 703.248.1200 Fax: 703.248.1201 www.stantec.com</p>
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DESCRIPTION OF THE APPLICATION

The applicant requests approval to permit a temporary theatrical use at the site of the former Pearle Vision Store on Watson Street in Tysons Corner (Lots 19 and 26) with parking located in Terrace A of Tysons Corner Center Mall (Lot 35A). The show will be a 360-degree theater in the round production of Peter Pan that will take place from June 23, 2015 through August 23, 2015. A temporary tent with a capacity of 1,450 seats provides the performance space.

A temporary theatrical use would normally be pursued as an administratively-approved Temporary Special Permit, which can last for a maximum of 21 days. However, per Sect.8-803 the applicant is requesting approval of a regular Special Permit to allow the use for 61 days, which requires approval by the Board of Zoning Appeals (BZA).

A number of temporary structures are proposed with this application. Three tents will be erected on the site that will house the stage, the concession stand and the backstage area for the performers. A number of trailers will also be brought on site for restrooms, office space and equipment storage. The applicant is also utilizing the former Pearle Vision building on Lot 19 for temporary office space.

Attendees of the performances will be directed to park in Terrace A of the Tysons Corner Center Shopping Mall. Nine handicapped parking spaces and a pick-up and drop-off site are planned on Lot 26 near the tent site. Attendees will then walk from Terrace A to the tent site. Additional overflow parking can be accommodated in Terrace B of the shopping center located to the south of Terrace A. The applicant has provided a detailed pedestrian management plan detailed in a later section of this report.

It should be noted that the applicant also has received sponsorship from Visit Fairfax, a non-profit organization, as required by the Sect.8-804 of the Zoning Ordinance, for temporary special permits.

Copies of the proposed development conditions, the statement of justification with select file photographs and the affidavit are contained in Appendices 1 through 3, respectively.

Size:	Lot 26:	2.11 acres
	Lot 19:	0.5 acres
	Lot 35 A (pt):	5.7 acres
	Total:	8.31 acres

Employees: 85

Hours of Operation: 8:00 a.m. to 12:00 a.m.

Show Times:

Monday- Friday (2 shows)
 10:30 a.m. OR 1:30 p.m. (not both)
 AND 7:30 p.m.

Saturday (3 shows)
 11:30 a.m., 3:30 p.m., 7:30 p.m.

Sunday
 If 2 shows- 1:30 p.m. and 5:30 p.m.
 If 3 shows- 11:30 a.m., 3:30 p.m., 7:30 p.m.

Special Permit Plat (Copy at front of staff report)

Title of SP Plat: Special Permit Plat- SP 2015-PR-029, Peter Pan Theatrical Performance, Tysons Corner Center
 Prepared By: Joshua E. Orndorff, P.E., of Stantec
 Dated: April 8, 2015

CHARACTER OF THE SITE AND SURROUNDING AREA

The subject properties, Lot 19 and Lot 26 , where the temporary tents are to be located, are south of Chain Bridge Road and near the Tysons Corner Shopping Center. The site is located northwest of the intersection of International Drive and Fletcher/Watson Street. The parking area, Terrace A, is located to east of the intersection of International Drive and Fletcher/Watson Street.



Figure 1- Aerial View of Subject Properties

The proposed venue site is the now vacant Pearle Vision building (Lot 19) and its accessory parking lot (Lot 26).

Surrounding Area Description

Lot 19 and 26- Proposed Tent Site

Direction	Use	Zoning
North	High Density Office (across Chain Bridge Road)	C-4
East	Regional Retail	C-7
South	Regional Retail	C-7
West	Highway Commercial (across International Drive)	C-8, PDC

BACKGROUND (Appendix 4)

Lot 26

- On July 18, 1962, the Board of Supervisors approved A-404, to rezone 82 acres on tax map 29-4 and 39-2 from residential (R-E) to commercial (C-G).
- On February 7, 1968, the Board of Supervisors approved B-786, to rezone 8.55 acres on tax map 29-4 and 39-2 from commercial (C-D) to commercial/ office (C-OH).

Lot 19

- On December 23, 1964 the Board of Supervisors approved A-959, to rezone an area in tax map 29-4 from residential (RE-1) to commercial (C-D).

Lot 35 A (pt)- Parking Terrace A

- On January 22, 2007, the Board of Supervisors approved RZ 2004-PR-044, to rezone from C-4, C-7, HC, and SC Districts to the PDC, HC, and SC Districts for mixed use development.

Similar Case History (Appendix 5)

Similar applications for a temporary special permit use for a theatrical performance have been approved by the BZA.

- On June 30, 1993, the BZA approved SP 93-P-023 to permit a circus with a maximum of 2500 seats, Cirque Du Soleil, in the Tysons Corner area
- On September 19, 2000, the BZA approved SPA 93-P-023, approved for a circus, with a maximum of 2600 seats, Cirque Du Soleil, in the Tysons Corner area

ANALYSIS

Comprehensive Plan Provisions

Plan Area: Area II, McLean
Planning Sector: Tysons Corner Community Planning Sector (M1),
South Tysons Central 123 Subdistrict
Plan Map: Retail and Other Commercial Uses and Mixed Use

The area is planned for a mix of uses, but the area is predominately developed with office and retail. The site specific Comprehensive Plan language is included in Appendix 6 of the staff report.

Planning Division Comments (Appendix 7)

Staff maintains that the Comprehensive Plan encourages entertainment uses and that adequate parking can be provided on the Tysons Corner Center property.

Staff's primary concern is for safe and efficient pedestrian access from the designated parking area to the production site. The applicant is providing traffic marshals and has provided a map showing the location of these employees for the pre-show and post-show periods along the International Drive and Fletcher/Watson Street intersection; temporary signage is also provided to direct vehicles and pedestrians. The applicant has also committed to provide stanchions along a portion of Fletcher/Watson Street to encourage attendees to remain on the sidewalk when exiting the show.

Staff further recommends the applicant have police at the International Drive and Fletcher/Watson Street intersection to direct pedestrian and vehicular traffic before and after each performance. A proposed development condition is included that requires the applicant to have police present at the intersection of International Drive and Watson/Fletcher Streets for each performance.

Fairfax County Department of Transportation Comments (Appendix 8)

The applicant has provided specific show times to address transportation impacts on the site, provided a community outreach plan, committed to provide wayfinding and signage, and is including parking maps with ticket purchases.

Transportation staff also recommends police presence at the International Drive and Fletcher/Watson Street intersection. A proposed development condition is included that requires the applicant to have police presence at the intersection of International and Watson/Fletcher street (same as above), for each performance.

Zoning Ordinance Requirements (Appendix 10)

The application must meet all of the following standards:

- *Sect. 8-006 General Special Permit Standards*
- *Sect. 8-804 Standards and Time Limits for Carnivals and Other Uses*

Special Permit Requirements

General Special Permit Standards (Sect. 8-006)

General Standards 1 and 2 require that the proposed use at the specified location be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations.

Since this a temporary use, no permanent development is being proposed that contradicts with the existing street grid or pedestrian circulation. The applicant is proposing a pedestrian management plan and demonstrated the minimal traffic impact related to the proposed use as discussed in a later section of this report.

Building Height: *Maximum building heights in this area range from 175 feet to 225 feet, depending upon location.*

As this is a temporary use, this guideline is not directly applicable; however, the temporary tent is proposed to be 81 feet 8 inches in height and conforms with the recommendation in the Comprehensive Plan. Elevations are included in the front of the staff report.

Similarly, although not required by the Zoning Ordinance, the temporary use would meet all C-4, C-7, PDC, SC, and HC requirements, with respect to height, setback and bulk.

General Standard 3 requires that 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 use is only for a fixed time period during the summer of 2015 and no permanent site changes have been proposed with this application. Once the time limit of the temporary use is completed, the applicant will return the site to its current state of a parking lot and vacant structure.

In addition, the applicant has committed to and already began outreach to nearby businesses to minimize disruption. The applicant has provided the nearby businesses with information about the show, including construction dates, show schedule, pedestrian flow, contact information, and towing information (included in Appendix 8). A proposed development condition has been included to ensure that the applicant designates a point of contact for the businesses to call if any conflicts arise. Therefore,

staff believes that the proposed application meets these criteria.

General Standard 4 requires that 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.

To address this specific regulation the applicant has proposed a pedestrian management plan and analyzed traffic impacts. These are discussed below:

Proposed Pedestrian Management Plan

For pre-show pedestrian access, the applicant has committed to directing ticket holders to park in Terrace A of the shopping center, or use the new Metro station (with access through the mall). Pedestrians accessing the site will be directed to use a singular route which can be more effectively managed. However, in the event that overflow parking is needed at Terrace B, the applicant will provide adequate pedestrian management techniques to ensure safe passage to the tent site from this location. A development condition has been included to this effect.

The applicant has proposed the use of pedestrian safety directors or traffic marshals on the pedestrian route from the parking areas to the tent site, which crosses International Drive and continues along Fletcher/Watson Street as outlined in Figure 2. The applicant has also proposed to have police present at the intersection of International Drive and Fletcher/Watson Street.

For post-show pedestrian traffic that exits the tent site and return to the parking at Terrace A or walk through the mall to the Metro Station, the applicant has proposed stanchions, signage and pedestrian safety directors to ensure that pedestrians use the sidewalk (as shown on Figure 2).

Both before and after the show, the applicant has proposed to use variable message signs, which already exist on the property, to direct vehicles and pedestrians to appropriate locations and provide information with ticket sales that outlines the areas to park and the recommended pedestrian route to the site.

With the submission of the pedestrian management plan, demonstrated minimal vehicular impact and the Community Outreach Plan along with the proposed development conditions, staff believes that the proposed application meets this standard.



Figure 2- Applicant's Proposed Pedestrian Management Plan

General Standards 5, 6, 7 and 8 require landscaping, screening, open space, adequate utility, drainage, parking, loading, and signage to be regulated in accordance with the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

Adequate parking will be provided with a minimum of 435 spaces in Terrace A (and Terrace B if needed) and a loading area for pick-up and drop off is located outside of the temporary tent proposed on Lot 26. In the statement provided by the applicant, they note that the mall is currently overparked and exceeds the mandated parking rate. The applicant also stated the proposed pedestrian circulation and traffic increase will not affect current business operations of the mall, as the mall reaches its peak volume of visitors during November and December, and is at a relative low point during the summer months.

All temporary signage associated with this use shall be in conformance with the provisions of the Zoning Ordinance. A proposed development condition is included to address this concern.

The applicant shall ensure that all utilities are adequate to meet site demands. A development condition has been included to address this concern.

No landscaping, screening or open space regulations are required with this application. Staff believes that minimal additional drainage will occur since the site is completely developed with existing impervious surface.

Standards and Time Limits for Carnivals and Other Uses Set Forth in Par.1 of Sect. 801 (Sect. 8-804)

Standard 1 requires that a temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days.

As mentioned previously, the temporary use/ or other similar use, is usually processed as a Temporary Special Permit, which is administratively reviewed and approved by the Zoning Administrator. However, per Sect. 8-803.3 a temporary use may exceed 21 days, with approval by the Board of Zoning Appeals.

Standard 2 requires that all permitted activities shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic association, place of worship or religious organization, sports or hunt club, charitable, education or non-profit organization or recognized chapter thereof whose principal administrative offices are located within the County.

The temporary theatrical use is being sponsored by Visit Fairfax, Fairfax County's official tourism organization and is a non-profit organization with offices located in Fairfax County.

Standard 3 requires that where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival. The Zoning Administrator shall determine, from previous performance and other information that the owner or owners are of good repute.

The production company address is:

Peter Pan the Tour, LLC
124 Canfield Hill Drive
Gaithersburg, MD 20878

The company has successfully in producing the Peter Pan show, with a similar number of attendees and tent structures in other locations including Chicago, Illinois, and London, England. Therefore, the production company has completed previous performances while demonstrating responsible management techniques in other jurisdictions.

Standard 4 requires that the sponsoring organization shall furnish the Health Director information as to the sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.

The applicant will provide temporary toilet facilities for attendees. Any related information will be provided to the Health Department during permit coordination. A development condition has been included to address this concern.

Standard 5 requires that the Zoning Administrator shall not issue a temporary special permit for a carnival or circus where such activity, as proposed, will:

- a. *Occur within two (2) miles of any other carnival or circus for which a temporary special permit has been previously obtained under this Section, and*
- b. *Commence within a time period of three (3) weeks from the ending date of any other carnival or circus within a two (2) mile radius for which a temporary special permit has been previously obtained under this Section.*

No temporary special permits for carnivals or circuses have been approved by the Zoning Administrator from a time period of May 4, 2015 through August 28, 2015 within 2 miles of this application.

Standard 6 requires that no temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.

The applicant is directing visitors to park in nearby Terrace A of the Tysons Corner Shopping Center and adjacent surface parking, which is approximately a five to seven minute walk from the tent site. The parking terrace contains 1,562 parking spaces and the surface parking lot contains approximately 27 parking spaces. The applicant is using a ratio of 1 parking space per 3.6 people and therefore estimates approximately 435 parking spaces will be needed for a sold out performance with 1,450 seats. The applicant has also provided a pick-up and drop-off location and a nine handicapped parking spaces at the tent site. The Fairfax County Department of Transportation has additional analysis that is included in a later section of this report. With the implementation of proposed development conditions, staff feels that the applicant satisfies this requirement.

Standard 7 requires that the Zoning Administrator shall notify the Animal Services Division of the Police Department upon receipt of an application for a temporary special permit involving the display or exhibition of animals.

This application does not propose the display or exhibition of animals.

Standard 8 requires that a \$100.00 cash deposit shall be required to ensure that the removal, within twenty-four (24) hours after the closing of the sale or event, of all structures, trash, debris and signs permitted by the provisions of Par. 3J of Sect. 12-103.

The applicant has noted in their statement of justification that they will comply with this provision by paying the \$100.00 cash deposit and will remove all structures, trash, debris and signs within 24 hours of the last event. Staff, however, feels that additional time is needed for the breakdown of the production and a development condition has been proposed to address this concern.

CONCLUSION

Staff believes that the temporary special permit request for a theatrical use is in conformance with the Comprehensive Plan and applicable Zoning Ordinance provisions.

The proposal for 1,450 attendees per show with a maximum of three shows per day will impact the Fletcher/Watson Street and International Drive intersection during show times. Staff has analyzed current conditions of the sidewalk along the pedestrian route, the proposed and current traffic and the intersection, to ensure the area could handle the increased flow of pedestrians and vehicles, while not conflicting with normal mall traffic.

The applicant has provided a pedestrian management plan, parking tabulations, a proposed vehicular traffic impact analysis and a neighborhood outreach plan to mitigate negative impacts on nearby properties. Based on this, staff believes that the site can provide adequate pedestrian access and vehicular access, and has sufficient parking for the 1,450 attendees per show.

With the imposition of proposed development conditions, staff believes that the site is adequate for the proposed temporary use.

RECOMMENDATION

Staff recommends approval of SP 2015-PR-029 subject to the proposed development conditions contained in Appendix 1.

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

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

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 the application.

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification with floor plans and select file photos
3. Affidavit dated April 14, 2015
4. Zoning History
5. Similar Case History
6. Comprehensive Plan Language
7. Planning Department Comments dated April 2, 2015
8. Fairfax County Dept. of Transportation Comments dated April 16, 2015
9. Neighborhood Outreach Plan
10. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2015-PR-029****April 22, 2015**

If it is the intent of the Board of Zoning Appeals to approve SP 2015-PR-029 located at Tax Map 29-4 ((2)) 26, 29-4 ((1)) 19 and 29-4 ((1)) 35A (pt.), to permit a temporary theatrical/circus use under Sects. 8-801 and 8-804 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Macerich, and is not transferable without further action of this Board and is for the location indicated on the application and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by Joshua E. Orndorff of Stantec dated April 8, 2015, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. Performances of the theatrical production on the subject site shall be limited to a time period between and including June 23, 2015 and August 23, 2015. Rehearsals and staging for the production shall be permitted from May 9, 2015 through June 23, 2015.
5. The hours of operation for the site shall be limited to 8:00 a.m. to 12:00 a.m. daily.
 - Performances shall occur:
 - Monday through Friday -2 shows only
 - 10:30 a.m. OR 1:30 p.m. AND daily at 7:30 p.m.
 - Saturday- 3 shows only
 - 11:30 a.m., 3:30 p.m. and 7:30 p.m.
 - Sunday- option of 2 shows OR 3 shows
 - 2 shows- 1:30 p.m. and 5:30 p.m.
 - 3 shows- 11:30 a.m., 3:30 p.m. and 7:30 p.m.

6. The maximum number of tickets issued per performance shall not exceed 1,450.
7. The number of employees and performers associated with this use shall be limited to 85 on-site at any one time. In addition, temporary service personnel as needed are permitted. An adequate number of police officers, security guards and/or production personnel shall be provided by the applicant for each performance to provide safety and traffic control for off-site traffic direction, pedestrian circulation and on-site parking coordination.
8. The Applicant shall provide an adequate number of parking spaces to accommodate 1,450 patrons which shall be a minimum of 435 spaces located in Parking Terrace A as indicated on Tax Map 29-4 ((1)) 35A. Access to parking shall be clearly designated with signage.
9. In the event that overflow parking is needed, the parking garage at Terrace B shall be utilized. The applicant shall provide proper wayfinding and pedestrian coordinators to ensure safe passage of pedestrians to the tent site from both Terrace A and B, as necessary.
10. In consultation with the Fairfax County Police Department, the applicant shall employ police officers at the intersection of International Drive and Fletcher/Watson Streets before and after each performance.
11. Coincident with the first week of the show's opening, the applicant shall schedule a meeting on-site with VDOT Traffic Operations staff in order to determine whether adjustments to the signal timings of one or more the traffic signals located along International Drive between and including Route 123 (Chain Bridge Road) and Route 7 (Leesburg Pike) by VDOT would improve or enhance circulation (both vehicular and/or pedestrian) through the intersections during the time of the show's operation.
12. There shall be no carnival rides or games operated on-site.
13. All trash and debris shall be contained on the site and shall be removed as necessary throughout the day.
14. The applicant shall furnish the Health Director with information on sanitary arrangements and facilities and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.
15. The applicant shall remove all structures, trash, debris and signs permitted by the provisions of Par. 3J of Sect. 12-103 within one week of the last show date and no later than August 28, 2015.

16. Any signs on the property shall be located in accordance with Article 12, Signs.
17. The applicant shall provide the name and telephone number of a contact person to the neighboring businesses along Fletcher/Watson Streets for the purpose of reporting any concerns, issues, or conflicts with the production.

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.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

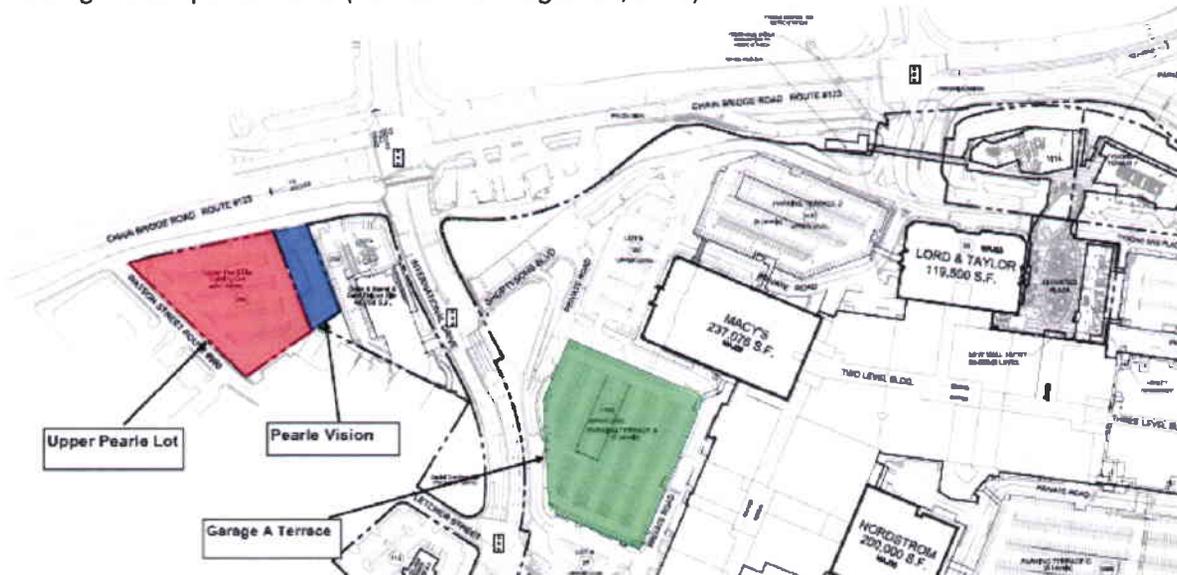
Macerich
Peter Pan Production
SP 2015-PR-029
Special Permit Statement of Justification
April 8, 2015

Introduction

Macerich (the "Applicant") is processing this Special Permit application on behalf of the owners of three parcels located in Tysons Corner, Virginia. The properties are identified on the Fairfax County Tax Map as follows:

- 29-4 ((2)) 26 owned by Tysons Corner Property LLC ("Parcel 26")
- 29-4 ((1)) 19 owned by CAM Tysons LLC ("Parcel 19")
- 29-4 ((1)) 35A (pt.) owned by Tysons Corner Property Holdings LLC (the "Parking Parcel")

Macerich proposes to locate a temporary theatrical entertainment use on Parcel 26 and Parcel 19, with parking for the production to be provided in existing Parking Terrace A and the adjacent surface parking lot on the Parking Parcel. The production of Peter Pan will take place June 23, 2015 through August 23, 2015, with construction of temporary structures and rehearsals to take place from May 9th through June 23rd. The production will occur in a tent structure to be erected prior to opening night and removed following the last performance (no later than August 28, 2015).



This family-friendly, acrobatic theatrical performance will be enjoyed by children and adults and will be a great summer addition to Tysons Corner, Fairfax County and the region. The use will take place on underutilized properties with nearby parking, bus and rail transit access.

While this use would normally be pursued via an administrative Temporary Special Permit, due to the length of time of the production (over 21 days), the Applicant respectfully requests approval of a Special Permit from the Board of Zoning Appeals for this Group 8 temporary use.

Location of the Properties

The three properties are located in the center of Tysons near the Tysons Corner Metro Station. Parcels 26 and 19 are generally located in the southeast quadrant of Chain Bridge Road and Watson Street and will be the site of the proposed production (“Production Site”). These parcels comprise approximately 2.6 acres (113,909 SF).

The Parking Parcel is a portion of the Tysons Corner Center shopping mall (the “Center”) property located in close proximity to the Production Site. This Parking Parcel comprises the shopping center’s existing Parking Terrace A and the adjacent surface parking lot-both of which are located on International Drive near the entrance to Tysons Corner Center. Parking Terrace A contains 1,562 parking spaces, and the neighboring surface parking lot includes 27 spaces.

Background on Peter Pan

The Peter Pan production toured the United States in large metropolitan markets in 2010 and 2011. While the main auditorium structure is a temporary tent, the experience is high-end with state-of-the-art technology, cloth seats and exciting special effects. The production will appeal to children and adults of all ages with the timeless classic story of Peter Pan performed in a theatre-in-the-round. Video projection on the roof of the tent will set the backdrop of the story as it unfolds from London, England to the Land of the Lost Boys. The Tysons Corner performance this summer will kick off the 2015-2016 Peter Pan tour of the United States. See Exhibit A for photos of recent productions with the tent and a dimensioned detail of the main tent.

Three tents will be erected on the site. The main auditorium will house the show, while the concession tent will be used as an entrance and for the sale of food and beverage concessions and merchandise. In the back stage area, a green room tent will be used by the artists when they are not on stage. There are also trailers used for restrooms, office space and equipment storage as indicated on the Special Permit Plat. The production will utilize the existing single story retail building located on Parcel 19 for administrative/employee purposes.

Shows are proposed to take place daily with no more than three performances each day. Performances are expected at the following show times:

Monday – Friday

10.30 am or 1.30pm (not both)
7.30pm

Saturday

11.30am, 3.30pm, 7.30pm

Sunday

3 shows: 11.30am, 3.30pm, 7.30pm or
2 shows 1.30pm and 5.30pm

A total of 1,450 seats will be provided in the Main Auditorium tent. The tent creates much of the production’s experience-providing a comfortable view while also creating a space large enough to accommodate actors and actresses flying through the air amidst various backdrops.

Parking & Loading

As previously noted, parking for the production will take place in Parking Terrace A and the adjacent surface lot at Tysons Corner Center. Parking in these areas provides 1,589 parking spaces within a short 5-7 minute walk from the Production Site. ADA parking is proposed to be located on Parcel 26-with direct access to the adjacent tent.



A total of 435 spaces are proposed within Terrace A and the adjacent lot to accommodate the Peter Pan performances. This results in a ratio of parking to seats of approximately 1 space for every 3.3 seats (this is the Zoning Ordinance parking ratio for theatre uses). The production company (Peter Pan the Tour, LLC) has found that most attendees arrive with an average of 4 people per vehicle. Note that Cirque Du Soleil at Tysons II provided 1 space for every 4 seats in their 2000 application.

As a result of recent Comprehensive Plan and Zoning Ordinance amendments for Tysons Corner, lower parking ratios are now in place in Tysons. The County rezoned the Tysons Corner Center property prior to the approval of the new lower parking ratios; however, the Applicant was able to take advantage of the lower parking ratios per Section 11-101 para. 1 of the Zoning Ordinance. As

a result of the December 22, 2010 interpretation from then Zoning Administrator Eileen McLane and a subsequent Parking Re-designation Plan, Tysons Corner Center is able to provide as few as zero parking spaces for the retail shopping center use (see Exhibit B-attached 12/22/10 Interpretation).

While zero spaces are required for the retail development on the site, Tysons Corner Center has always worked to ensure that adequate parking is available for guests and employees. During the time of the production, Tysons Corner Center estimates that thousands of excess parking spaces will be available on the shopping center property. More specifically, based on a parking assessment completed by Wells + Associates on behalf of Macerich, a significant number of spaces will be available within Terrace A during performance times. Providing 435 spaces for the Peter Pan use within Terrace A and the adjacent surface lot will pose no adverse impact on the operation of the shopping center. A copy of the Wells + Associates assessment is included herein as Exhibit C.

During setup of the site and erection of the structures, parking will be provided on the Production Site. Loading will also take place on the Production Site.

From Terrace A, it is a short walk along Watson Street/Fletcher Avenue to the Production Site. Exhibit D illustrates the pedestrian route from the Tysons Corner Metro Station and Parking Terrace A to the

performance. As necessary, traffic management will be provided. The pedestrian access to the Production Site will be located on Watson Street/Fletcher Avenue as indicated on the Special Permit Plat.

Transit Access

In addition to accommodating patrons arriving via car, the Peter Pan production will be easily accessible via the recently opened Silver Line. The Tysons Corner Metro Station has an elevated, direct connection into the Tysons Corner Center shopping center. The Center's public corridors remain open the same hours as Metro, so arriving or departing by Metro will allow for an easy connection through the Center to the Production Site.

Numerous bus routes also provide a connection to the Center and the surrounding area. Bus stops are available on the Tysons Corner Center property as well as at the Tysons Corner Metro Station. From these bus stops, it is only a short walk to reach the Production Site.

Comprehensive Plan Compliance

Upper Pearle is located in the South Tysons Central 123 District in Subarea 5: Watson Street. The Comprehensive Plan for Tysons encourages the provision of art and cultural facilities in Tysons in order to create a 24-hour active environment in Tysons Corner. This temporary theatrical entertainment use will fill a need for theatre/cultural/entertainment space in Tysons and help demonstrate the interest and enthusiasm for such a use on a more permanent basis in the future.

Visit Fairfax Sponsorship

Visit Fairfax, the County's official tourism organization, will be serving as the local sponsor of this production. Visit Fairfax is a 501(c)(6) non-profit organization with offices located in Fairfax County. This partnership meets the sponsorship requirements outlined in Section 8-804 para. 2 of the Zoning Ordinance.

Special Permit Submission Requirements

Description of Proposed Use: The proposed temporary use is a 360-degree theatrical entertainment experience for the summertime production of Peter Pan. The production will run for approximately nine weeks this summer and will provide an exciting use on currently underutilized properties.

Type of Operation: This theatrical entertainment use is a Group 8 Special Permit Use as indicated in Section 8-801 para. 1: "Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities."

Hours of Operation:

- Use of the site will be needed May 4, 2015-August 28, 2015, including setup, rehearsals, performances and removal of the structures and equipment. Hours of operation for construction/set-up, performances and take-down of equipment: Daily 8:00am-Midnight.
- May 4, 2015-June 23, 2015-Equipment and infrastructure set-up and rehearsals
- August 23, 2015-August 28, 2015-Equipment and infrastructure take-down
- The production will be open to the public June 23-August 23

Estimated Number of Patrons: 1,450 seats will be provided

Proposed Number of Employees: 80

Estimate of Traffic Impact of Proposed Use: Typically, trip generation estimates for various land uses are based on rates/equations published in the Institute of Transportation Engineers (ITE), *Trip Generation*. The ITE Trip Generation Handbook includes a land use category for theatre, which is the most similar type of use in the ITE Handbook to the proposed theatrical entertainment use. However, this Land Use: 441 Live Theater is based on only one study during the weekday PM peak hour. Given the potential inaccuracy of the outputs determined from the ITE Trip Generation rate for a temporary live theater use, daily trips were developed based on information provided by the applicant and a literature search conducted by Wells + Associates.

Based on an ITE Journal titled "Live Music Theater Parking and Traffic Characteristics," a vehicle occupancy rate of 2.5 persons/vehicle has traditionally been used in determining a live theater use's trip estimate. Given the maximum capacity of the temporary/seasonal use is 1,450 seats, it can be assumed the use would generate 580 inbound vehicle trips and 580 outbound vehicle trips for patrons alone (a total of 1,160 vehicle trips) per showing. The applicant is currently proposing performances up to seven (7) days a week with no more than three (3) performances a day. Additionally, the vehicle occupancy rate for employees of the temporary live theater use was assumed to be 1.0 person/vehicle for the 35 temporary employees and 4.5 persons/vehicle for the 45 permanent employees/performers-yielding 45 total inbound vehicle trips and 45 total outbound vehicle trips (a total of 90 vehicle trips) per day. The daily temporary employees would be attracted from the local economy. The permanent employees/performers will be staying in local hotels and would be dropped-off/picked-up at the performance venue via a shuttle system. As shown in Table 1, these assumptions were compiled to create estimated average daily vehicle trips for the proposed temporary/seasonal use.

Table 1: Calculation of Average Daily Vehicle Trips

Day of the Week	Maximum Number of Performances	Patron Vehicle Trips (In + Out)	Employee Vehicle Trips (In + Out)	Total Vehicle Trips per Day
Mon. – Sun.	3	3,480	90	3,570

(1) 1,160 patron vehicle trips per performance (580 inbound + 580 outbound)

(2) 90 employee vehicle trips per day (45 inbound + 45 outbound)

As shown in Table 1, the proposed temporary theatre use would add approximately 3,570 average daily trips at peak use to the network. This estimate does not include a proportion of trips that could be made by use of mass transit, and considers every available seat utilized which is not generally the case. This estimate therefore should be considered a worst case scenario.

General Area to Be Served By Use: Patrons are expected from Tysons Corner, Fairfax County and the Washington, DC metropolitan region.

Description of Proposed Structures: Three tents will be erected on the site as indicated in the Special Permit Plat. The Main Auditorium has a 120' diameter and will house the performances. A 100' x 50' concession tent is used as an entrance and for the sale of refreshments and merchandise. A tent is also provided for use by the artists as a green room. Trailers are used for restrooms, office space and equipment storage as indicated on the Special Permit Plat.

Listing of All Hazardous/Toxic Substances: To the best of our knowledge, no hazardous or toxic substances are located on the property.

Statement that Proposed Development Conforms to Provisions of Applicable Ordinance, Regulations, etc.: This proposed temporary use conforms to all applicable ordinances and regulations except as noted.

Statement Confirming Ownership of the Subject Property: Letters from the owners of the properties authorizing Macerich to process this Special Permit application are included in the Special Permit application package.

**Section 8-804 Standards and Time Limits for Carnivals and
Other Uses Set Forth in Par. 1 of Section 801**

1. **A Temporary Special Permit (“TSP”) may be issued for a period not to exceed 21 days-**As noted above, the Applicant proposes a Special Permit in lieu of a TSP because the length of the show will exceed 21 days.
2. **Permitted activities must be sponsored by an organization or non-profit whose principal administrative office is located in Fairfax County-**As noted above, Visit Fairfax, a non-profit located in Fairfax County, will be sponsoring this production.
3. **Furnish Zoning Administrator with the name and address of the production’s operators**
Peter Pan the Tour, LLC
124 Canfield Hill Drive
Gaithersburg, MD 20878
4. **Furnish the Health Director with information on sanitary arrangements and facilities-**This information will be provided during permit coordination with the Health Department.
5. **The Zoning Administrator shall not issue a TSP for a carnival or circus under certain circumstances-**N/A-This application is not for a carnival or circus use.
6. **No TSP shall be issued without adequate off-street parking and loading-**As noted above, 435 parking spaces will be provided at Tysons Corner Center parking Terrace A and the adjacent surface lot, with loading to be provided on the Production Site. Please note that in addition to accommodating patrons arriving in their vehicles, this location conveniently accommodates those taking bus or rail transit.
7. **The Zoning Administrator shall notify the Animal Services Division regarding applications that include display/exhibition of animals-**N/A
8. **A \$100 cash deposit is required to ensure removal within 24 hours after closing of all structures, trash, debris and signs-**Will comply

Photos of Upper Pearle Lot:

- 02.11.15. Panoramic view facing East. Taken from the center of the lot bordering to Pearle Vision building.



- 02.11.15. Panoramic view facing South. Taken from the center of the lot.



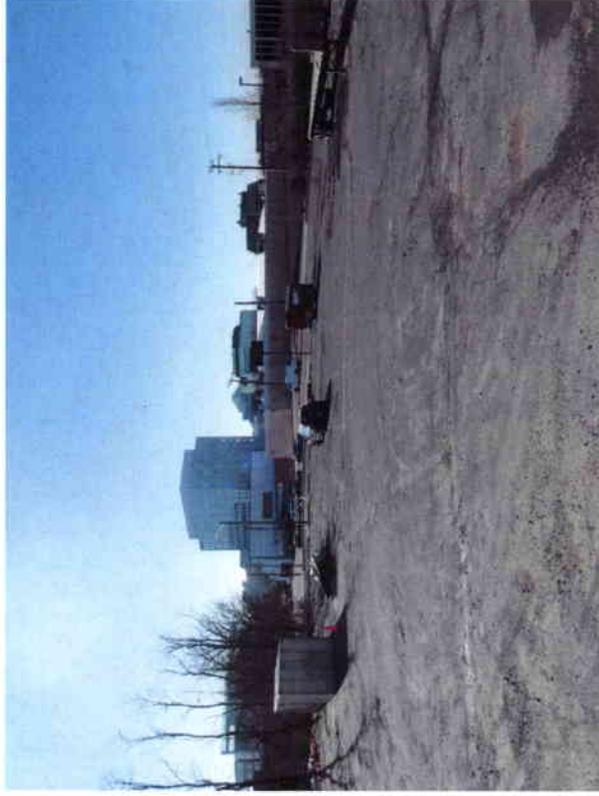
- 02.11.15. Panoramic view facing West. Taken from the center of the lot.



- 02.11.15. Taken from the center of the lot, facing North (bordering to street i.e. parallel to Route 123).



- 02.11.15. Taken from the center of the lot, facing South (partially bordering Busara parking lot and Watson Street).



- 02.11.15. Taken from the center of the lot, facing West (partially bordering Watson Street).



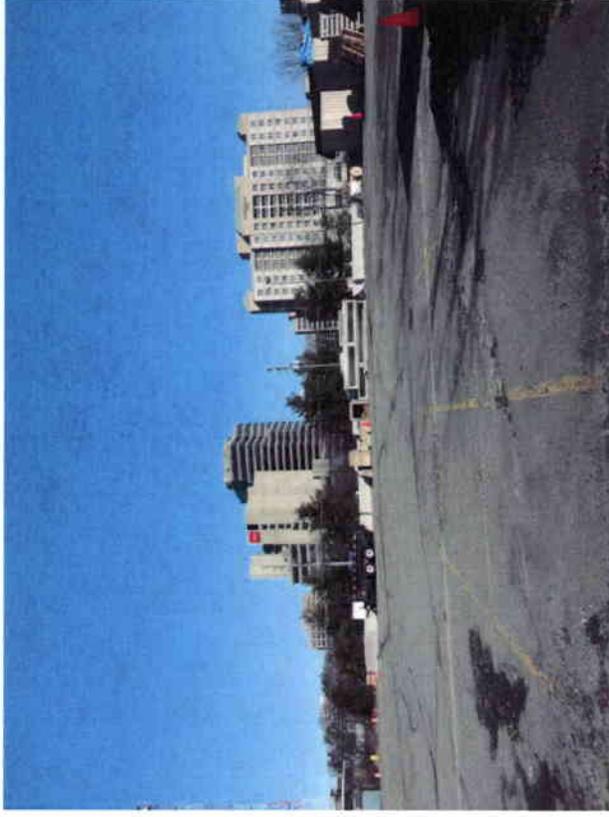
- 02.11.15. Taken from the center of the lot, facing East (bordering Pearle Vision).



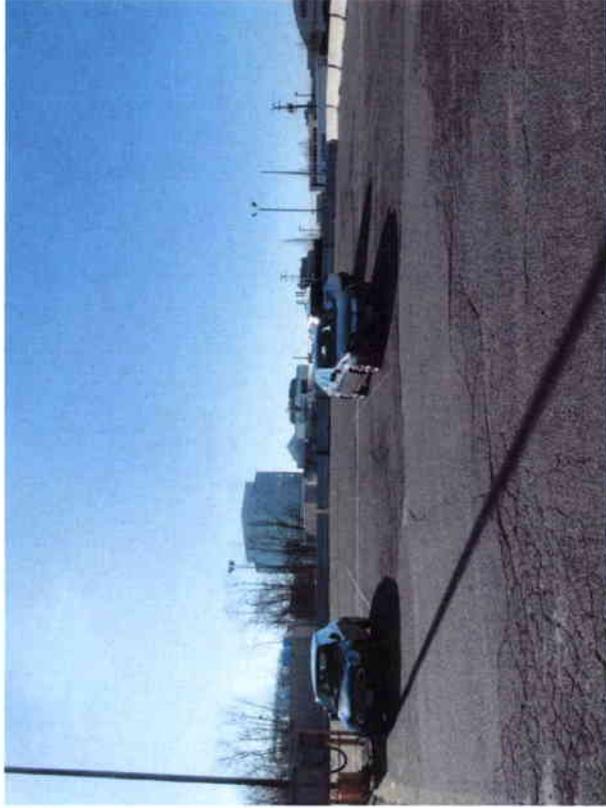
- 02.11.15. Taken from the edge of the lot, facing North East (partially bordering street i.e. parallel to Route 123 and Pearle Vision).



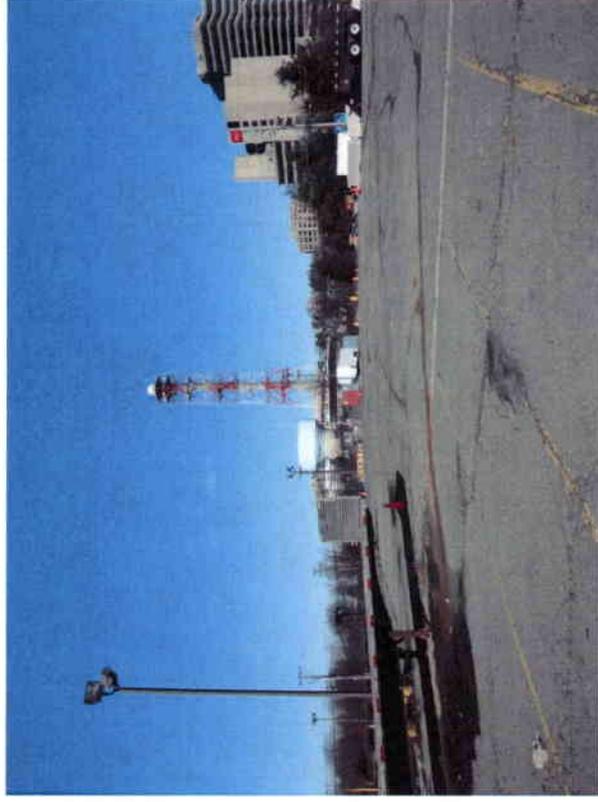
- 02.11.15. Taken from the edge of the lot, facing North (bordering street i.e. parallel to Route 123).



- 02.11.15. Taken from the edge of the lot (Pearle Vision Side), facing South (partially bordering Pearle Vision, Busara Parking lot and Watson Street).



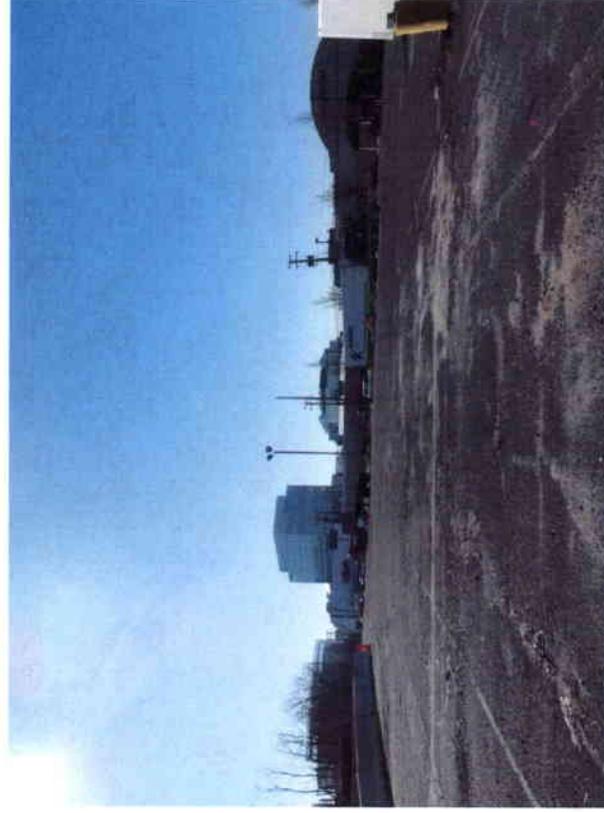
- 02.11.15. Taken from the edge of the lot, facing North West (partially bordering Watson Street and the street i.e. parallel to Route 123).



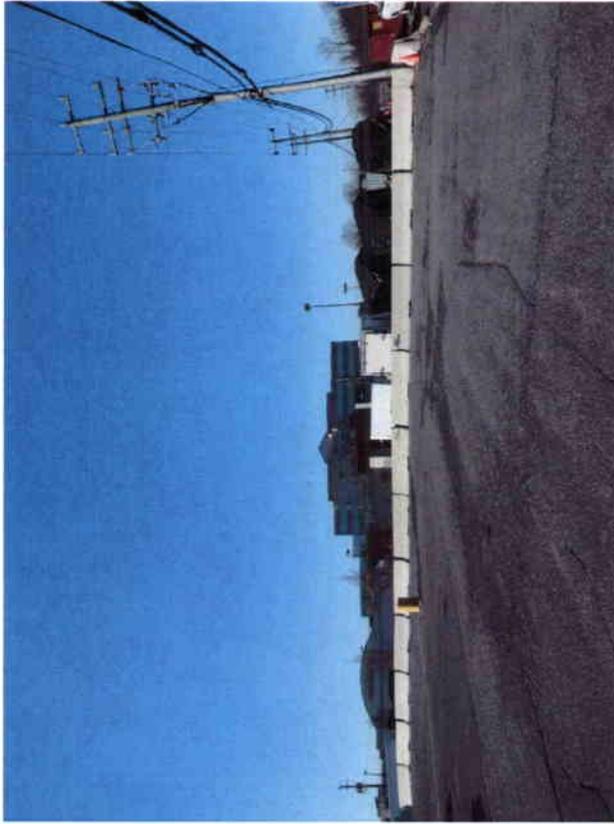
- 02.11.15. Taken from the edge of the lot (Pearle Vision side) facing South East (partially bordering Pearle Vision and Busara Parking lot).



- 02.11.15. Taken from the edge of the lot facing South (partially bordering Busara Parking lot and Watson Street).



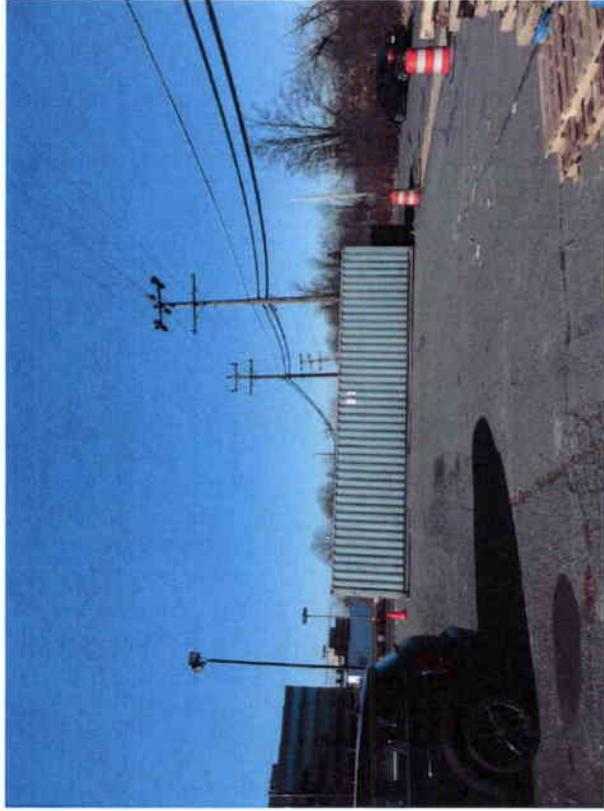
- 02.11.15. Taken from the edge of the lot (Pearle Vision side) facing South West (partially bordering Watson Street and street i.e. parallel to Route 123).



- 02.11.15. Taken from the edge of the lot facing South East (partially bordering Pearle Vision and Busara Parking lot).

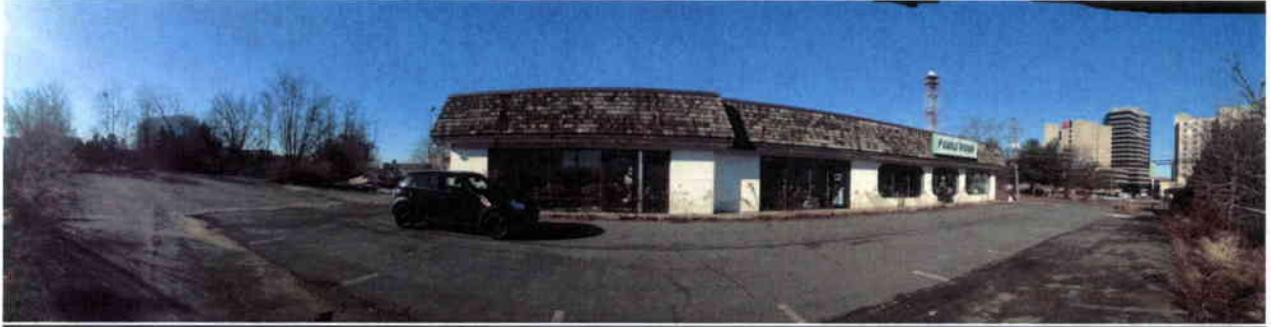


- 02.11.15. Taken from the edge of the lot facing South West (partially bordering Watson Street and street i.e. parallel to Route 123).

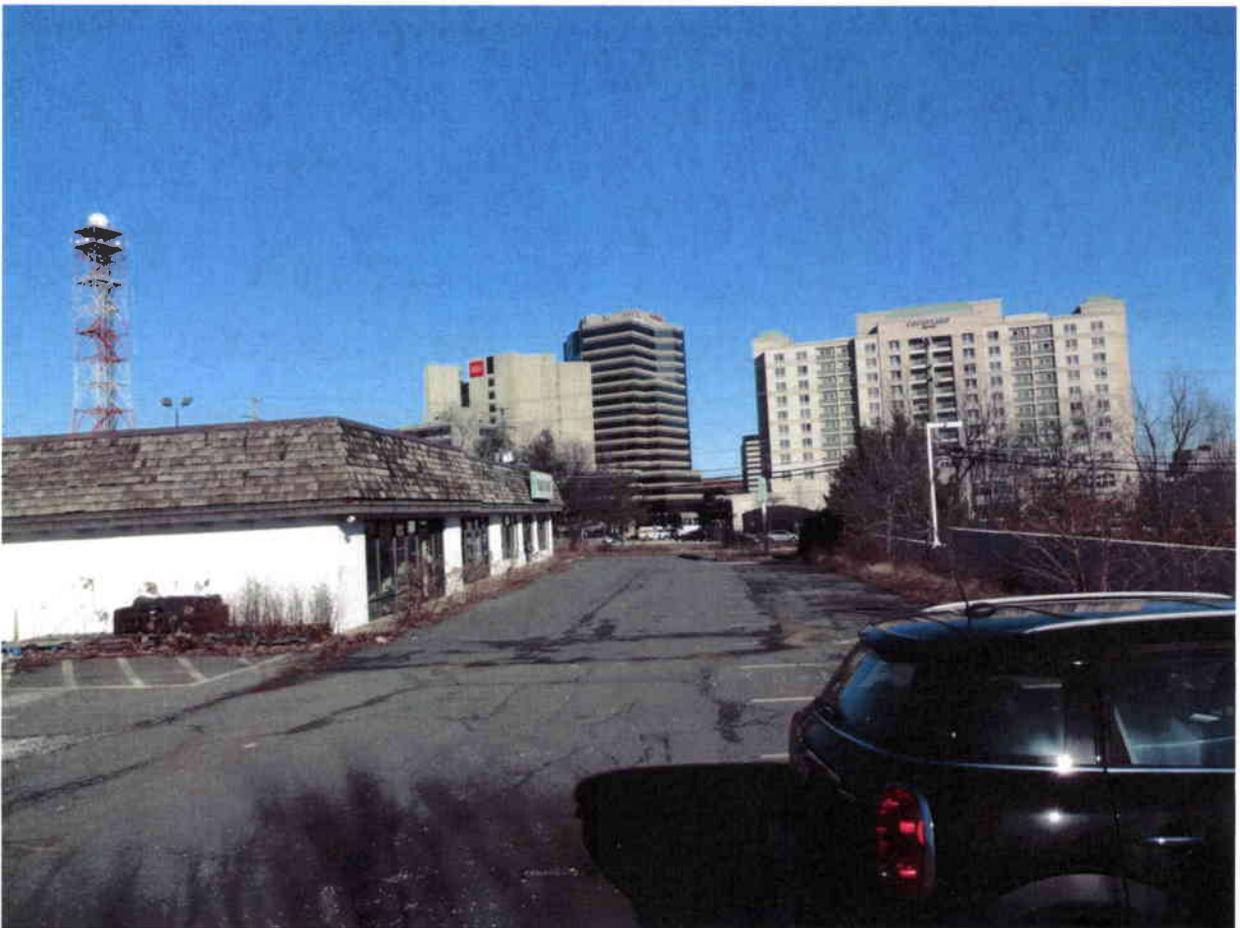


Photos of Pearle Vision:

- 02.11.15. Panoramic view facing West



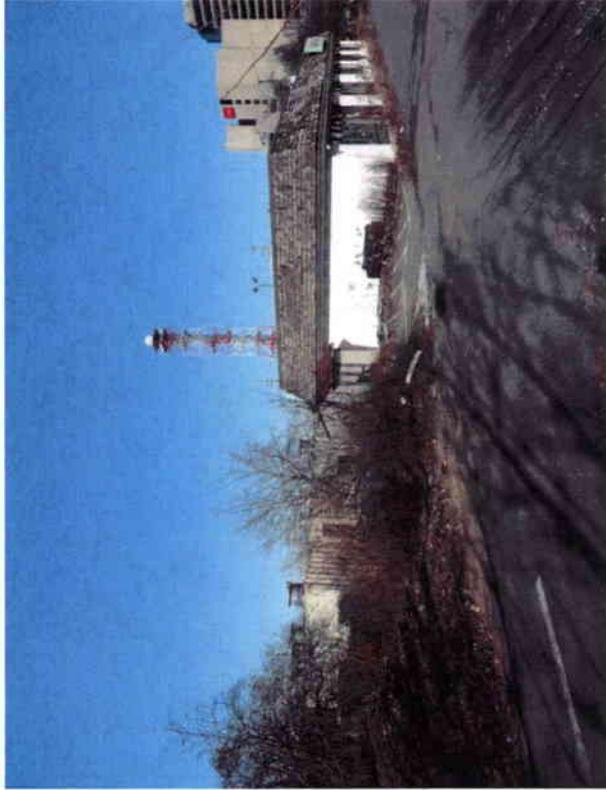
- 02.11.15. Facing North



- 02.11.15. Facing North East



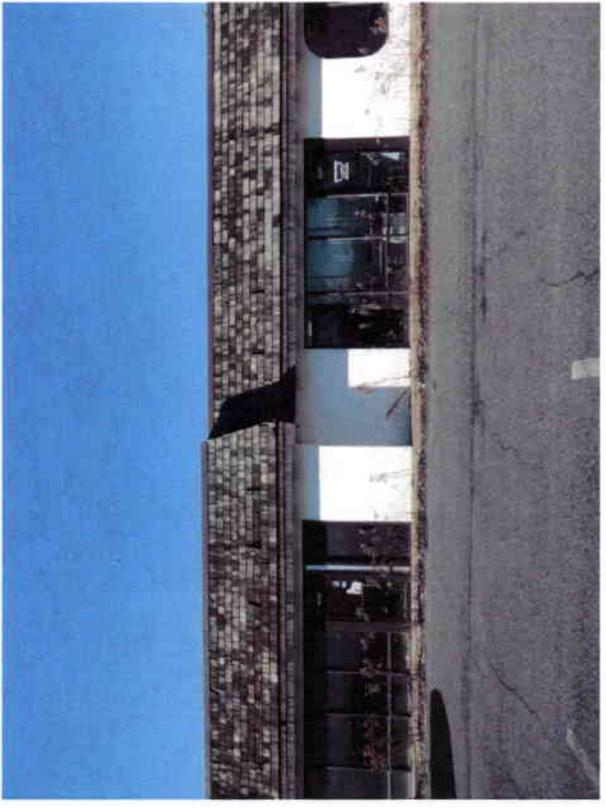
- 02.11.15 Facing North West (bordering on Upper Pearle Lot behind the building)



• 02.11.15 Facing East (bordering on Crate & Barrel)



• 02.11.15 Facing West



- 02.11.15 Facing South



- 02.11.15 Facing South East



- 02.11.15 Facing South West



Photos of Garage A Terrace:

- 02.11.15. Panoramic view facing North.



- 02.11.15. Panoramic view facing South.



- 02.11.15. Facing North East.



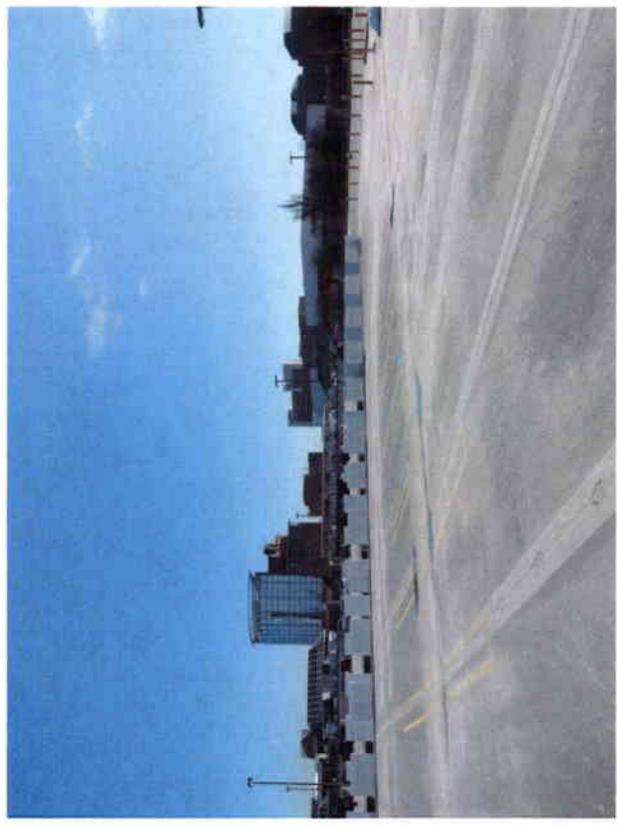
- 02.11.15. Facing North.



• 02.11.15_Facing North West



• 02.11.15_Facing East



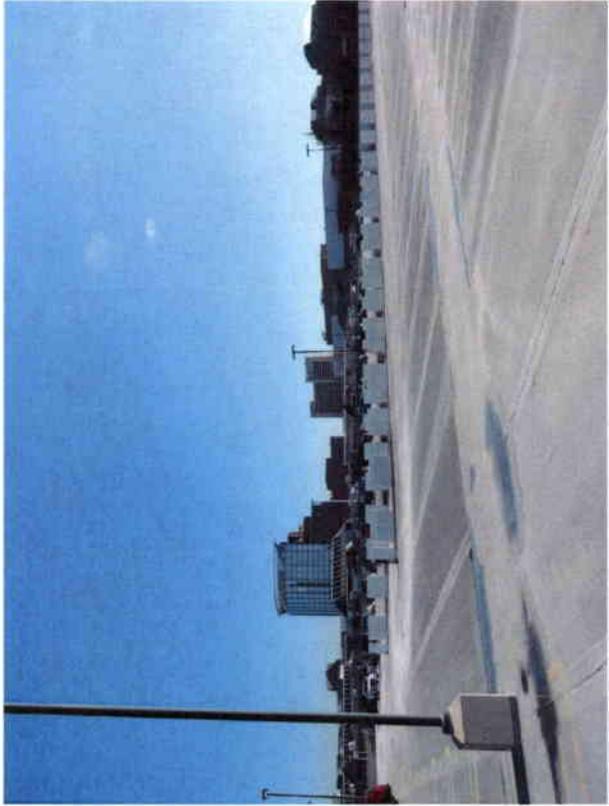
• 02.11.15_Facing South.



• 02.11.15_Facing West.



- 02.11.15, Facing South West.



- 02.11.15, Facing South East.





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: April 14, 2015

TO: Laura G. Arseneau, Planner III
 Applications Acceptance Section
 Zoning Evaluation Division
 Department of Planning and Zoning

FROM: Sepideh Aflaki-Khosrowshani, Paralegal
 Office of the County Attorney

SUBJECT: BZA Affidavit
 Temporary Application No. SP 2015-0051

REF.: 128542

RECEIVED
 Department of Planning & Zoning

APR 15 2015

Zoning Evaluation Division

Attached is a copy of an application and an original affidavit that has been approved by the Office of the County Attorney for the following case:

Name of Applicant

Affidavit Date of Oath

Macerich

4/14/2015

Attachment

Application No.(s): SP 2015-PR-029
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

I, John E. Harrison, do hereby state that I am an
(enter name of applicant or authorized agent)

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

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Tyson's Corner Property Holdings LLC Agents: John E. Harrison Hillary K. Zahm Robert H. Maurer Cory C. Scott Vijayashree (nmi) Thapa Rebecca L. Wilcox Kevin P. Marroquin Anna C. Northcutt	c/o The Macerich Company 401 Wilshire Boulevard, Suite 700 Santa Monica, CA 90401	Title Owner of 29-4 ((1)) 35A

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance 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).

SP 2015-PR-029

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page 1 of 2

Special Permit/Variance Attachment to Par. 1(a)

DATE: April 9, 2015
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128542

(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)
Tyson's Corner Property LLC Agents: John E. Harrison Hillary K. Zahm Robert H. Maurer Cory C. Scott Vijayashree (nmi) Thapa Rebecca L. Wilcox Kevin P. Marroquin Anna C. Northcutt	c/o The Macerich Company 401 Wilshire Boulevard, Suite 700 Santa Monica, CA 90401	Title Owner of 29-4 ((2)) 26
CAM Tyson's LLC Agents: John E. Harrison Hillary K. Zahm Robert H. Maurer Cory C. Scott Vijayashree (nmi) Thapa Rebecca L. Wilcox Kevin P. Marroquin Anna C. Northcutt	c/o The Macerich Company 401 Wilshire Boulevard, Suite 700 Santa Monica, CA 90401	Title Owner of 29-4 ((1)) 19
The Macerich Company Agents: John E. Harrison Hillary K. Zahm Robert H. Maurer Cory C. Scott Vijayashree (nmi) Thapa Rebecca L. Wilcox Kevin P. Marroquin Anna C. Northcutt	401 Wilshire Boulevard, Suite 700 Santa Monica, CA 90401	Applicant
Stantec Consulting Services Inc. Agents: Jeffrey T. Lohr Stacie L. Kurzhals Joshua E. Orndorff	4500 Daly Drive, Suite 100 Chantilly, VA 20151	Civil Engineer

(check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Permit/Variance Attachment to Par. 1(a)" form.

SP 2015-PR-029

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page 2 of 2

Special Permit/Variance Attachment to Par. 1(a)

DATE: April 9, 2015
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128542

(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)
M.J.Wells & Associates Agents: Robin L. Antonucci Lester E. Adkins, III Kevin R. Fellin Larry E. Sefcik Justin B. Schor	1420 Spring Hill Road, Suite 610 Tysons, VA 22102	Traffic Engineer
Peter Pan the Tour, LLC Agents: Randy J. Bloom Duncan J. Fisher Charles M. Burnell	28 Old Rudnick Lane Dover, DE 19901	Lessee
Visit Fairfax Agent: Barry H. Biggar	3702 Pender Drive, Suite 420 Fairfax, VA 22030	Sponsor
Cooley LLP Agents: Antonio J. Calabrese Mark C. Looney Colleen P. Gillis Jill S. Parks Brian J. Winterhalter Jeffrey A. Nein Ben I. Wales Molly M. Novotny Katherine P. Humphrey	11951 Freedom Drive Reston, VA 20190	Attorney

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

Application No.(s): SP 2015-PR-029
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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, number, street, city, state, and zip code)

Tyson's Corner Property Holdings LLC
c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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

Tyson's Corner Property LLC

(check if applicable) There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance 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.

Application No.(s):

SP 2015-PR-029

(county-assigned application number(s), to be entered by County Staff)

Page 1 of 8

Special Permit/Variance Attachment to Par. 1(b)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

Tyson's Corner Property LLC
c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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)

Alaska Permanent Fund Corporation
MACW Tysons, LLC

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

Alaska Permanent Fund Corporation
801 West 10th Street, Suite 302
Juneau, AK 99801

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)

Alaska Permanent Fund Corporation is
owned by the State of Alaska

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

Application No.(s):

SP 2015 - PR - 029

(county-assigned application number(s), to be entered by County Staff)

Page 2 of 8

Special Permit/Variance Attachment to Par. 1(b)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

MACW Tysons LLC, c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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

MACWH, LP

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

Walleye Retail Investments LLC, c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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

Macerich Walleye LLC
Walleye LLC

(check if applicable) [x] There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SP 2015-PR-029
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Special Permit/Variance Attachment to Par. 1(b)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

Macerich Walleye LLC, c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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)

The Macerich Partnership, L.P.

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

Walleye LLC, c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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)

The Macerich Partnership, L.P.

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

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DATE: April 9, 2015
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NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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)

Publicly traded as MAC on the NYSE, and
no shareholder owns more than 10% of
Tysons Corner Property Holdings LLC,
Tysons Corner Property LLC, or CAM
Tysons LLC

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

CAM Tysons LLC, c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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)

The Macerich Partnership, L.P.

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

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DATE: April 9, 2015
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NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Stantec Consulting Services Inc.
4500 Daly Drive, Suite 100
Chantilly, VA 20151

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)

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

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 610
Tysons, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

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

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

M.J. Wells & Associates, Inc. Employee
Stock Ownership Trust. All employees are
eligible plan participants; however, no one
employee owns 10% or more of any class of
stock.

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

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Special Permit/Variance Attachment to Par. 1(b)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

Peter Pan the Tour LLC
28 Old Rudnick Lane
Dover, DE 19901

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

PPNH, LLC
Threesixty US Inc.

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

PPNH, LLC
2 Ridgedale Avenue, Suite 370
Cedar Knolls, NJ 07927

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

Norton Herrick

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued further on a "Special Permit/Variance Attachment to Par. 1(b)" form.

Application No.(s): SP 2015-PR-029
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Special Permit/Variance Attachment to Par. 1(b)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

Threesixty US Inc.
28 Old Rudnick Lane
Dover, DE 19901

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)

Threesixty Entertainment Limited

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

Threesixty Entertainment Limited
2nd Floor
80-81 St Martins Lane
London WC2N 4AA, England

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)

Miklo Beheer BV (Does not own 10% or more of Peter Pan the Tour LLC)

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

Application No.(s):

SP 2015 - PR - 029

(county-assigned application number(s), to be entered by County Staff)

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Special Permit/Variance Attachment to Par. 1(b)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

Visit Fairfax
3702 Pender Drive, Suite 420
Fairfax, VA 22030

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

Barry H. Biggar
Jackie (nmi) Franchi

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 Permit/Variance Attachment to Par. 1(b)" form.

Application No(s):

SP 2015-P12-029

(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

PARTNERSHIP INFORMATION

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

MACWH, LP
c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

(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)

Limited Partners:

Walleye Retail Investments LLC
DB Holdings LLC*
Judy W. Linehan
M. Colleen Wilmot
Daniel H. Wilmot
Dennis A. Wilmot
James R. Wilmot
Kevin R. Wilmot
Michael T. Wilmot
Patrick W. Wilmot
Sallie A. Wilmot
Thomas C. Wilmot
Jamie L. Cesere
Michael P. Linehan
Thomas C. Wilmot Trust fbo James Albert Wilmot*

Loretta W. Conroy
Paul J. Wilmot
Thomas C. Wilmot, Jr.
Great Northern Holdings, LP*
LGW Holdings, LP*
Maywil Associates, L.P.*
Rotterdam Holdings, L.P.*
Syracuse Venture Assoc.*
Danmall Property, Inc.*
GEM, Inc.*
GMT, LLC*
Wilmorite, Inc.*
Freecorp Property, Inc.*
Freehold Raceway Mall, Inc.*
Hudwil Properties, Inc.*
Wildev Property, Inc.*
Wilridge Property, Inc.*
Wilsar Property, Inc.*

James L. Backus
Ronald A. Cocquyt
Alfred W. Friedrich
John E. Kelly
John R. Kraus
Robert (nmi) Coleman

*Does not own more than 10% of Tysons Corner Property Holdings LLC, Tysons Corner Property LLC, or CAM Tysons LLC

General Partner:

Walleye Retail Investments LLC

(check if applicable) [X] There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance 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.

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Special Permit/Variance Attachment to Par. 1(c)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

The Macerich Partnership, L.P.
c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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

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

Limited Partners:

The Macerich Company (public REIT)
Dana K. Anderson and Nancy Sue Anderson, as Trustees of the Anderson Family Trust *
Richard A. Bayer and Shelley A. Bayer, Trustees, the Bayer Trust dated March 25, 1999*
William P. Beatson
Randy Brant
Scott Burchard
Michael Busenhart
Claude Keyzers Trust UTA 9/30/83 *
Coppola Investments LLC*
Arthur Coppola
Coppola Portfolio LLC*
Edward Coppola
Edward C. Coppola, Jr. and Nancy E. Coppola 2012 Grantor Trust*
Eleanor P. Coppola
Michael Coppola
Elizabeth Ann DeMartin
Anthony Grossi
Keith & Florence Smith TR 8/7/90 *
Thomas Leanse
Albert Thomas Nassi
Northwestern Mutual Life *
Thomas O'Hern
Tom Pendergrast
Robert D. Perlmutter (Former)
Robert D. Perlmutter as Trustee of the Robert D. Perlmutter Revocable Trust dated October 1, 1983 as amended*
Eric Salo

Stephen D. Rausch, Trustee of the Rausch Family Trust of 2003 Dated February 8, 2003 *
Samantha Siegel Revocable Trust, effective December 5, 2013*
Article Fourth Trust w/a/d 2/27/07 f/b/o Evan Siegel *
Article Seventh Trust w/a/d 6/3/98 f/b/o Evan Siegel *
Evan Siegel Revocable Trust*
Michael F. Siegel
Mikki Siegel
Nathan Sims
Dane Smith
Abraham H. Taff Revocable Trust of 2007*
TR U/W/O Samuel Nassi, Albert Nassi & David Licht, Trustees *
Charles Waldron
Arthur W. Forte
Salisbury-Springhill Limited Partnership *
Timothy G. Sheehan
Silvia Breiholz, Trustee, Sylvia Breiholz Declaration of Trust dated March 25, 1987*
Michael Franchetti
Sherry Franchetti
Irene S. Kivitz Living Trust *
Seaport Ventures L.P.*

Lawrence R. Lanctot and Jane J. Lanctot as Co-Trustees of the Robert E. and Jane Lanctot Survivors Trust w/t/a 10/18/2002 *
Lawrence R. Lanctot and Jane J. Lanctot as Co-Trustees of the Robert E. and Jane Lanctot Marital Trust w/t/a 10/18/2002 *
Lawrence R. Lanctot and Jane J. Lanctot as Co-Trustees of the Robert E. and Jane Lanctot Exemption Trust w/t/a 10/18/2002*
Stephen T. Lanctot
Teresa M. When
Lawrence R. Lanctot and Lelia A. Lanctot, Co-Trustees of the Lawrence R. and Lelia A. Lanctot 1996 Family Trust uta June 13, 1996, as amended *
Morshead Family Trust *
S.R. & Patricia T. Stoffe
Catherine Wyler Trust *
Judy Wyler Trust *
Melanie Wyler Trust *
David Wyler Trust *
Richard H. Gould Living Trust *
John Gatto

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

Application No(s):

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Special Permit/Variance Attachment to Par. 1(c)

DATE: April 9, 2015
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PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, zip code)

The Macerich Partnership, L.P. (continued)
c/o The Macerich Company
401 Wilshire Boulevard, Suite 700
Santa Monica, CA 90401

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

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

Constance B. Sheehan, Trustee of the
Constance B. Sheehan Trust dated 9/22/03*
John & Carmen Aitken Trust *
Linda Lee Boyd, as Trustee of the Linda
Lee Boyd Survivor's Trust*
Kevin B. Clahan
Eugenia K. Clahan
James & Wera Clough Trust *
Jacobs Group Partnership *
Henry Jacobson
Mary Lou Fisher Jacobsen as Trustee under
Trust Agreement dated 9/2/94 *
Carol Ann Rosenberg Revocable Trust *
Daniel Spiegelman
Robert G. and Betty A. Spiegelman
Consolidated Living Trust *
Wilkinson Revocable Trust *
Newman Marital QTIP Trust *
Leroy H. Brettin, as Trustee of the Brettin
Family Trust *
Macerich SCG GP Corp. *
Macerich Great Falls GP Corp. *
Southwest Associates Investments, LLC *
El Camino Associates *
Charles Carlise
MACDAN Corp. *

General Partner:
The Macerich Comapny (public REIT)

* Does not own 10% or more of Tysons
Corner Property Holdings LLC, Tysons
Corner Property LLC, or CAM Tysons LLC

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

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Special Permit/Variance Attachment to Par. 1(c)

DATE: April 9, 2015
(enter date affidavit is notarized)

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

Cooley LLP
11951 Freedom Drive
Reston, VA 20190

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

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

Gian-Michele a Marca
Jane K. Adams
Maureen P. Alger
DeAnna D. Allen
Mazda K. Antia
Orion (nmi) Armon
Gordon C. Atkinson
Michael A. Attanasio
Jonathan P. Bach
Charles J. Bair
Celia Goldwag Barenholtz
Frederick D. Baron
Matthew S. Bartus
Michael D. Basile
Keith J. Berets
Ann (nmi) Bevitt
Laura Grossfield Birger
Thomas A. Blinka
Nicholas (nmi) Bolter
Barbara L. Borden
Jodie M. Bourdet
Wendy J. Brenner
David (nmi) Bresnick
Matthew J. Brigham
James P. Brogan
Nicole C. Brookshire
Matthew D. Brown
Alfred L. Browne III
Matthew T. Browne
Peter F. Burns
Blain B. Butner
John T. Byrnes

Robert T. Cahill
Antonio J. Calabrese
Christopher C. Campbell
William Lesse Castleberry
Lynda K. Chandler
Reuben H. Chen
Dennis (nmi) Childs
William T. Christiansen, II
Sean M. Clayton
John A. Clendenin
Samuel S. Coates
Jeffrey L. Cohen
Thomas A. Coll
Joseph W. Conroy
Christopher (nmi) Coulter
James (nmi) Crabtree
Carolyn L. Craig
John W. Crittenden
Janet L. Cullum
Nathan K. Cummings
John A. Dado
Scott D. Dailard
Benjamin G. Damstedt
Craig E. Dauchy
Mark (nmi) Deem
Renee R. Deming
Darren K. DeStefano
Eric W. Doherty
William P. Donovan, Jr.
Michelle C. Doolin
Joseph M. Drayton
Matthew P. Dubofsky
Christopher (nmi) Durbin
John C. Dwyer

Shannon (nmi) Eagan
Eric (nmi) Edwards
Ivor R. Elrifi
Heidi A. Erlacher
Gordon H. Empey
Sonya F. Erickson
Heidi (nmi) Erlacher
Mark (nmi) Everiss
Michael R. Faber
Lester J. Fagen
Jesse D. Farmer
Brent D. Fassett
John R. Feore, Jr.
Chris (nmi) Finney
M. Wainwright Fishburn, Jr.
Jennifer Fonner Fitch
Thomas J. Friel, Jr.
Francis (nmi) Fryscak
Koji F. Fukumura
James F. Fulton, Jr.
William S. Galliani
W. Andrew H. Gantt III
Jon E. Gavenman
Colleen P. Gillis
Jonathan C. Glass
Michael B. Goldstein
Wendy C. Goldstein
Kathleen A. Goodhart
Lawrence C. Gottlieb
Shane L. Goudey
William E. Grauer
Jonathan G. Graves
jacqueline I. Grise
Kenneth L. Guernsey

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

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Special Permit/Variance Attachment to Par. 1(c)

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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

Cooley LLP
11951 Freedom Drive
Reston, VA 20190

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

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

Patrick P. Gunn
Divakar (nmi) Gupta
Sarah J. Guske
Jeffrey M. Gutkin
John B. Hale
Danish (nmi) Hamid
Laurence (nmi) Harris
Ray (nmi) Hartman
Bernard L. Hatcher
Matthew B. Hemington
Cathy Rae Hershcopf
Gordon (nmi) Ho
Nick (nmi) Hobson
Lila W. Hope
C. Thomas Hopkins
Richard (nmi) Hopley
Mark M. Hrenya
Brendan J. Hughes
Christopher R. Hutter
Jay R. Indyke
Craig D. Jacoby
Eric C. Jensen
Robert L. Jones
Jeff (nmi) Kaban
Barclay J. Kamb
Richard S. Kanowitz
Kimberly J. Kaplan-Gross
Matthew A. Karlyn
Jeffrey S. Karr
Sally A. Kay
Heidi M. Keefe
David R. Kendall
Jason L. Kent

Mehdi (nmi) Khodadad
Charles S. Kim
Kevin M. King
Benjamin (nmi) Kleine
Michael J. Klisch
Jason M. Koral
Barbara A. Kosacz
Kenneth J. Krisko
Carol Denise Laherty
Mark F. Lambert
Matthew E. Langer
Samantha M. LaPine
John G. Lavoie
Pang (nmi) Lee
Robin J. Lee
Louis (nmi) Lehot
Jamie K. Leigh
Natasha (nmi) Leskovsek
Shira Nadich Levin
Alan (nmi) Levine
Michael S. Levinson
Stephanie (nmi) Levy
Elizabeth L. Lewis
Michael R. Lincoln
James C. T. Linfield
Samuel M. Livermore
Douglas P. Lobel
J. Patrick Loofbourrow
Mark C. Looney
Robert B. Lovett
James (nmi) Lu
Edward J. Lukins
Andrew P. Lustig
Thomas O. Mason
Jennifer (nmi) Massey

Joshua O. Mates
James (nmi) Maton
Michael J. McGrail
Becket (nmi) McGrath
John T. McKenna
Bonnie Weiss McLeod
Mark A. Medearis
Laura M. Medina
Beatriz (nmi) Mejia
Craig A. Menden
Erik B. Milch
Chadwick L. Mills
David E. Mills
J. Kevin Mills
Patrick J. Mitchell
Ali M.M. Mojdehi
Ann M. Mooney
Timothy J. Moore
Howard (nmi) Morse
Phillip (nmi) Morton
Frederick T. Muto
Danielle E. Naftulin
Ryan E. Naftulin
Jeremy M. Naylor
Stephen C. Neal
Edward J. O'Connell
Ian (nmi) O'Donnell
Rama (nmi) Padmanabhan
Kathleen (nmi) Pakenham
Timothy G. Patterson
Sarah (nmi) Pearce
Anne H. Peck
D. Bradley Peck

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

SP 2015-PR-029

Application No.(s):

(county-assigned application number(s), to be entered by County Staff)

Page 5 of 5

Special Permit/Variance Attachment to Par. 1(c)

DATE: April 9, 2015

(enter date affidavit is notarized)

128542

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

Cooley LLP
11951 Freedom Drive
Reston, VA 20190

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

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

David G. Peinsipp
Nicole (nmi) Peppe
Kevin (nmi) Perry
Robert W. Phillips
Susan Cooper Philpot
Frank V. Pietrantonio
Mark B. Pitchford
Michael L. Platt
Christian E. Plaza
Aaron M. Pomeroy
Marya A. Postner
Steve M. Przesmicki
Seth A. Rafkin
Frank F. Rahmani
Marc (nmi) Recht
Michael G. Rhodes
Michelle S. Rhyu
Lyle (nmi) Roberts
John W. Robertson
Ricardo (nmi) Rodriguez
Kenneth J. Rollins
Kevin K. Rooney
Adam J. Rutenberg
Akash (nmi) Sachdeva
Thomas R. Salley III
Jessica Valenzuela Santamaria
Glen Y. Sato
Martin S. Schenker
Joseph A. Scherer
Marc G. Schildkraut
William J. Schwartz
Ellen A. Scordino
Audrey K. Scott
John H. Sellers
Ian R. Shapiro

Michael N. Sheetz
C. Christopher Shoff
Jordan A. Silber
Brent B. Siler
Ian D. Smith
Stephen R. Smith
Whitty (nmi) Somvichian
Wayne O. Stacy
Anthony M. Steigler
Justin M. Stock
Steven M. Strauss
James N. Strawbridge
M. Anne Swanson
C. Scott Talbot
Mark P. Tanoury
Joseph (nmi) Teja, Jr.
Gregory C. Tenhoff
Michael E. Tenta
Timothy S. Teter
Michael (nmi) Tollini
Michael S. Tuscan
Jay (nmi) Vaughn
Miguel J. Vega
Erich E. Veitenheimer III
Aaron J. Velli
David A. Walsh
Mark B. Weeks
Mark R. Weinstein
Thomas S. Welk
Peter H. Werner
Scott (nmi) Weston
Francis R. Wheeler
Geoffrey T. Willard
Andrew S. "Drew" Williamson
Peter J. Willsey

Mark Windfeld-Hansen
David J. Wittenstein
Nancy H. Wojtas
Amy M. Wood
J. Peyton Worley
Nan (nmi) Wu
Babak (nmi) Yaghmaie
Jonathan (nmi) Yorke
David R. Young
Christina (nmi) Zhang
Kevin J. Zimmer

Additional:
Nicola K. Maguire
John N. Wilkinson

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

SP 2015-PR-029

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

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 Zoning Appeals, 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 Permit/Variance Attachment to Par. 2" form.

SP 2015-PIR-029

Application No.(s):

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: April 9, 2015
(enter date affidavit is notarized)

128542

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, 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 Permit/Variance 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)

[x] Applicant

[Handwritten signature]

[] Applicant's Authorized Agent

John E. Harrison, VP Development

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this ___ day of ___, 20___, in the State/Comm, of ___, County/City of ___.

see attached

Notary Public

My commission expires: _____

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated

April 2, 2015
(enter date of affidavit)

for the application of

The Macerich Company
(enter name(s) of applicant(s))

in Application No(s):

SP 2015-PR-029
(enter application number(s))

I, **John E. Harrison**, do hereby state that I am an

- (check one) applicant (must be listed in Par. 1(a) of the above-described affidavit)
- applicant's authorized agent (must be listed in Par. 1(a) of the above-described affidavit)

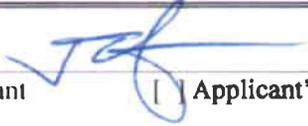
and that to the best of my knowledge and belief, the following information is true:

- (check one) I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____ (enter today's date)
- I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

- Paragraph 1(a) Paragraph 2
- Paragraph 1(b) Paragraph 3
- Paragraph 1(c)

WITNESS the following signature:
(check one)

Applicant  Applicant's Authorized Agent

John E. Harrison, VP Development
(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this _____ day of _____, in the
State/Commonwealth of _____, County/City of _____.

see attached

Notary Public

My Commission expires: _____

ZONING MAP AMENDMENT - FAIRFAX COUNTY
PLANNING DIVISION

MAGISTERIAL DISTRICT: Dranesville DATE: February 15, 1962
 LOCATION: Approx. 82 acres located on the northerly side of Leesburg Pike, approx. 200' SE of Fletcher St. and fronting on Chain Bridge Rd. at a point starting approx. 500' E of its intersection with Watson St. Also a tract located at SE intersection of Chain Bridge Rd. and Watson St. a portion of property runs to Chain Bridge Rd-circumferential interchange. AREA: 82 acres
 REQUESTED CHANGE: _____ USE: _____
 REQUESTED CHANGE: RE-1 to C-G Proposed Use: Regional Shopping Center
 HEARINGS: Planning Commission Board of Supervisors
May 7, 1962 @ 8:45 p.m. July 18, 1962 @ 11:00 a.m.

RECOMMENDATIONS:

STAFF: _____ P/C: C-D FINAL ACTION: granted

POSTED: P/C 4-19-62 B/S 6-29-62

ADVERTISING: Prov. Journal, 4-19-62

29-4
 S/S 39-2 ATTORNEY: Lytton H. Gibson, 311 Park Avenue, Falls Church, Va.

NO A-404 PETITIONER: Gudelsky, Isadore M. and Lerner, Theodore N.

ZONING MAP AMENDMENT - FAIRFAX COUNTY
PLANNING DIVISION

MAGISTERIAL DISTRICT: Dranesville DATE: Dec. 20, 1967
LOCATION: Part of Tyson's Regional Shopping Center, designated as Parcel "R" (4.8974 ac.) located W. side of Beltway, approx. 1500 ft. N. of its intersection with Rt. 7; Parcel "N" (2.1139 ac.) located NE corner of intersection of Chain Bridge Road (Rt. 123) and Watson St.; Parcel "P" (1.5402 ac.) located N.W. corner International Drive and Fletcher St. AREA: 8.5515 ac.
REQUESTED CHANGE: From C-D to C-0H PROPOSED USE: office buildings

HEARINGS: Planning Commission (N) Board of Supervisors
Feb. 1, 1968 @ 8:45 P.M. Feb. 7, 1968 @ 2:00 P.M.

RECOMMENDATIONS:
STAFF: Approved P/C: Approved FINAL ACTION: Approved

POSTED: P/C B/S
ADVERTISING: No Va. Sun - Jan. 19 & 26, 1968

S/S 39-2 ATTORNEY: Wm. H. Hansberger, 311 Park Ave., Falls Church, Va. JE 4-1122

NO. B-786 PETITIONER: TYSON'S CORNER REGIONAL SHOPPING CENTER

ZONING MAP AMENDMENT - FAIRFAX COUNTY
PLANNING DIVISION

MAGISTERIAL DISTRICT: Dranesville DATE: June 10, 1964
LOCATION: Approx. 1/2 ac. located on S. side of AREA: _____
Chain Bridge Rd. (#123) approx. 400 ft. east of Watson St.

REQUESTED CHANGE From RE-1 to C-D PROPOSED USE: C-D uses

HEARINGS: Planning Commission Board of Supervisors
Nov 30, 1964 @ 8 pm (1) 12, 1964 @ 10:30 am

RECOMMENDATIONS:
STAFF: _____ P/C: Granted FINAL ACTION: Granted

POSTED: P/C _____ B/S _____
ADVERTISING: No. Va. News 11/18 & 11/25/64

S/S 29-4 ATTORNEY: J. Grant Wright

NO. A-959 PETITIONER: ALBERT SHAW, JR.

ZONING MAP AMENDMENT - FAIRFAX COUNTY
PLANNING DIVISION

MAGISTERIAL DISTRICT: Dranesville, Centreville, Providence DATE: Oct. 17, 1972
LOCATION: Rt. 7 - Leesburg Pike from its intersection AREA: _____
with Interstate 495 to its intersection with Dulles
Access Road, 1000 feet each side

REQUESTED CHANGE From all residential, commercial PROPOSED
and industrial districts to Highway Corridor USE: _____
District

HEARINGS: Planning Commission Board of Supervisors
May 21, 1973 @ 8:15 P.M. July 16, 1973 @ 1:00 P.M.

RECOMMENDATIONS:
STAFF: _____ P/C: Approval FINAL ACTION: Granted

POSTED: P/C _____ B/S _____
ADVERTISING: Brow. J. - 5/17 + 5/24/73

/S _____ ATTORNEY: _____

O. C527 PETITIONER: BOARD OF SUPERVISORS, OWN MOTION



County of Fairfax, Virginia

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

February 2, 2007

Antonio J. Calabrese
Cooley, Godward, Kronish LLP
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656

RE: Rezoning Application Number RZ 2004-PR-044, Tysons Corner Center

Dear Mr. Calabrese:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on January 22, 2007, granting Rezoning Application Number RZ 2004-PR-044 in the name of Tysons Corner Holdings LLC and Tysons Corner Property Holdings LLC. The Board's action rezones certain property in the Providence District from the C-4, C-7, HC, and SC Districts to the PDC, HC, and SC Districts for mixed use development with an overall Floor Area Ratio (FAR) of 1.76, subject to the proffers dated January 22, 2007. The Board approved the associated Conceptual Development Plans for both options; however, the residential buildings, office buildings, and plazas located within the areas as Phases 3 and 4, as shown on Sheets 32-47, Sheet 52, and Sheet 54 of the Development with Rail (Part 1 and 2) shall be considered illustrative only in accordance with Proffer Number 6. The subject property is located in the southeast quadrant of the intersection of International Drive and Chain Bridge Road on approximately 78.65 acres of land in the Providence District. Tax Map 29-4 ((1)) 35A and 35C; 39-2 ((1)) 2, 4, and 5.

The Board also:

- Waived the service drive requirement along Leesburg Pike (Route 7) and Chain Bridge Road (Route 123).
- Modified the minimum 8-foot planting width for trees per Section 12-0702 (2) of the Public Facilities Manual (PFM) to allow planting areas that are less than 8 feet wide.
- Waived the barrier requirement along the eastern boundary (adjacent to the Capital Beltway).
- Modified the transitional screening yard requirement along the eastern boundary (adjacent to the Capital Beltway).

Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 • Fax: 703-324-3926 • TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

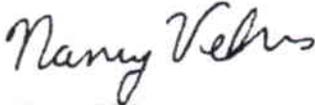
- Modified the peripheral parking lot landscaping requirement for the parking structures located adjacent to Chain Bridge Road.
 - Waived the transitional screening yard and barrier requirements internal to the project.
 - Waived the interior parking lot landscaping requirements for the existing parking structures identified as Parking Terrace B, Parking Terrace C, and Parking Terrace E.
 - Approved a waiver to allow the use of underground stormwater management facilities with residential development pursuant to Paragraph 6-0303.8 of the PFM (see the report prepared by the Site Review Division, Department of Public Works and Environmental Services, in Appendix 7 of the September 14, 2006, staff report).
 - Approved a deviation to the provisions of Section 2-414 of the Zoning Ordinance to allow a commercial building within 75 feet of the right-of-way of an interstate highway (the Capital Beltway – I-495).
 - Approved a modification to allow the pedestrian pathways shown on the Conceptual Development Plan/Final Development Plan (CDP/FDP) (the 25 foot wide sidewalk within the bus plaza and an internal loop trail) to meet the requirement for a trail along Chain Bridge Road west of Tysons Boulevard (with rail CDP/FDP only).
 - Waived the trail requirements, both the on-road bike trail and the trail property along the property, along Chain Bridge Road between the site entrance opposite Tysons Boulevard and the ramp for the Capital Beltway.
 - Modified the trail requirement along Leesburg Pike to allow combined sidewalk/trail that is consistent with the streetscape recommendations for the Tysons Corner Urban Center.
 - Waived the trail requirement within the right-of-way of the Capital Beltway.
 - Modified the trail requirement along International Drive to allow the temporary trail to be constructed with Phase 1 to meet this requirement.
 - Modified the recommended on-road bike trail on ShopTysons Boulevard to allow a ten foot wide off-road bike trail.
 - Modified the number of loading space required on site.
-

February 2, 2007
RZ 2004-PR-044

- 3 -

On January 11, 2007, the Planning Commission approved Final Development Plan Application FDP 2004-PR-044 with regard to the construction of the buildings, plazas, and associate improvements for the development prior to the rail option (Part 2 of 2), and for Phases 1 and 2 of the development with the rail option (Part 1 of 2), and shown on Sheets 1-31, 48-51, 53, and 55-61.

Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/cwb
Enclosure

Cc: Chairman Gerald E. Connolly
Supervisor Linda Q. Smyth, Providence District
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration
Barbara A. Byron, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Thomas Conry, Dept. Manager. - GIS - Mapping/Overlay
Angela K. Rodeheaver, Section Chief, Transportation, Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Audrey Clark, Director - Building Plan Review, DPWES
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
Barbara J. Lippa, Executive Director, Planning Commission
Jose Comayagua, Director, Facilities Management
Gary Chevalier, Office of Capital Facilities/Fairfax County Public Schools



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ZAPS Wid/Gen/Den Info

LDSnet Approved General Information--[RZ 2004-PR-044]

Wednesday, April 08, 2015

Decision Date: 01/22/2007

Effective Date:

Decision Summary Statement:

ON JANUARY 22, 2007, ON THE MOTION OF SUPERVISOR SMYTH (PROVIDENCE DISTRICT), THE BOARD OF SUPERVISORS APPROVED RZ 2004-PR-044 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN SUBJECT TO PROFFERS DATED JANUARY 22, 2007 NOTING THAT THE RESIDENTIAL BUILDINGS, OFFICE BUILDINGS AND PLAZAS LOCATED WITHIN THE AREAS DEPICTED AS PHASES 3 AND 4 AS SHOWN ON SHEETS 32-47, SHEET 52, AND SHEET 54 OF THE DEVELOPMENT WITH RAIL (PART 1 OF 2) SHALL BE CONSIDERED ILLUSTRATIVE ONLY IN ACCORDANCE WITH PROFFER NUMBER 6. THE BOARD OF SUPERVISORS ALSO APPROVED THE REQUESTED WAIVERS AND MODIFICATIONS. THE PLANNING COMMISSION APPROVED FDP 2007-PR-044 ON JANUARY 11, 2007.

Advanced Density Credit: NO

Bonus Density: NO

Waiver/Modification
MODIFY INTERIOR PARKING LOT LANDSCAPING
MODIFY LOADING SPACE REQUIREMENT
MODIFY PERIPHERAL PARKING LOT LANDSCAPING
MODIFY TRAIL REQUIREMENT
MODIFY TRANSITIONAL SCREENING REQUIREMENT
SEE FILE FOR ALL WAIVERS AND MODIFICATIONS
WAIVE 200/75 FT. FROM R-O-W REQUIREMENT
WAIVE BARRIER REQUIREMENT
WAIVE SERVICE DRIVE REQUIREMENT
WAIVE TRAIL REQUIREMENT

No Supplemental Motion Found

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Website Feedback
 Language Translations

**FAIRFAX
COUNTY**

OFFICE OF COMPREHENSIVE PLANNING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5505

V I R G I N I A

(703) 324-1280

Fax 324-3924

June 30, 1993

Bernard C. Voyten, Jr., P.E.
c/o Lerner Enterprises
11501 Huff Court
North Bethesda, Maryland 20895-1094

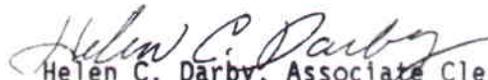
Re: Special Permit Application SP 93-P-023
Tysons II Development Co., L.P.

Dear Mr. Voyten:

At its June 22, 1993 meeting, the Board of Zoning Appeals (BZA) took action to **GRANT** the above-referenced application. The BZA waived the eight day waiting period; therefore, the final approval date is June 22, 1993. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 324-1550.

Sincerely,


Helen C. Darby, Associate Clerk
Board of Zoning Appeals

Enclosure: As Stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

In Special Permit Application SP 93-P-023 by TYSONS II DEVELOPMENT CO., L.P., under Section 6-204 of the Zoning Ordinance to permit a circus, on property located at 8025, 8075, and 8108 Galleria Drive and 1750 and 1800 Tysons Boulevard, Tax Map Reference 29-4((10))5A, 5B, 5-C, 2-A1 and 2-A2, Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on June 22, 1993; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is PDC, HC, and SC.
3. The area of the lot is 19.95 acres.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sections 8-915 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **GRANTED** with the following limitations:

1. This approval is granted to the applicant only and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land.
2. This Special Permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special permit plat prepared by Dewberry and Davis, dated May 3, 1993, Revised June 3, 1993 and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

4. The theatrical production use at the subject site shall be limited to a time period between September and December, bi-annually commencing 1993, including all site preparation and restoration time before and after the production. The Special Permit is approved for six (6) successive years provided the use is operated in accordance with these conditions and there are no parking or other verified violations or disturbances to the surrounding area. The Zoning Administrator is granted the authority to extend the permit for five and one-half (5.5) additional years to allow three (3) additional bi-annual performances provided that there are no parking or other verified violation or disturbances to the surrounding area. However, the use shall cease prior to that time if the site is developed in accordance with the proffered Conceptual Development Plan/Final Development Plan, accepted by the Board of Supervisors pursuant to the approval of RZ 84-D-049 for Tysons II Development Company.
5. The hours of operation for performances shall be limited to 1:00 p.m. until 1:00 a.m. daily. There shall be a maximum of two performances per day.
6. The maximum number of tickets sold per performance shall not exceed 2,500.
7. The maximum number of Cirque Du Soleil employees and performers associated with this use shall be limited to 125 on-site at any one time. In addition, temporary service personnel as needed are permitted and an adequate number of police officers, security guards or Cirque Du Soleil personnel shall be provided by the applicant for each performance to provide safety and traffic control for off-site traffic direction and on-site parking coordination.
8. The applicant shall provide an adequate number of parking spaces to accommodate 2,500 patrons which shall be a minimum of 650 spaces. All parking shall be clearly designated and access to parking clearly signed.
9. There shall be no carnival rides or games operated on-site.
10. All trash and debris shall be contained on the site and shall be picked up two (2) to three (3) times daily and placed in thirty (30) cubic yard closed containers that will be emptied weekly.
11. Any signs, banners or advertising must have prior approval from the Zoning Enforcement Branch. For further information, please contact 324-1300.
12. The gravel surfaces shall be maintained in accordance with the standard practices approved by the Director, Department of Environmental Management (DEM), and shall include but not be limited to the following. The approval of the dustless surface shall be for the time period specified in Sect. 8-915 of the Zoning Ordinance.

- Travel speeds shall be limited to ten (10) mph.
- During dry periods, application of water shall be made in order to control dust.
- Runoff shall be channelled away from and around the parking areas.
- The applicant shall perform periodic inspections to monitor dust conditions, drainage functions, compaction and migration of the stone surface.
- Routine Maintenance shall be performed to prevent surface unevenness and wear-through of subsoil exposure. Resurfacing shall be conducted when stone becomes thin.

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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

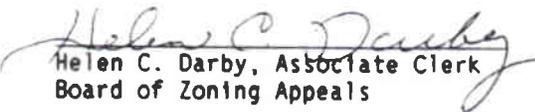
Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval* unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. 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.

Mr. PammeI seconded the motion which carried by a vote of 5-0 with Mrs. Harris and Mr. Ribble not present for the vote.

Mr. PammeI made a motion to waive the eight-day waiting period. Mr. Kelley seconded the motion which carried by a vote of 5-0 with Mrs. Harris and Mr. Ribble not present for the vote.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on June 22, 1993. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:


 Helen C. Darby, Associate Clerk
 Board of Zoning Appeals



**FAIRFAX
COUNTY**

DEPARTMENT OF PLANNING AND ZONING
Zoning Evaluation Division
Special Permit and Variance Branch
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5510

VIRGINIA

(703) 324-1280

Fax (703) 324-3924

September 22, 2000

Benjamin Tompkins
Reed, Smith, Shaw & McClay
3110 Fairview Park Drive, Ste. 1400
P.O. Box 12001
Falls Church, Virginia 22042

Re: Special Permit Amendment Application SPA 93-P-023
Tysons II Land Company LLC

Dear Mr. Tompkins:

At its September 19, 2000 meeting, the Board of Zoning Appeals took action to **APPROVE** the above-referenced application. The Board waived the 8-day waiting period. The final approval date is September 19, 2000. A copy of the Resolution is attached.

This action does not constitute exemption from the various requirements of this County and State. The applicant is responsible for ascertaining if permits are required and for obtaining the necessary permits such as Building Permits, Residential Use Permits and Non-Residential Use Permits. Information concerning building permits may be obtained by calling 222-0801.

Sincerely,

Lori M. Mallam, Deputy Clerk
Board of Zoning Appeals

Enclosure: As Stated

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

TYSONS II LAND LLC, SPA 93-P-023 Appl. under Sect(s). 6-204 of the Zoning Ordinance to amend SP 93-P-023 previously approved for a circus to permit change in development conditions and increase in land use. Located at 8025, 8075, 8108 Galleria Dr. and 1750, 1775, 1800, 1801 Tysons Blvd. on approx. 28.06 ac. of land zoned PDC, HC and SC. Providence District. Tax Map 29-4 ((10)) 3B, 3C, 5A, 5B, 5C, 2, 2A1, 2A2. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on September 19, 2000; and

WHEREAS, the Board has made the following findings of fact:

1. The applicants are the owners of the land.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in Sect(s). 6-204 of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Tysons II Land LLC and is not transferable without further action of this Board, and is for the location indicated on the application and is not transferable to other land. Other by-right, special exception and special permit uses may be permitted on the site without special permit amendment, if such uses do not affect this special permit use.
2. This Special Permit is granted only for the purpose(s), structures and/or use(s) indicated on the special permit plat prepared by J. Thomas Tanner, P. E. of Dewberry & Davis LLC, dated July 6, 2000, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. An opening night celebration shall be permitted to take place in the parking garage structure. The celebration shall only be permitted for one evening on or before opening night. The hours shall be limited to a maximum closing time of 2:00 A.M. The number of guests shall not exceed 800. The applicant shall comply with all applicable alcoholic beverage control laws of the Commonwealth of Virginia.

5. The theatrical production use at the subject site shall be limited to a time period between September and November, bi-annually, including all site preparation and restoration time before and after the production. The Special Permit is approved for the 2000, 2002, 2004 and 2006 calendar years provided the use is operated in accordance with these conditions and there are no parking or other verified violations or disturbances of the surrounding area. The Zoning administrator is granted the authority to extend the permit for six (6) additional years to allow three (3) additional bi-annual performances provided that there are no parking or other verified violation or disturbances to the surrounding area. However, the use shall cease prior to that time if the site is developed in accordance with the proffered Conceptual Development Plan/Final Development Plan, accepted by the Board of Supervisors pursuant to the approval of RZ-84-D-049 or any applicable Proffered Condition Amendments.
6. The hours of operation for performances shall be limited to 1:00 P.M. to 1:00 A.M. daily. There shall be a maximum of two performances per day.
7. The maximum number of tickets sold per performance shall not exceed 2,600.
8. The number of employees and performers associated with this use shall be limited to 125 on-site at any one time. In addition, temporary service personnel as needed are permitted and an adequate number of police officers, security guards or Cirque du Soleil personnel shall be provided by the applicant for each performance to provide safety and traffic control for off-site traffic direction and on-site parking coordination.
9. The applicant shall provide an adequate number of parking spaces to accommodate 2,600 patrons which shall be a minimum of 650 spaces located on site. A minimum of 163 parking spaces shall be provided on Lots 5A and 5B, 74 parking spaces on lots 3B and 3C and 413 parking spaces on Lots 2A1 and 2A2 within the parking garage. All parking shall be clearly designated an access to parking clearly signed.
10. There shall be no carnival rides or games operated on-site.
11. All trash and debris shall be contained on the site and shall be picked up two (2) to three (3) times per day and placed in thirty (30) cubic yard closed containers that will be emptied weekly.
12. Any signs, banners or advertising shall conform with Article 12 of the Zoning Ordinance and shall be approved by the Zoning Enforcement Branch.

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 responsible for obtaining the required Non-Residential Use Permit through established procedures, and this special permit shall not be valid until this has been accomplished.

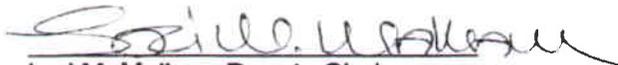
Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval* unless the use has been established. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the

special permit. 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.

Ms. Gibb seconded the motion which carried by a vote of 6-0. Mr. Pammel moved to waive the 8-day waiting period. Ms. Gibb seconded the motion which carried by a vote of 6-0. Mr. Kelley was not present for the vote.

*This decision was officially filed in the office of the Board of Zoning Appeals and became final on September 19, 2000. This date shall be deemed to be the final approval date of this special permit.

A Copy Teste:



Lori M. Mallam, Deputy Clerk
Board of Zoning Appeals

Site Specific Comprehensive Plan Language

From Fairfax County Comprehensive Plan, 2013 Edition, Tysons Corner Urban Center, Amended through 4-29-2014, Subarea 5: Watson Street District Recommendations:

“Subarea 5: Watson Street

This area is comprised of about 20 acres, and is bounded by Chain Bridge Road on the north, International Drive on the east, Leesburg Pike on the south, and the Leesburg Pike/Chain Bridge Road interchange on the west.

Base Plan

The area is planned for and mostly developed with retail uses except for three office buildings which front on Leesburg Pike. The existing office buildings are planned and developed up to 1.65 FAR.

Redevelopment Option

The vision for this subarea is to redevelop into an urban neighborhood with a mix of uses, including office, residential, hotel and retail uses. Residential uses should be on the order of 50% to 75% of the total development in the subarea. Watson and Fletcher Streets may provide good locations for ground level retail and service uses, while Leesburg Pike may be developed primarily with office uses.

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

- The vision for this subarea is to redevelop into an urban mixed use neighborhood, with a focus on residential development but which also includes ground level retail and service uses as well as some hotel and office uses. 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, 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 indicated above, as an alternative, coordinated proffered development plans may be provided as indicated in the Areawide Land Use Recommendations.*

- *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 areas through the provision of the grid of streets. In addition, other pedestrian and bike circulation improvements should be provided that improve connectivity. The ability to realize planned intensities will depend on the degree to which access and circulation improvements are provided consistent with guidance in the Areawide Urban Design and Transportation Recommendations.*

- *Urban design and open space amenities, such as streetscapes, plazas, courtyards, landscaping, lighting and seating should be provided consistent with the Areawide Urban Design Recommendations and the urban park and open space standards in the Areawide Environmental Stewardship Recommendations. Several urban greens or plazas are shown on the Land Use Concept Map for this area. A Common Green type urban park of about one acre should be located in the subarea to provide active and passive recreation and leisure opportunities for residents and workers.*

- *Residential developments in this subarea should include recreational facilities and other amenities for the residents, and provide for 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 necessary improvements, 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 specific public facility need identified is the provision of a fire station; this facility could be accommodated in this area's redevelopment.*

- *Maximum building heights in this area range from 175 feet to 225 feet, depending upon location. In general, the northern half of the subarea is shown to have maximum building heights of 225 feet and the southern half is shown to have maximum heights of 175 feet. A variety of building heights should be provided. Refer to the conceptual Building Height Map and Building Height Guidelines in the Areawide Urban Design recommendations.*

- *Potential circulator routes, as described in the Areawide Transportation recommendations, extend through or abut portions of this subarea. Redevelopment proposals along the circulator routes should provide rights-of-way or otherwise accommodate these circulators and should make appropriate*

contributions to their construction cost. See the Intensity section of the Areawide Land Use Recommendations."



County of Fairfax, Virginia

MEMORANDUM

DATE: April 2, 2015

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

FROM: Pamela G. Nee, Chief *PGN*
Environment and Development Review Branch, DPZ

SUBJECT: Land Use Analysis:
SP 2015-PR-029

This memorandum, prepared by Jennifer R. Bonnette, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the subject Special Permit application dated February 13, 2015, as revised through March 3, 2015, and the draft development conditions dated March 19, 2015. The extent to which the application conforms to the applicable guidance contained in the Comprehensive Plan is noted.

DESCRIPTION OF THE APPLICATION

The subject application is located on Tax Map Parcels 29-4 ((1)) 35 pt. and 19 and 29-4 ((2)) 26. Parcels 19 and 26 are the location for the production site for a summer production of Peter Pan. The production site is approximately 2.6 acres and will include a 120 foot diameter performance tent to contain 1,450 seats and two smaller tents for concessions and staff. Parcel 35 pt. consists of an existing structured parking garage, Parking Terrace A, on the Tysons Corner Center shopping mall property, which is intended to provide parking for the events. The hours of operation are 8:00 am to midnight daily, with a maximum of three performances per day and a total of 14 performances per week. The production site is planned for retail use and zoned C-4.

LOCATION AND CHARACTER OF THE AREA

The subject property, the Peter Pan production site, is located north of Watson Street and several freestanding retail uses, south of the Chain Bridge Road, Route 123 service drive and west of retail and restaurant uses. The parking garage is located approximately 1/4 mile to the east of the production site at the intersection of International Drive and Fletcher Street (Watson Street). The

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Planning Division
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www.fairfaxcounty.gov/dpz/



production site is approximately 3/5 mile walking distance from the Tysons Corner Metrorail station, walking through the mall.

COMPREHENSIVE PLAN CITATIONS:

Land Use

The Comprehensive Plan Areawide Recommendations for Tysons may be accessed at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area2/tysons1.pdf>

The Comprehensive Plan District Recommendations for Tysons may be accessed at:

<http://www.fairfaxcounty.gov/dpz/comprehensiveplan/area2/tysons2.pdf>

In the Fairfax County Comprehensive Plan, 2013 Edition, Area II, Tysons Corner Urban Center, District Recommendations, as amended through April 29, 2014, on Pages 148 - 149, the Plan, as applied to the application area, states the following:

“Subarea 5: Watson Street

This area is comprised of about 20 acres. and is bounded by Chain Bridge Road on the north, International Drive on the east, Leesburg Pike on the south, and the Leesburg Pike/Chain Bridge Road interchange on the west.

Base Plan

The area is planned for and mostly developed with retail uses except for three office buildings which front on Leesburg Pike. The existing office buildings are planned and developed up to 1.65 FAR.

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

- The vision for this subarea is to redevelop into an urban mixed use neighborhood, with a focus on residential development but which also includes ground level retail and service uses as well as some hotel and office uses. 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, 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 indicated above, as an alternative, coordinated proffered development plans may be provided as indicated in the Areawide Land Use Recommendations.
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- Residential developments in this subarea should include recreational facilities and other amenities for the residents, and provide for 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 necessary improvements, 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 specific public facility need identified is the provision of a fire station; this facility could be accommodated in this area's redevelopment.
- Maximum building heights in this area range from 175 feet to 225 feet, depending upon location. In general, the northern half of the subarea is shown to have maximum building heights of 225 feet and the southern half is shown to have maximum heights of 175 feet. A variety of

building heights should be provided. Refer to the conceptual Building Height Map and Building Height Guidelines in the Areawide Urban Design recommendations.

- Potential circulator routes, as described in the Areawide Transportation recommendations, extend through or abut portions of this subarea. Redevelopment proposals along the circulator routes should provide rights-of-way or otherwise accommodate these circulators and should make appropriate contributions to their construction cost. See the Intensity section of the Areawide Land Use Recommendations.”

LAND USE ANALYSIS

The Peter Pan production is a temporary use located on a vacant commercial site near the Tysons Corner Center shopping mall and the Tysons Corner Metrorail station. The Comprehensive Plan encourages entertainment uses. Adequate parking can be provided on the Tysons Corner Center property. A vehicular drop off area has been provided on the production site.

The primary concern regarding this application is for the safe and efficient pedestrian access from the designated parking area to the production site. The most obvious and direct pedestrian path from Tysons Corner Center is across three legs of the International Drive/Fletcher Street (Watson Street) intersection and along a narrow sidewalk adjacent to a bank, and two restaurant properties (one in operation and the other closed down). The applicant has provided a map showing the locations for pre show and post show pedestrian directors along Watson Street (Fletcher Street) and at the International Drive/Fletcher Street (Watson Street) intersection, and signage. Stantions will be positioned along a small portion of Watson Street in front of the restaurant adjacent to the production site. To further address the pedestrian safety concerns, it is recommended that the applicant have police at the International Drive/Fletcher Street (Watson Street) intersection to direct pedestrian and vehicular traffic after each performance, increase the minimum amount of time between each performance from one to two hours, and provide more details about the number of performances per day and their start times.

PGN:JRB



County of Fairfax, Virginia

MEMORANDUM

DATE: April 16, 2015

TO: Barbara Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Michael A. Davis *Just for MAD*
Site Analysis Section, DOT

SUBJECT: FCDOT Staff Report for SP-2015-PR-029 Macerich, Peter Pan Production
1981 Chain Bridge Road, 1971 Chain Bridge Road & 7966 Tysons Corner Center
Tax Map # 29-4 ((2)) 26, 29-4 ((1)) 19 & 29-4 ((1)) 35A (pt)

The following memorandum is FCDOT staff's response to the special permit application, accepted on February 23, 2015 (most recent submission date of materials reviewed April 16, 2015). The applicant is proposing a temporary theatre/entertainment use in order to host a live production of Peter Pan.

In emails on April 1, 2015 and April 16, 2015 the applicant provided the following information to FCDOT as requested to address concerns with the application:

- The applicant has provided specific show times in their most recent Statement of Justification that addressed FCDOT's concerns of traffic impacts to the site and surrounding street network.
- The applicant has provided a coordinated community outreach plan to outline how affected business owners in the surrounding area will be informed, and any impacts mitigated.
- The applicant has committed to make variable message signs available with show/site navigation information during all show times for the course of the production.
- The applicant has committed to making a map available on the website and to ticket purchasers that detail the safest and preferred route to get to the venue from the Tysons Corner Center property. Additional information, both on site and via ticket purchase will provide additional information and guidance for those attending the show.
- The applicant has provided graphics detailing the pedestrian circulation and location of signage/pedestrian directors (pre and post show).
- The applicant has identified specific parking accommodations for bus/limousine layovers.

While the aforementioned concerns have been addressed, the following item has not been resolved by the applicant at this time:

- FCDOT has requested that police enforcement/traffic control be in place at the intersection of International Drive and Fletcher Street for performances beginning later than 5:30pm. This is to help ensure pedestrian safety during times of increased traffic and decreased visibility for nighttime performances. Additionally, the Fairfax County Police Department (FCPD) will help to ensure proper traffic management when excessive numbers of pedestrian crossings will

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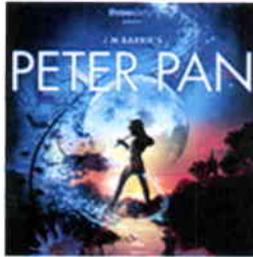
Barbara Berlin
April 16, 2015
Page 2 of 2

likely impact the movement of vehicles through this intersection. This enforcement should be in place for one hour before the performances start time and one hour following the performances conclusion. For performances beginning earlier than 5:30pm, the enforcement at International and Fletcher (and surrounding area) will be at the discretion of the FCPD. As of now the applicant has failed disagreed with this request, only offering to coordinate with FCPD for the first week of performances for enforcement/traffic control. After this time, it will be at the sole discretion of the FCPD.

MAD/GAF

Cc: Laura Arseneau-Gumkowski, DPZ

**Community Outreach Plan
for
JM Barrie's**



**in The threesixty° Theatre
at Tysons Corner Center**

Peter Pan the Tour LLC is appointing a community outreach manager who will focus on the following community outreach initiatives with the objective of informing and engaging both neighboring and area business with the Peter Pan Threesixty event.

- Outreach to Community Neighbors Adjacent to the 1971 Chain Bridge Road Site:
 - ✓ Initiate contact in person or by phone with the managers of “neighbor businesses” that are adjacent to the Tyson’s Corner event site
 - ✓ Provide an information sheet about the show and the theatre-tent
 - ✓ Provide information about venue construction dates, and show schedule
 - ✓ Provide information about traffic and pedestrian planning, flow and management, and discuss and resolve any immediate concerns
 - ✓ Provide names and phone numbers for key contacts in the event of any future questions or concerns
 - ✓ Provide tickets to an opening week preview performance so that neighboring business employees can experience the event opening week
 - ✓ Offer to provide neighboring businesses with promotional tools that can help the business tangibly benefit from the appearance of the show – discount coupons for customers, suggestions for bounceback offers that bring customers back into neighboring businesses (i.e. bring your ticket stub back to the business and receive a discount etc), promotional window cards that businesses can display to help them participate in the event etc.
 - ✓ Offer to install a sign at the entrances to neighboring properties indicating private parking and that violators will be towed.

FAIRFAX COUNTY ZONING ORDINANCE

PART 8 8-800 GROUP 8 TEMPORARY USES**8-801 Group 8 Special Permit Uses**

1. Carnival, circus, festival, fair, horse show, dog show, steeplechase, music festival, turkey shoot, sale of Christmas trees or other seasonal commodities and other similar activities.
2. Construction material yards accessory to a construction project.
3. Contractors' offices and equipment sheds to include trailers accessory and adjacent to an active construction project.
4. Promotional activities of retail merchants.
5. Subdivision and apartment sales and rental offices.
6. Temporary dwellings or mobile homes.
7. Temporary farmers' markets.
8. Temporary mobile and land based telecommunication testing facility.
9. Temporary portable storage containers.

8-802 Districts in Which Group 8 Uses May be Located

Group 8 uses may be allowed by special permit in the following districts:

R-A District: Limited to uses 1, 8 and 9

R-P District: Limited to uses 1, 2, 3, 5, 6, 8 and 9

All other R Districts: Limited to uses 1, 2, 3, 5, 6, 7, 8 and 9

All P Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7, 8 and 9 when located in a residential portion of a P district

All C Districts: Limited to uses 1, 2, 3, 4, 5, 6, 7 and 8

All I Districts except I-I: Limited to uses 1, 2, 3, 4, 5, 6, 7 and 8

8-803 Administration

1. Upon application as provided for in Sect. 010 above, the Zoning Administrator may issue a temporary special permit for any of the uses set forth in Sect. 801 above.
2. The application for a temporary special permit for all uses shall be filed at least three (3) weeks prior to the date on which the permit is to take effect, provided that the Zoning Administrator may approve a lesser time period. The application forms shall provide such information as the Zoning Administrator shall find to be reasonably necessary for the proper administration of this Part.

SPECIAL PERMITS

3. A temporary special permit shall not exceed the time limit specified for a given use. Any request for a longer period of time or any renewal or extension of a permit may be approved by the BZA, subject to the same procedure as specified in Sect. 009 above for the original issuance of a special permit. An application for any such approval by the BZA shall be filed ninety (90) days prior to the date on which the permit is to take effect.
4. Upon the finding that the application does sufficiently comply with the standards set forth for the use in question as well as those general standards set forth in Sect. 006 above, the Zoning Administrator shall issue a temporary special permit, setting forth the duration of the permit and specifying such conditions as to hours, location, parking, traffic access, and safety requirements as will protect the health, safety and welfare of the public and which will protect adjoining properties from any adverse effects of the activity.
5. The Zoning Administrator may revoke a temporary special permit at any time on the failure of the owner or operator of the use covered by the permit to observe all requirements of the law with respect to the maintenance and conduct of the use and all conditions in connection with the permit that were designated by the Zoning Administrator in issuing the same. Notice of such revocation shall be made by letter from the Zoning Administrator to the owner or operator of the use for which the permit has been granted, hand-delivered or mailed, return receipt requested, setting forth the grounds upon which the permit was revoked, the date and time upon which the revocation is effective, and informing the owner or operator of the appeals procedure. Upon receipt of such notice, the owner or operator of such activity shall close operation of the activity forthwith. The foregoing provisions shall not be deemed to preclude the use of any other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.
6. An appeal by any person aggrieved by an action of the Zoning Administrator in granting or denying a temporary special permit may be made in accordance with the provisions of Part 3 of Article 18.
7. In the case of an appeal from the revocation of a temporary special permit, the aggrieved party may request a meeting with the Zoning Administrator to present his grounds for appeal. The Zoning Administrator shall meet with the aggrieved party within forty-eight (48) hours of the date upon which the appeal is received. Within twenty-four (24) hours of the date of the meeting, the Zoning Administrator shall inform the aggrieved party, in writing, of his decision to affirm, modify or rescind the revocation of the temporary permit.

8-804

Standards and Time Limits for Carnivals and Other Uses Set Forth in Par. 1 of Sect. 801 Above

1. A temporary special permit may be issued for a period not to exceed twenty-one (21) consecutive days.
2. All permitted activities shall be sponsored by a volunteer fire company, local chamber of commerce, veterans' organization, service club, civic organization, place of worship or religious organization, sports or hunt club, charitable, educational or nonprofit

FAIRFAX COUNTY ZONING ORDINANCE

organization or recognized chapter thereof whose principal administrative offices are located within the County.

3. Where the activity is a circus, fair or carnival, and the owner of the circus, fair or carnival is an entity other than the sponsoring organization, the sponsoring organization shall furnish the Zoning Administrator the name and address of the owner or owners of the circus, fair or carnival. The Zoning Administrator shall determine, from previous performance and other information, that the owner or owners are of good repute.
4. The sponsoring organization shall furnish the Health Director information as to sanitary arrangements and facilities to be used by the public and employees, and the Health Director shall advise the Zoning Administrator that such arrangements and facilities will be adequate if properly used and maintained.
5. The Zoning Administrator shall not issue a temporary special permit for a carnival or circus where such activity, as proposed, will:
 - A. Occur within two (2) miles of any other carnival or circus for which a temporary special permit has been previously obtained under this Section, and
 - B. Commence within a time period of three (3) weeks from the ending date of any other carnival or circus within a two (2) mile radius for which a temporary special permit has been previously obtained under this Section.
6. No temporary special permit shall be issued unless adequate provision is made for off-street parking and loading requirements.
7. The Zoning Administrator shall notify the Animal Services Division of the Police Department upon receipt of an application for a temporary special permit involving the display or exhibition of animals. In addition to the requirements of this Ordinance, the owners and/or operators of any carnival, circus, side show, dog and pony show, trained animal show, traveling animal exhibition, menagerie or any other show, exhibition or performance similar thereto, shall procure a County license in accordance with the provisions of Chapter 25 of The Code, and a permit in accordance with the provisions of Chapter 41.1 of The Code.
8. A \$100.00 cash deposit shall be required to ensure the removal, within twenty-four (24) hours after the closing of the sale or event, of all structures, trash, debris and signs permitted by the provisions of Par. 3J of Sect. 12-103.

8-805

Standards and Time Limits for Construction Material Yards

1. A temporary special permit may be issued for a period not to exceed eighteen (18) months.
2. Such a yard shall be located within the recorded subdivision which it serves or on the same lot where the construction project is located.