



# County of Fairfax, Virginia

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

April 8, 2015

G. Evan Pritchard  
Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, VA 22201

RECEIVED  
Department of Planning & Zoning

AUG 05 2015

Zoning Evaluation Division

Re: Special Exception Application SE 2014-PR-001  
(Concurrent with Rezoning Application RZ 2014-PR-025)

Dear Mr. Pritchard:

At a regular meeting of the Board of Supervisors held on April 7, 2015, the Board approved Special Exception Application SE 2014-PR-001 in the name of 7799 Leesburg Pike, LLLP. The subject property is located at 7799 Leesburg Pike, on approximately 1.62 acres of land, zoned C-4 and HC, in the Providence District [Tax Map 39-2 ((1)) 45D pt.]. The Board's action permits a hotel, pursuant to Section 4-404 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of the Special Exception conditions and the Non-Residential Use Permit (Non-RUP) 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.
3. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
4. This Special Exception (SE) is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this SE shall be in substantial conformance with the approved SE Plat/GDP entitled "Residence Inn at Tysons Special Exception Plat", prepared by Gordon and Greenberg Architects, dated August 13, 2013 and revised through December 4, 2014 and these conditions. Minor modifications to the approved SE may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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5. In an effort to reduce bird injury and death due to in-flight collisions with buildings, the applicant may include one or more bird friendly design elements, as determined by the applicant, in the architectural plans of the building. The bird friendly design elements may include, but not be limited to, the use of color, texture, opacity, fritting, frosting, patterns, louvers, screens, interior window treatments, or ultraviolet materials that are visible to birds, the angling of outside lights, curbing of excessive or unnecessary night-time illumination in commercial buildings, reduction of bird attracting vegetation, the use of decoys, and breaking of glass swaths. Nothing herein shall require the applicant to obtain a bird-friendly LEED credit.
6. The applicant will include, as part of the site plan/ submission and building plan submission, a list of specific credits within the most current version at the time of the project's registration of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council (USGBC), that the applicant anticipates attaining. A LEED-accredited professional (LEED-AP) who is also a professional engineer or licensed architect will provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the list will meet at least the minimum number of credits necessary to attain LEED Silver certification of the project.

In addition, prior to site plan approval, the applicant will designate the Chief of the Environment and Development Review Branch (EDRB) of the Department of Planning and Zoning (DPZ) as a team member in the USGBC's LEED Online system. This team member will have privileges to review the project status and monitor the progress of all documents submitted by the project team, but will not be assigned responsibility for any LEED credits and will not be provided with the authority to modify any documentation or paperwork.

Prior to the final building plan approval, the applicant will submit documentation, to the EDRB of DPZ, regarding the U.S. Green Building Council's preliminary review of design-oriented credits in the LEED program. This documentation will demonstrate that the building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Gold certification. Prior to release of the bond for the project, the applicant shall provide documentation to the EDRB of DPZ demonstrating the status of attainment of LEED Silver or a higher level of certification from the U.S. Green Building Council for each building on the property. If the applicant is unable to provide the preliminary review of the design-related credit documentation prior to the final building permit approval but does anticipate receiving the documentation prior to the attainment of the certification, the applicant may, prior to the issuance of the final building permit, post an escrow identical to the one described in the following paragraph. This escrow will be released upon submission of the documentation to the EDRB of

DPZ from the U.S. Green Building Council demonstrating that the building is anticipated to attain a sufficient number of design-related credits that, along with the anticipated construction-related credits, will be sufficient to attain LEED Gold certification.

As an alternative to the actions outlined in the above paragraphs, or if the U.S. Green Building Council review of design-oriented credits indicates that the project is not anticipated to attain a sufficient number of design-related credits to support attainment of LEED Gold certification, the applicant will post, a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$234,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of LEED Silver or a higher level of certification, by the U.S. Green Building Council, under the most current version of the LEED-NC rating system or other LEED rating system determined, by the U.S. Green Building Council. The provision to the EDRB of DPZ of documentation from the U.S. Green Building Council that the building has attained LEED Silver certification will be sufficient to satisfy this commitment.

If the applicant provides to the EDRB of DPZ, within three years of issuance of the final non-RUP for the building, documentation demonstrating that LEED Silver certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED Silver certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the applicant fails to provide, within three years of issuance of the final non-RUP for the building, documentation to the EDRB of DPZ demonstrating attainment of LEED Silver certification or demonstrating that the building has fallen short of LEED Silver certification by three points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the EDRB of DPZ, that USGBC completion of the review of the LEED Silver certification application has been delayed through no fault of the Applicant, the Applicant's contractors or subcontractors, the time frame may be extended as determined appropriate by the Zoning Administrator, and no release of escrowed funds shall be made to the Applicant or to the County during the extension.

7. At the time of issuance of the first Non-RUP, the applicant shall contribute \$4.19 for each new square foot of non-residential space to the Tysons Corner Transportation Fund in accordance with the Board of Supervisors' policy adopted on January 28, 2014. These payments may be made earlier than required pursuant to this paragraph.
8. The hotel shall provide no less than 134 parking spaces.
9. The hotel shall provide shuttle service as a means to reduce on-site parking demand. At a minimum, the shuttle shall provide service to hotel guests, upon demand, to nearby Metro stations and business/tourist centers (within three miles), between the hours of 6:00 a.m. and 7:00 p.m.  
  
If/as a Tysons shuttle group ( such as a co-operative) is formed, which can furnish non-polluting vehicles for use throughout Tysons as shuttles, and the vehicles provide acceptable performance at no significant increase in lease acquisition, operating or maintenance costs, the applicant shall participate in such a group in fulfilling this condition.
10. Approval of the SE in no way grants approval to any sign depicted on the SE Plat. All signs shall comply with all applicable provisions of Article 12, Signs, of the Zoning Ordinance.
11. The hotel shall comply with all applicable provisions of Article 14, Performance Standards, of the Zoning Ordinance.
12. Stormwater Management and Best Management Practices (SWM/BMPs) shall be provided in accordance with the Public Facilities Manual (PFM) as indicated on SE Plat/GDP, subject to the approval of DPWES. If SWM/BMP requirements cannot be met by facilities in substantial conformance with that shown on the plan, or other facilities or SWM/BMP methods as approved by DPWES, a special exception amendment will be required.
13. Landscaping shall be provided in general as shown on the SE Plat/GDP. The exact number, size, and spacing of trees and other plant materials shall be submitted at the time of final site plan review shall be subject to the review and approval by Urban Forest Management (UFM).
14. To the satisfaction of UFM, all trees planted in the bio-retention tree pits shall be maintained. Should said trees be damaged or removed, they shall be replaced.
15. The sidewalk along the hotel's Ramada Road frontage shall maintain consistent material and grade as it crosses any driveways into the site.
16. The architecture of the hotel shall be in substantial conformance with that depicted on the SE Plat/GDP.

17. Parcels 45D and 47A shall be considered a single unit for purpose of application of the Fairfax County Zoning Ordinance until such time as any portions of these parcels are rezoned from C-4. Any subdivision or site plan filed in the future on these parcels shall include this notation.

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

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

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

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

**The Board also approved:**

- Waiver to permit loading spaces for the hotel to be located at the front of the building as shown on the SE Plat
- Modification to allow trees located above any proposed percolation trench or bio-retention areas to count toward County tree cover requirements as depicted on the SE Plat

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

April 8, 2015

cc: Chairman Sharon Bulova  
Supervisor Linda Smyth, Providence District  
Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration  
Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay  
Michael Davis, Section Chief, Transportation Planning Division  
Donald Stephens, Transportation Planning Division  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Department of Highways-VDOT  
Sandy Stallman, Park Planning Branch Manager, FCPA  
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division  
Jill Cooper, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation