



APPLICATION ACCEPTED: April 19, 2016  
PLANNING COMMISSION: July 20, 2016 @ 8:15 p.m.

# County of Fairfax, Virginia

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July 6, 2016

STAFF REPORT

SEA 94-P-040-03

PROVIDENCE DISTRICT



**APPLICANT:** Pentagon Federal Credit Union

**ZONING:** C-3

**LOCATION:** 7940 Jones Branch Dr., Tysons 22102

**PARCEL(S):** 29-4 ((15)) 01, 02; and 29-2 ((15)) 05, 06, 07

**ACREAGE:** 5.97 acres

**PLAN MAP:** Office

**PROPOSAL:** Amend SE 94-P-040 previously approved for an increase in building height, a waiver of certain sign regulations, a hotel, and additional uses and associated modifications to site design to permit waiver of certain sign regulations and modifications to development conditions.

## STAFF RECOMMENDATIONS:

Staff recommends approval of SEA 94-P-040-03, subject to the proposed development conditions 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 applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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Casey Gresham

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

The approval of these applications does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the properties subject to these applications.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

*O:\cgresham\Applications\!RZ\_SE Cases\SEA 94-P-040-03 Pentagon Federal Credit Union\I SEA 94-P-040-03 Cover.docx*



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

# Special Exception Amendment

SEA 94-P-040-03



Applicant:  
Accepted:  
Proposed:

PENTAGON FEDERAL CREDIT UNION  
04/19/2016  
AMEND SE 94-P-040 PREVIOUSLY APPROVED FOR INCREASE IN BUILDING HEIGHT, WAIVER OF CERTAIN SIGN REGULATIONS, HOTEL, AND ADDITIONAL USES AND ASSOCIATED MODIFICATIONS TO SITE DESIGN AND DEVELOPMENT CONDITIONS TO PERMIT WAIVER OF CERTAIN SIGN REGULATIONS

Area:

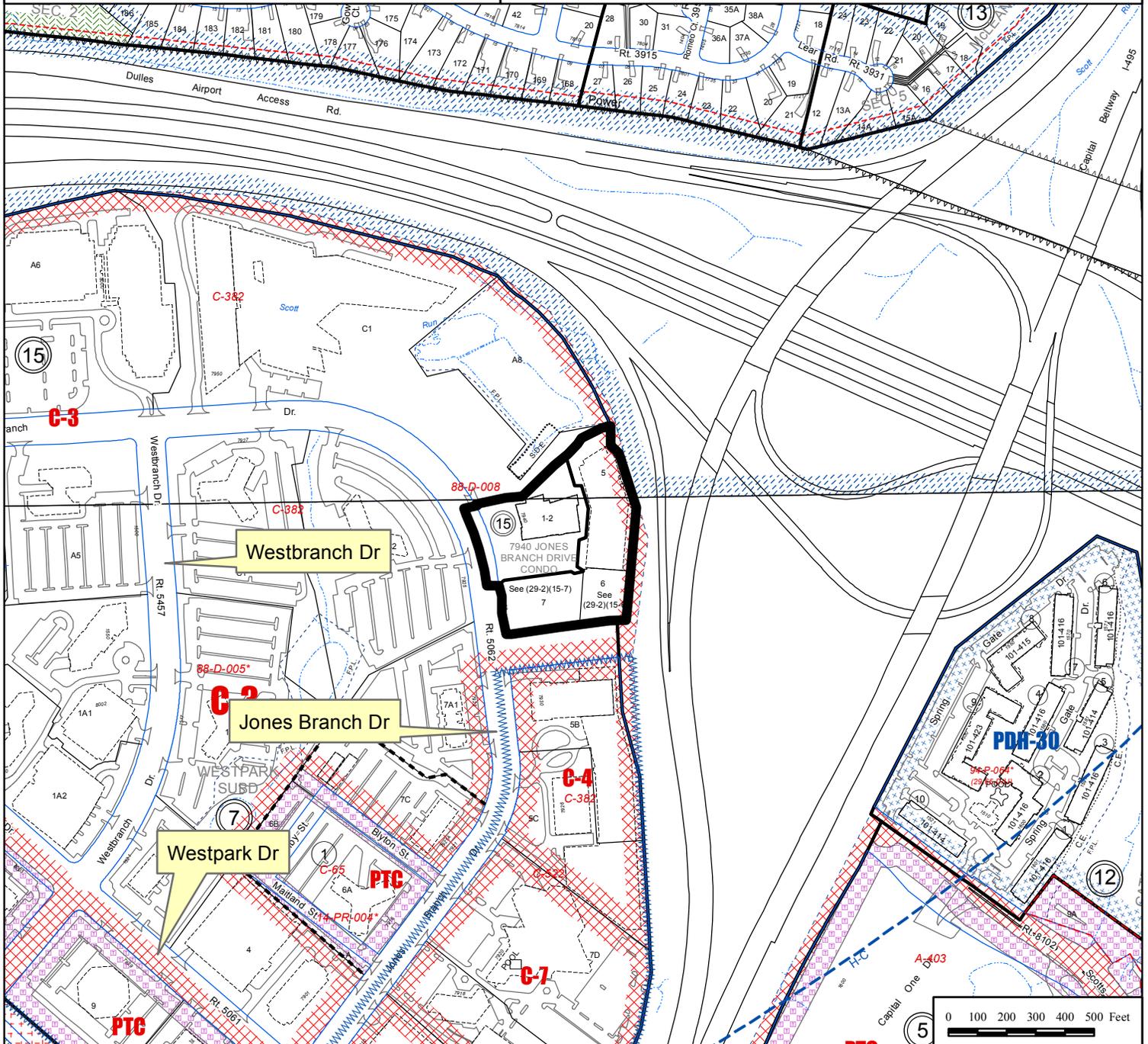
5.97 AC OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect:  
Located:

09-0620  
7940 JONES BRANCH DRIVE, TYSONS, VA 22102

Zoning:  
Overlay Dist:  
Map Ref Num:

C-3  
029-2- /15/ /0005 /15/ /0006 /15/ /0007  
029-4- /15/ /0001 /15/ /0002



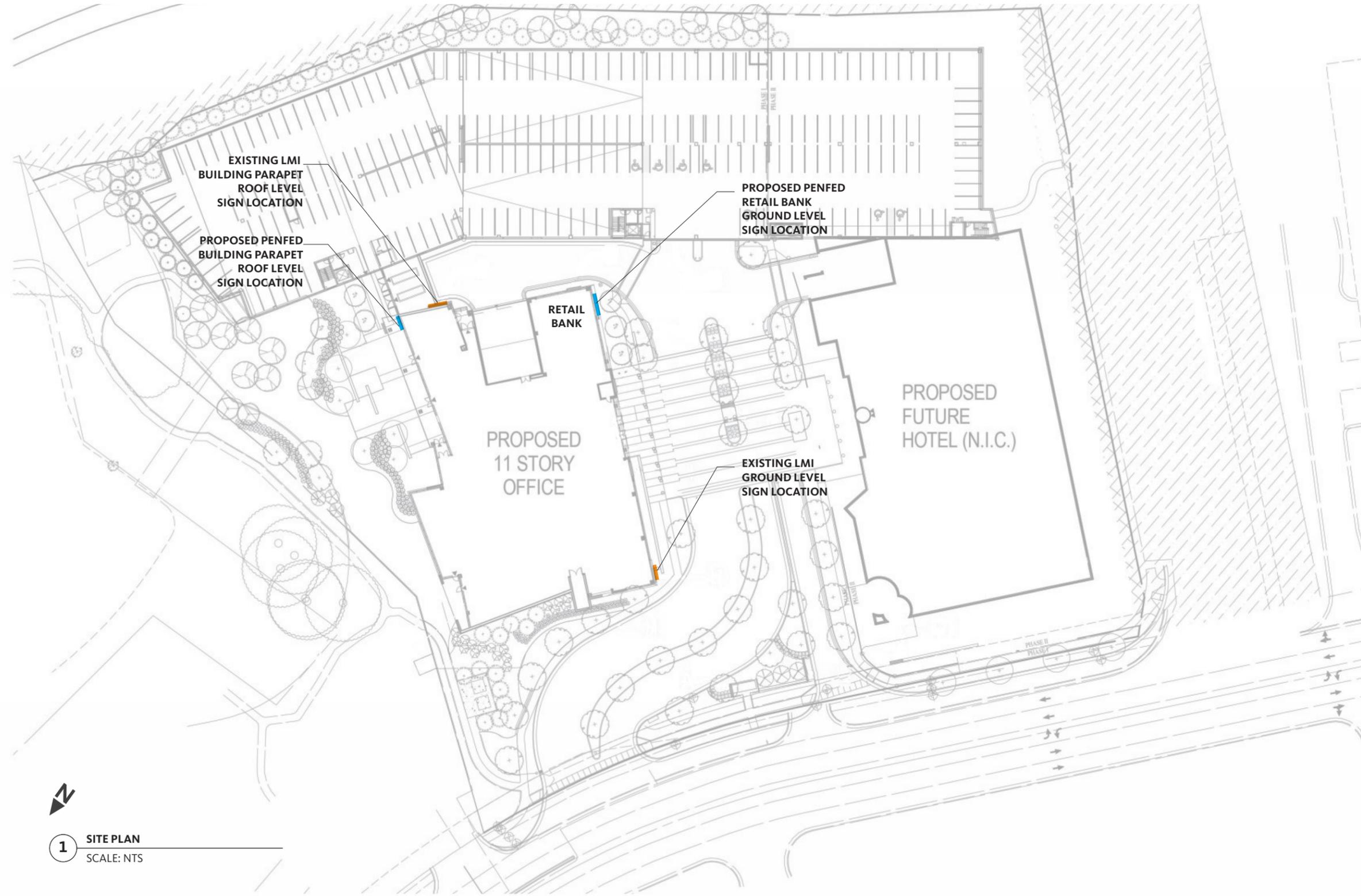
# **PENTAGON FEDERAL CREDIT UNION**

TYSONS OVERLOOK  
7940 JONES BRANCH DRIVE  
McLEAN, VA

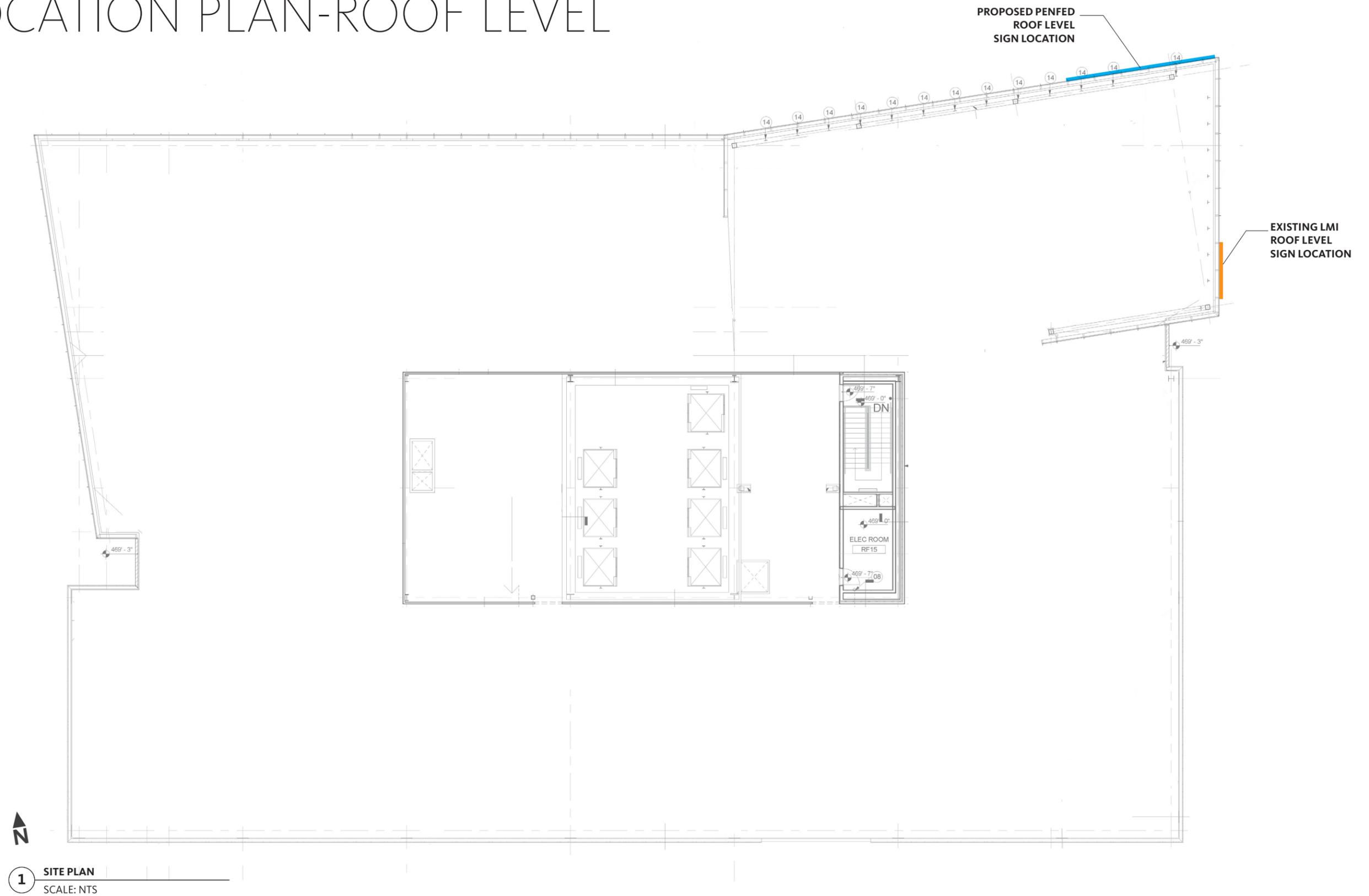
Exterior Signage Placement Exhibit  
23 MAY 2016

# EXTERIOR SIGNAGE PLACEMENT

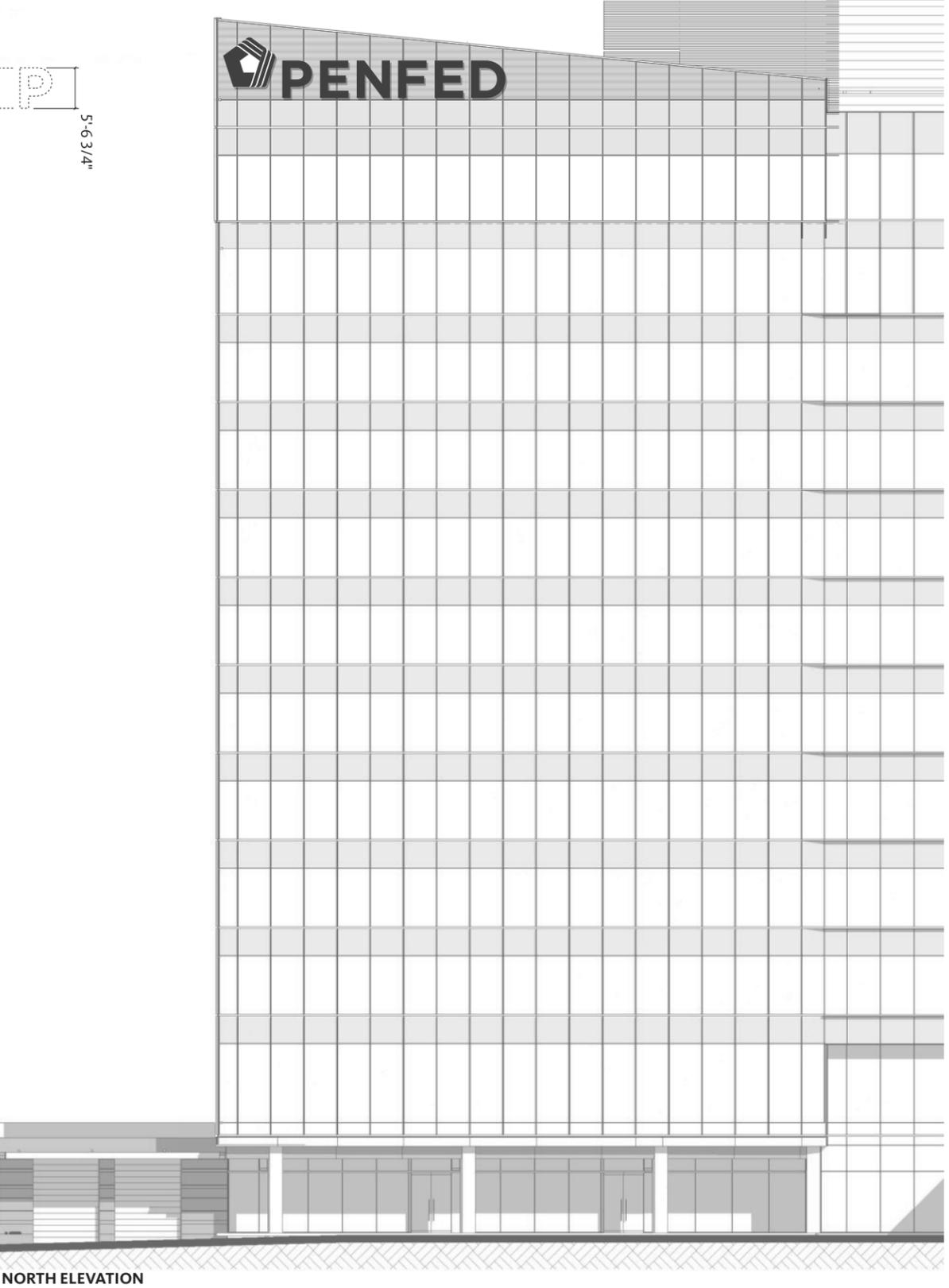
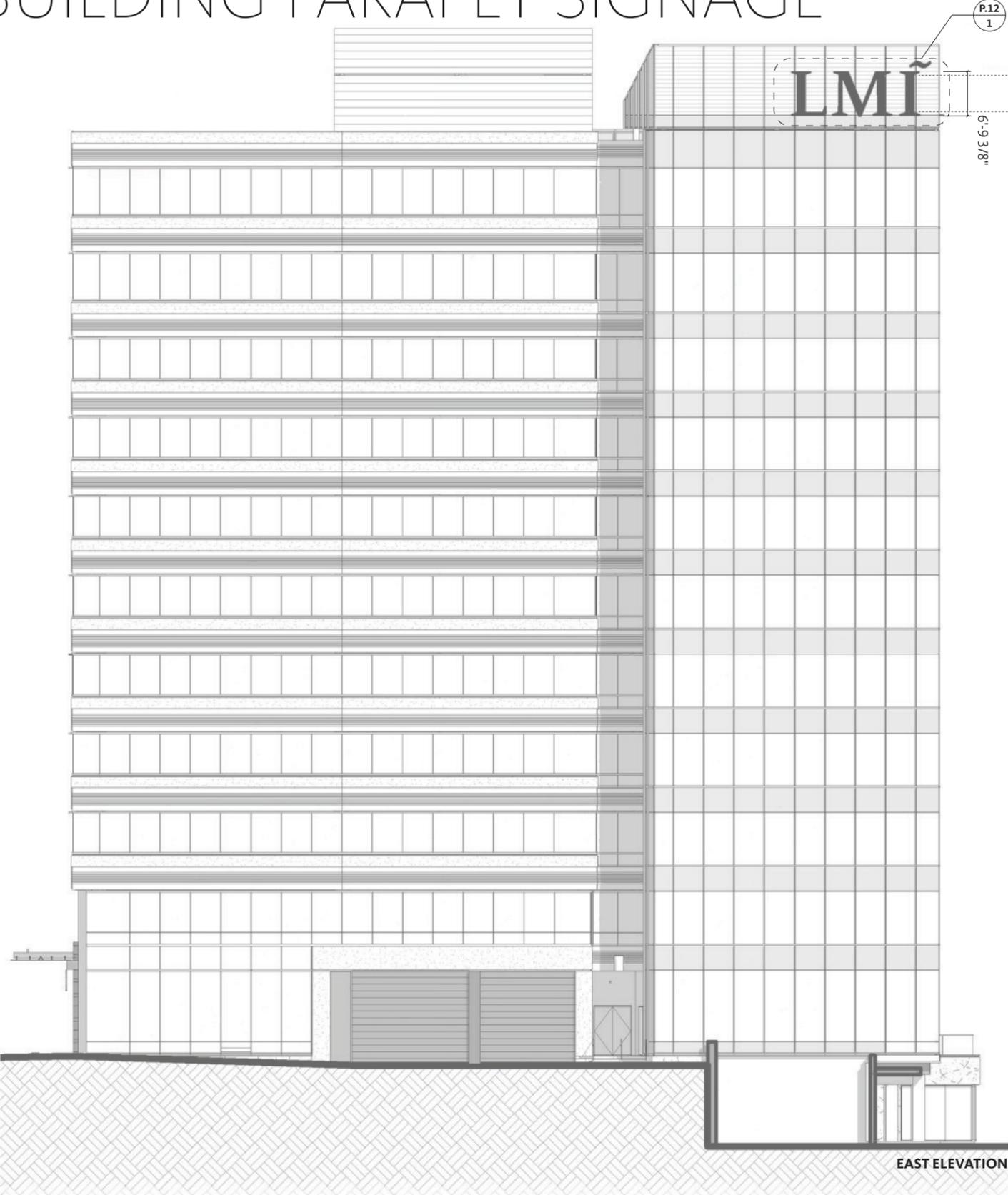
# SIGN LOCATION PLAN-SITE



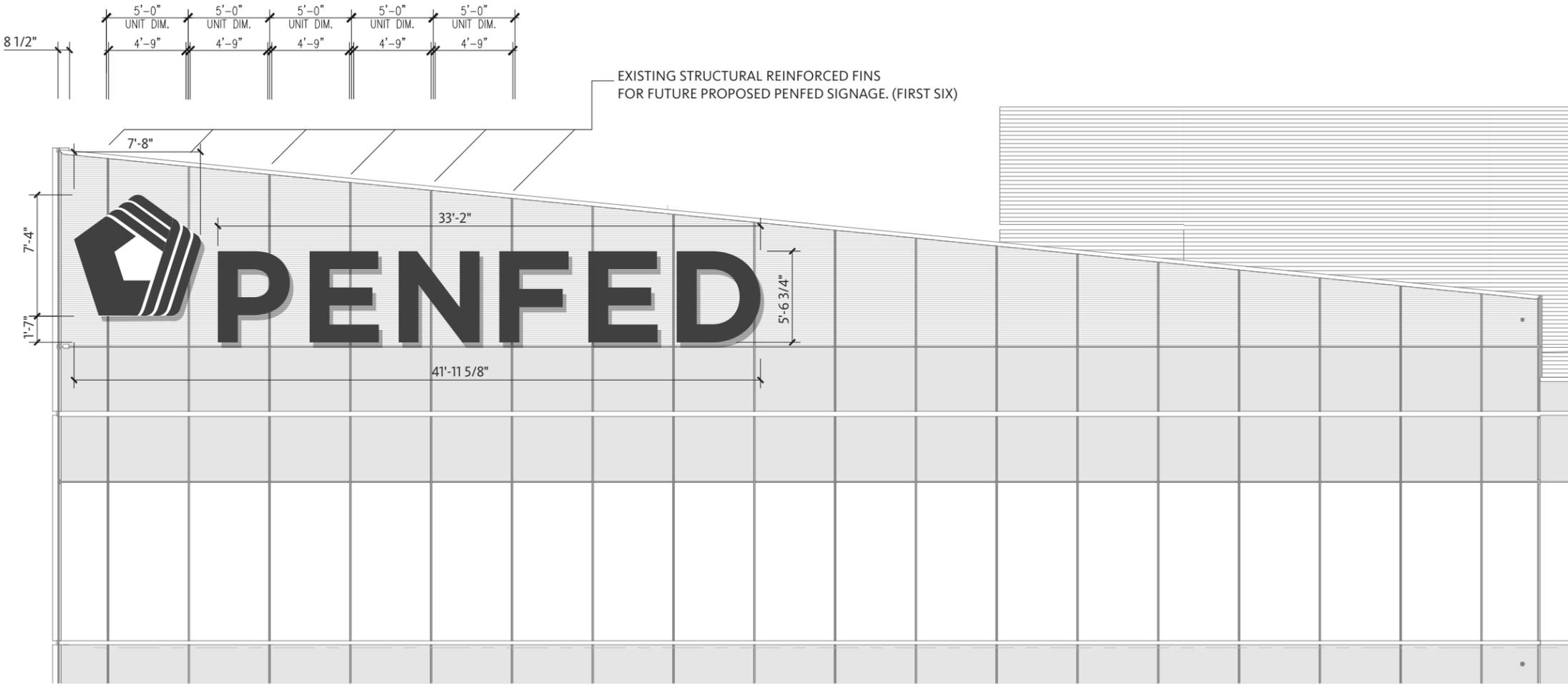
# SIGN LOCATION PLAN-ROOF LEVEL



# BUILDING PARAPET SIGNAGE



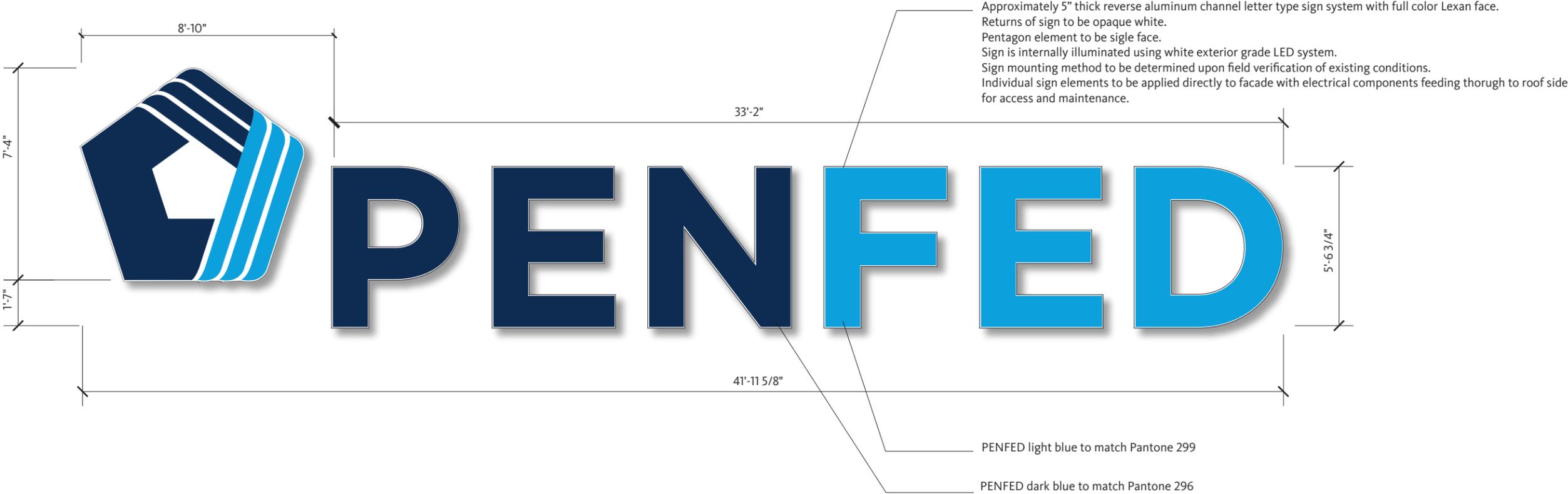
# BUILDING PARAPET SIGNAGE



**APPROXIMATE SIGN AREA - 258.5 SF**

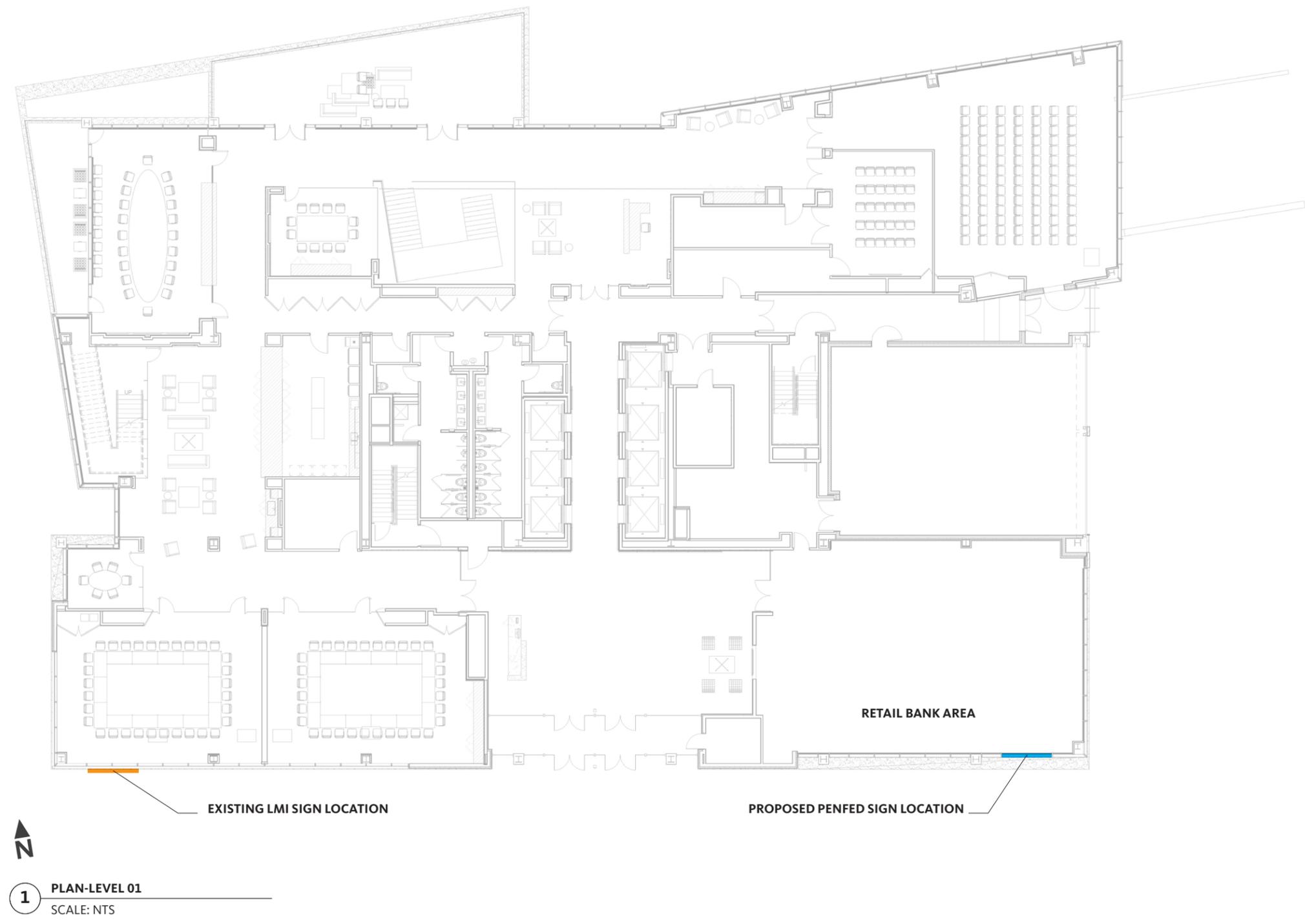
**1 PARTIAL ENLARGED NORTH ELEVATION**  
SCALE: 1/8" = 1'-00"

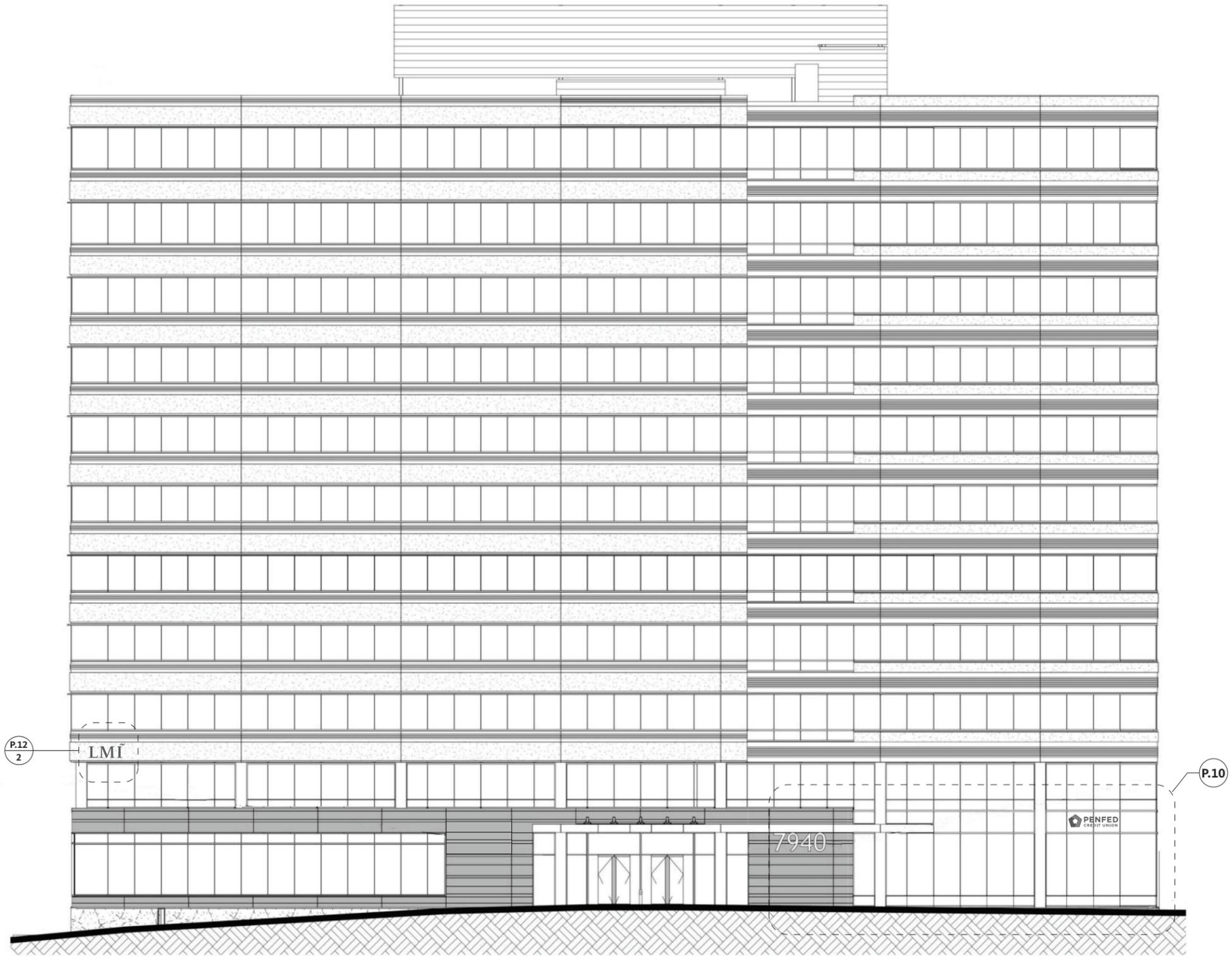
# BUILDING PARAPET SIGNAGE



**1** SIGN ELEVATION  
SCALE: 1/4" = 1'-00"

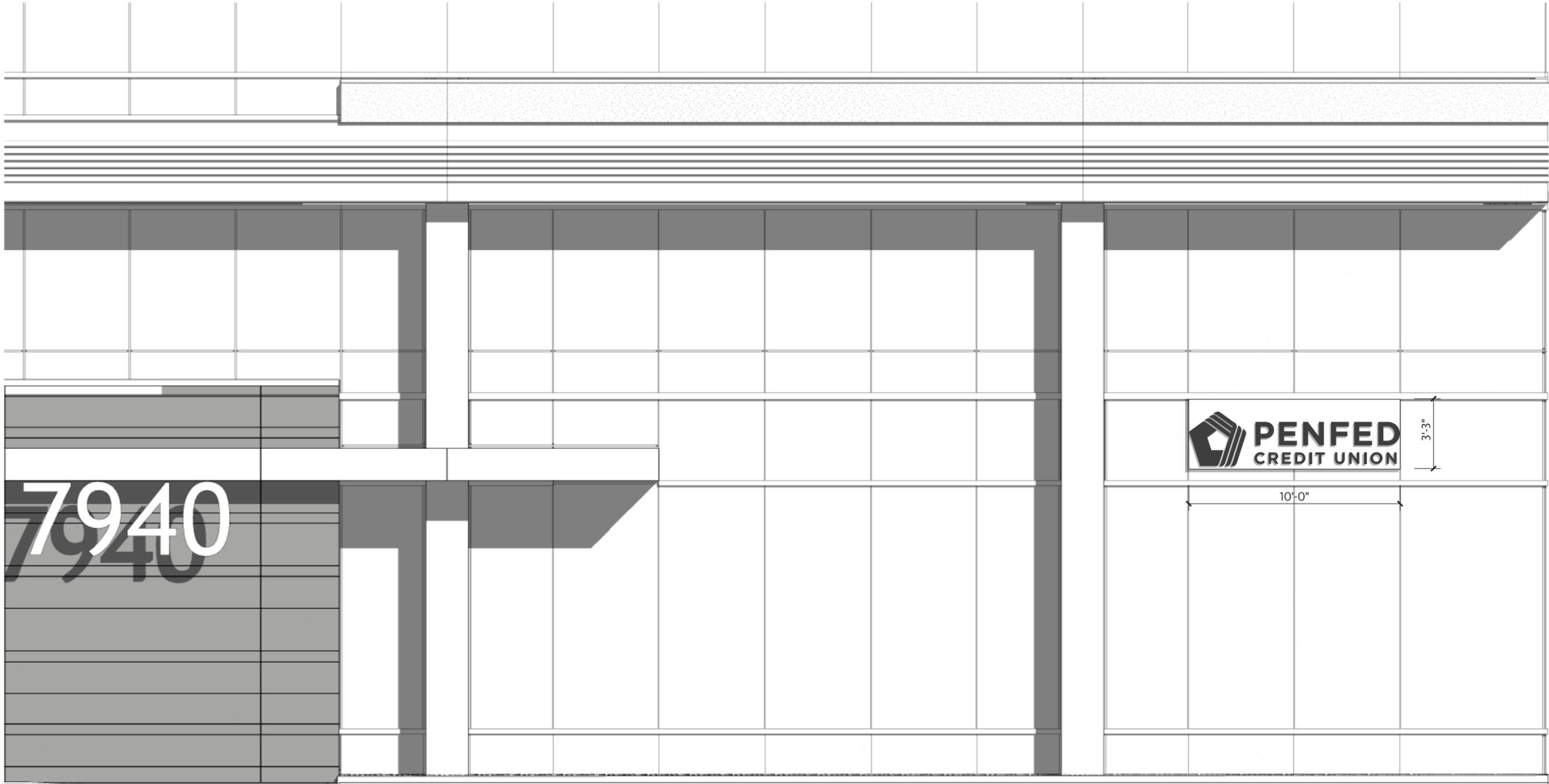
# SIGN LOCATION PLAN-GROUND LEVEL





**1** SOUTH ELEVATION  
SCALE: NTS

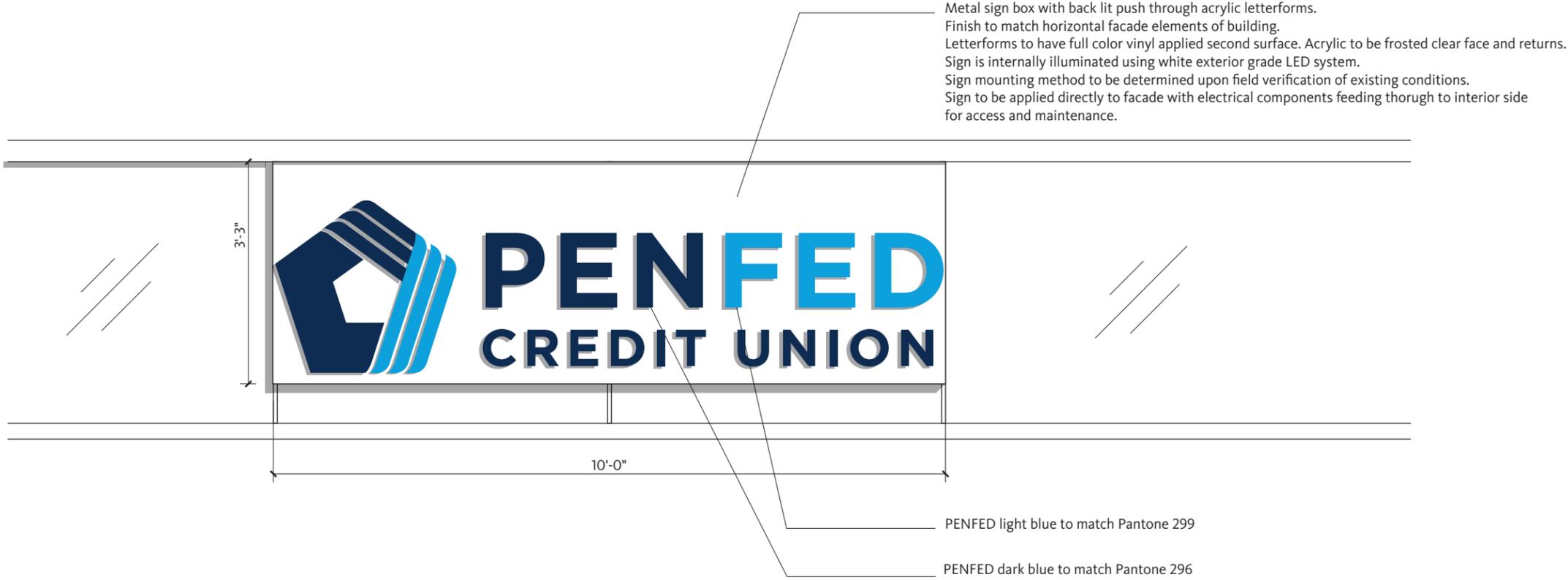
# RETAIL BANK SIGNAGE PLACEMENT



APPROXIMATE SIGN AREA @ 32.5 SF

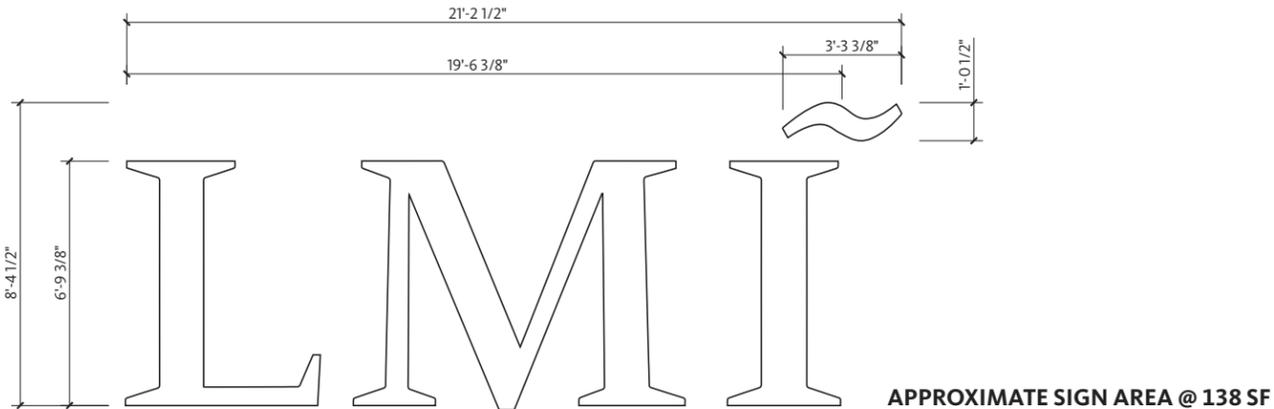
1 SOUTH ELEVATION  
SCALE: 3/16" = 1'-00"

# RETAIL BANK SIGNAGE PLACEMENT



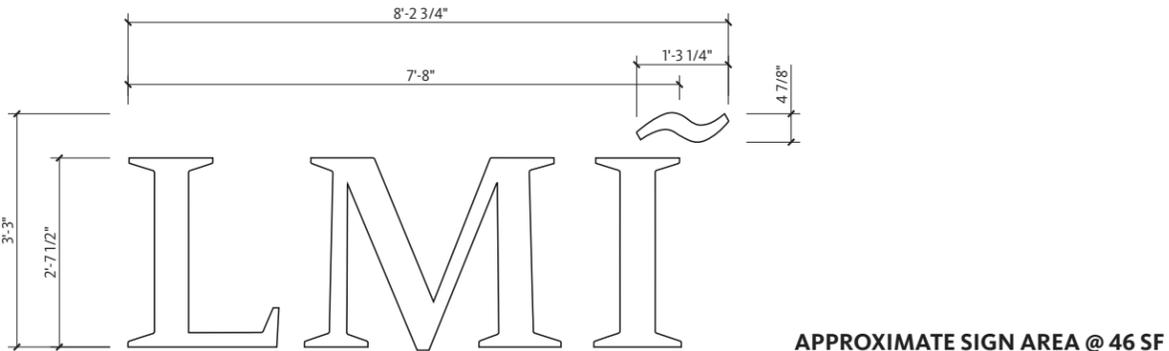
**1** SIGN ELEVATION  
 SCALE: 1/4" = 1'-00"

# EXISTING SIGNAGE



1 BUILDING PARAPET SIGN (EAST ELEVATION)

SCALE: 1/4" = 1'-00"



2 BUILDING SIGN (SOUTH ELEVATION)

SCALE: 1/2" = 1'-00"

## **DESCRIPTION OF THE APPLICATION**

The applicant, Pentagon Federal Credit Union (known as PenFed), requests approval of a Special Exception Amendment (SEA) to amend previously approved development conditions associated with SE 94-P-040 and to permit a waiver of certain sign regulations to permit additional building-mounted sign area as well as to increase the amount of sign area for an individual building-mounted sign. The site is currently developed with an 11-story office building, and under SEA 94-P-040, the applicant also was granted the flexibility to build an additional building to permit a hotel use and health club. The existing office building is currently occupied by one tenant, Logistics Management Institute (LMI), and following the relocation of PenFed's headquarters from Alexandria to Tysons, the office building will reach full occupancy.

Under governing development conditions, the existing office building is restricted to 254.1 square feet (SF) of building-mounted signage, which is the by-right square footage under the Zoning Ordinance. This SEA proposes an increase in square footage above the by-right requirements to allow signage to identify the new corporate presence of PenFed in Tysons.

A copy of the exterior signage placement exhibit is provided at the front of this report. The proposed development conditions, the applicant's statement of justification, and the affidavit are contained in Appendices 1 to 3, respectively.

## **LOCATION AND CHARACTER**

### **Site Description:**

The application area, which is located in the Tysons Corner Urban Center, is bounded by I-495 (the Capital Beltway) and the Dulles Airport Access Road (DAAR) to the east, Jones Branch Drive to the west, and the entrance lanes to the High-Occupancy Toll (HOT) Lanes of I-495 (also referred to as the Jones Branch Connector). The 5.97-acre site is zoned C-3 and is currently improved with an 11-story office building and a 6-level above-ground parking structure. As previously mentioned, the undeveloped portion of the property will eventually contain an additional office or office with associated hotel and health club. The site is accessed via an entrance from Jones Branch Drive.



*Figure 1: Aerial photograph of SEA application area*

A summary of the surrounding land use, zoning, and Comprehensive Plan recommendations is provided in the following table:

	<b>Existing Zoning:</b>	<b>Existing Use:</b>	<b>Plan Recommendation:</b>
<b>North:</b>	C-3	Office (Gannett)	Private Open Space
<b>East (across Beltway)</b>	PDH-30	Multifamily Residential (Gates of McLean)	Residential Mixed Use
<b>South:</b>	C-4	Office (Hilton Worldwide)	Office
<b>West</b>	C-3	Office (Westpark)	Residential Mixed Use

**BACKGROUND**

On October 15, 1990, the Board of Supervisors approved RZ 88-D-005 to rezone 193.54 acres of land from the I-3 and I-4 Districts to the C-3 District. The approved proffers dated October 3, 1990, permit a floor area ratio (FAR) of 0.54 on the property or a total of 4,682,689 square feet of gross floor area. The Generalized Development Plan (GDP) submitted with RZ 88-D-005 did not proffer building size, location, or footprint.

On October 31, 1994, the Board of Supervisors approved PCA 88-D-005 to subdivide 193.54 acres into five Land Bays (A through E), among other items. Also on October 31, 1994, the Board of Supervisors approved SE 94-P-040, subject to development conditions for an increase in building height, radio and television broadcasting facilities, microwave facilities and satellite earth stations accessory to an office building, a helistop; and waiver of certain sign regulations. In accordance with Development Condition 5, in 2007, the 30.0097 acre site was subdivided into Lot C1 (Gannett), Lot A8 (the five acre stormwater management facility), and Lot C2 (the subject property), shown in Figure 4.



Figure 2: SE 94-P-040 Parcels

On July 26, 2011, the Board of Supervisors approved SEA 94-P-040, a partial special exception amendment, specifically for Lot C2 (the subject property) to permit an eating establishment, health club, hotel and child care center/nursery school within a commercial office building. The approved SEA Plat included three optional site layouts. The approved SEA conditions also incorporated modifications to the previously approved development conditions, which included removing the limitation of a single user. A copy of the development conditions associated with SEA 94-P-040 and parking structure elevations submitted to the Planning Commission as part of the development conditions are provided as Appendix 4.

On January 29, 2013, the Board of Supervisors approved SEA 94-P-040-02, which was a partial special exception amendment and mainly involved Lot C1 (the office building currently housing Gannett). The approved SEA conditions permitted the deletion of the helistop and modifications to previously approved development conditions, including the

deletion of the single user restriction previously placed on the development. The approved SEA also amended signage restrictions, and deleted the previous condition relating to the helistop.

## COMPREHENSIVE PLAN PROVISIONS

<b>Plan Area:</b>	II
<b>Planning District:</b>	M1 - McLean Planning District
<b>Planning Sector:</b>	Tysons Corner Urban Center
<b>Plan Map:</b>	Office

The Tysons Urban Design Guidelines, endorsed by the Board of Supervisors on January 24, 2012, address design elements that should be considered with signs. On Page 5-4, suggestions include:

- *Use permanent, weather proof, well-designed signs.*
- *Limit the number of signs to convey a clear message and avoid visual clutter.*
- *Clearly state the business name or other information displayed on the sign.*
- *Scale typeface, characters and graphics of storefront signage to pedestrians and/or motorists, as applicable.*
- *The scale and materials used for signs should be appropriate to the neighborhood. For instance, monolithic digital or other illuminated signs may be considered on a case by case basis in areas close to the metro and adjacent to high concentrations of arts and entertainment uses. Similarly, small-scale blade signs or awning signage would be more appropriate for a mixed-use residential neighborhood.*
- *Signage must not present a visual obstruction to sight distances at intersections and vehicular*

## ANALYSIS

### Signage Plan

The applicant submitted a request to waive the submission of a special exception plat pursuant to Sect. 9-011 of the Zoning Ordinance, which permits the Zoning Administrator to waive or to modify a submission requirement if it is determined that the requirement is clearly not necessary for review of the application. In lieu of a SEA Plat, the applicant proposed to submit exhibits that depicted the proposed signs and their

placement on the buildings and within the site. Because no site modifications were proposed with this application, the waiver request was granted

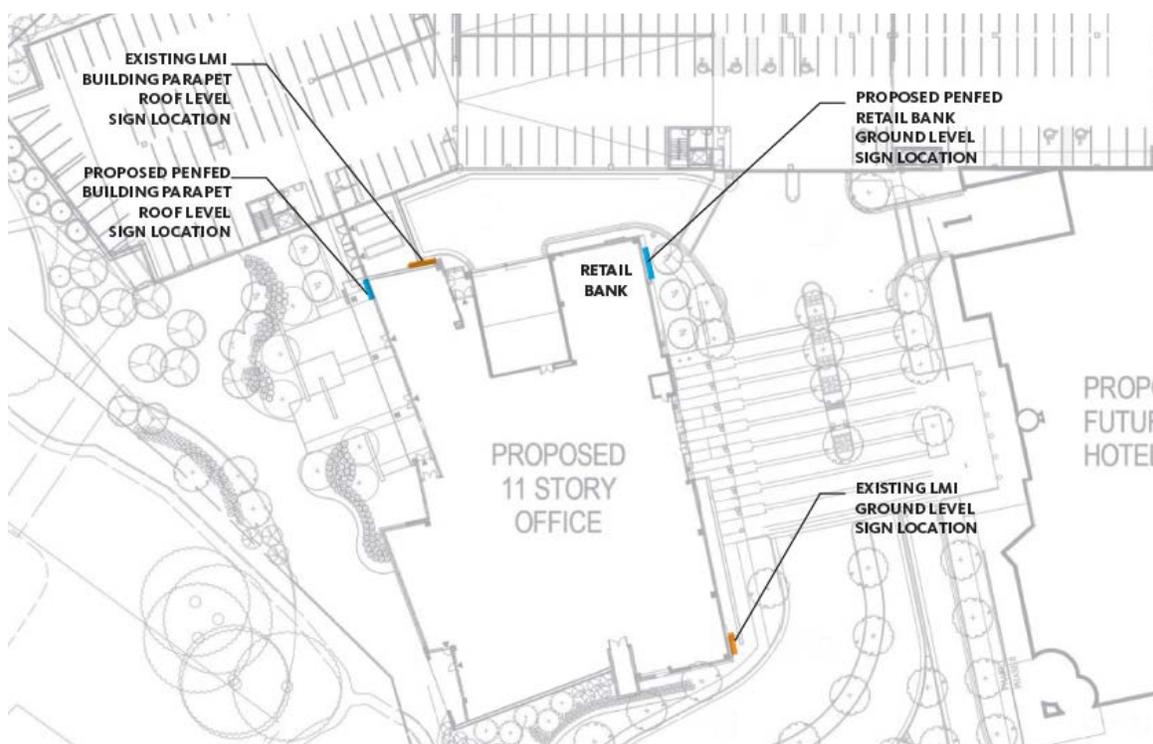
**Title of Exhibit:** Exterior Signage Placement Exhibit

**Prepared By:** Gensler

**Original Date:** February 26, 2016

**Revision Date:** May 23 2016

The above-referenced exhibit (included at the front of this report) contains 12 sheets and details the two proposed building-mounted signs. In addition, the applicant has requested the flexibility to add additional building-mounted signage (not shown within the exhibit) along awnings, on the first or second floor level, and/or freestanding signs in accordance with the Zoning Ordinance. The two detailed proposed signs are in addition to the two existing LMI signs.



*Figure 3: Overall location of existing and proposed signage*

It should be noted that the following matrix does not include the additional flexibility requested by the applicant for an additional 215 SF of proposed building-mounted signage to be located along awnings, on the first or second floor level, and/or freestanding signs as permitted by the Zoning Ordinance. A development condition has been included to include a maximum of 215 SF of this type of signage.

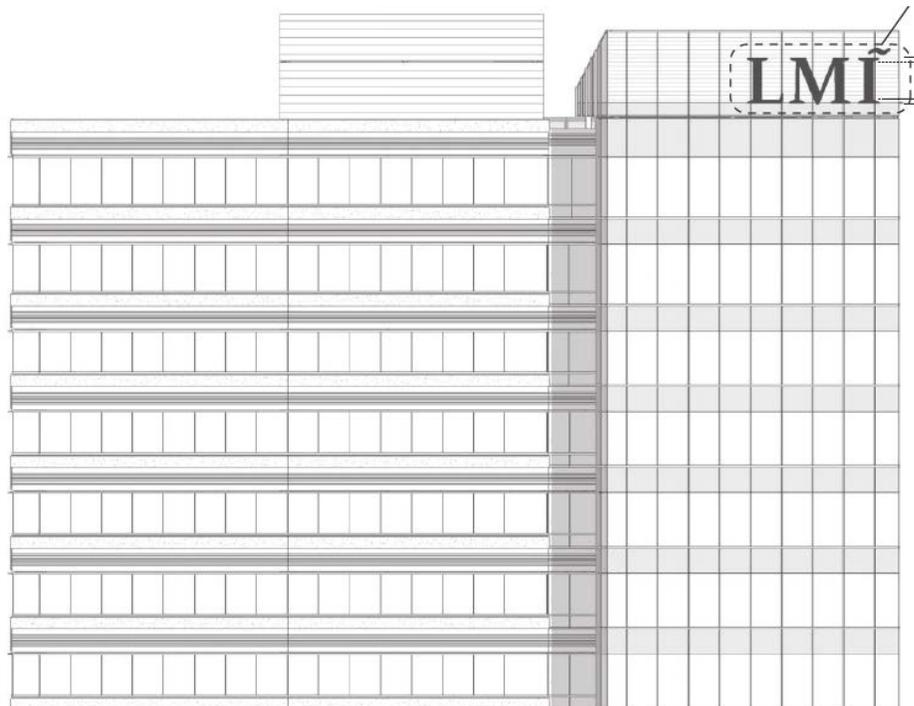
Existing & Proposed Building Mounted Signs.			
EXHIBIT #	MESSAGE	EXISTING SIGN AREA	ZONING ORDINANCE LIMIT
01	LMI	138 Sq. Ft.	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)
02	LMI	46 Sq. Ft.	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)
EXHIBIT #	MESSAGE	PRPOSED SIGN AREA	ZONING ORDINANCE LIMIT
03	PENFED	258.5 Sq. Ft.	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)
04	PENFED CREDIT UNION	32.5 Sq. Ft.t	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)

*Figure 4: Existing and proposed signage matrix*

The following is an overview of the existing and proposed signs included in the application:

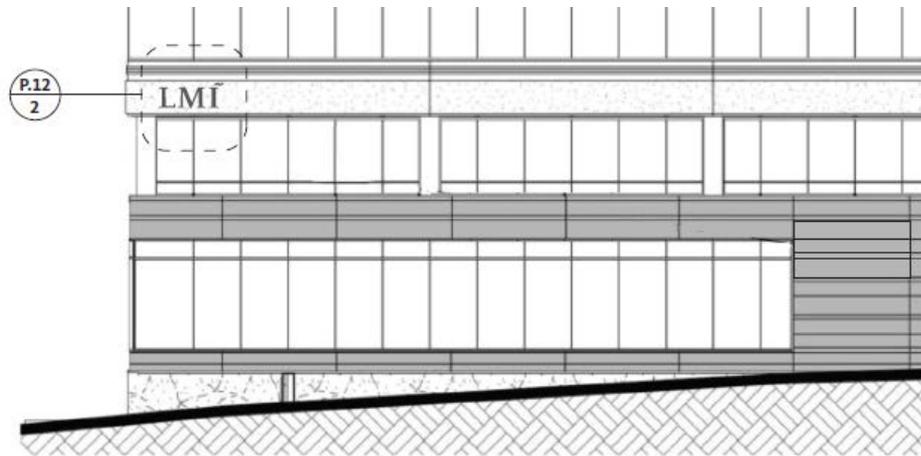
**Existing Signage**

The building currently has one roof level sign located on the eastern elevation facing I-495. The sign area is approximately 138 SF in size and is located along the roofline on the eleventh story of the building.



*Figure 5: Existing LMI signage*

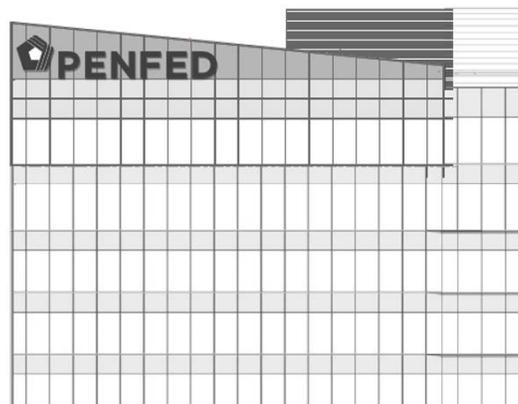
In addition, one ground level sign is located along the southern elevation of the building near the building's common entrance, facing the property's interior driveway. This sign is approximately 20 SF in size.



*Figure 6: Existing LMI signage*

### **Proposed Signage**

The applicant proposes one additional roof level sign to advertise the presence of the building's new tenant, PenFed. The proposed sign would be approximately 258.5 SF in size and comprised of reverse aluminum channel letters. The sign would also be internally lit. The applicant has sought a modification of development conditions to allow this sign to exceed the by-right allowed sign area of 200 SF. According to the applicant's justification, the letters of the proposed sign are matched to the size of the existing LMI lettering signage. By doing so, the size of the sign exceeds the 200 SF limit.



*Figure 7: Proposed PenFed signage*

In addition to the roof level signage, the applicant also proposes a ground level sign facing the property's interior driveway. This sign, which would be 32.5 square feet in size, would be comparable to the existing LMI ground level signage in size and scale.

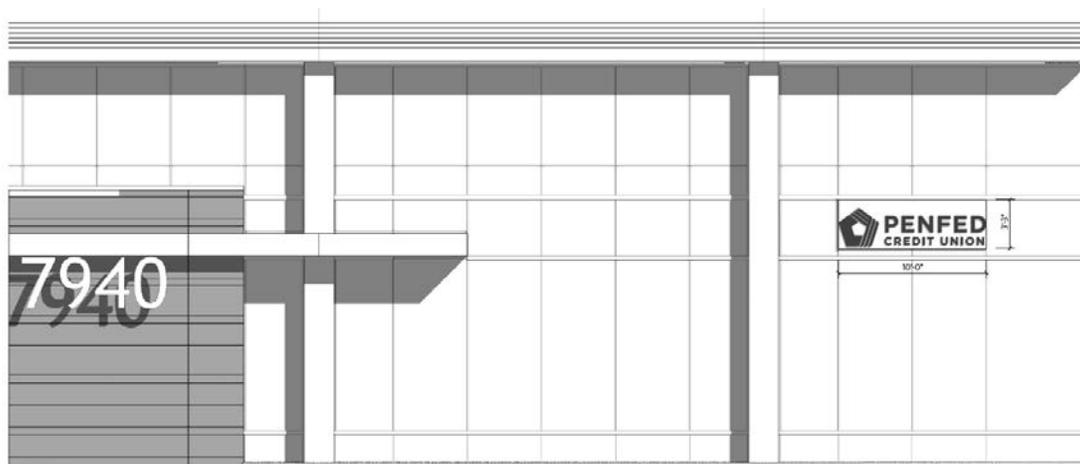


Figure 8: Proposed ground level signage

Based on the building frontage of 204.1 feet, the building is allowed 254.1 square feet of building-mounted signage by-right. The existing LMI signage totals 184 square feet, which would only allow the applicant to include 70.1 square feet of additional signage. Under the previously imposed development conditions, the building was strictly limited to the by-right allowances by Condition #12, which states the following:

*Signage shall comply with the Fairfax County Zoning Ordinance. In addition, for any building located on parcel C2, there shall not be more than on building-mounted sign above the second floor on each [sic] the north and west faces of the office building.*

The applicant proposes to amend this condition to allow two things: 1) the increase of signage square footage can be permitted above the 254.1 square-foot limitation on total amount of signage, and 2) a single sign can be greater than the by-right limitation of 200 SF in size.

In the Statement of Justification, the applicant notes that the subject site has been subjected to various takings and dedications during the expansion of the I-495 HOT Lanes and the Jones Branch Connector. As a result, the property's size has been reduced along its frontages. Since the amount of signage is based on the site's frontage, the applicant notes that the permitted amount of signage has been reduced. The applicant is requesting a total of 657.5 SF of building-mounted signage, which is 403.4 SF more than the by-right allowance of 254.1 square feet.

### **Land Use and Environmental Analysis**

No land use or environmental issues were identified during the review of this application.

### **Transportation Analysis**

No transportation issues were identified during the review of this application.

**Office of Community Revitalization (Appendix 5)**

Staff from the Office of Community Revitalization (OCR) reviewed this application against the Tysons Corner Urban Design Guidelines and found the proposed signage to be appropriate for the size and scale of the building and compatible with the existing building-mounted signage. OCR did recommend that the applicant verify that the building structure can support the additional weight of the signs without the need for structural appurtenances.

**ZONING ORDINANCE PROVISIONS (Appendix 6)****General Special Exception Standards (Sect. 9-006)**

General Standards 1 and 2 require that the proposed use be in harmony with the adopted Comprehensive Plan and with the general purpose and intent of the applicable zoning district regulations. Staff finds that the proposed addition of building-mounted signage is in harmony with the Comprehensive Plan, as it has no adverse effects on the Plan objectives.

General Standard 3 requires that the proposed use not adversely affect the use or development of neighboring properties. The proposed building-mounted signage would be proportional to the existing signage and in scale with the signage of adjacent buildings. The applicant proposes to delete Development Condition 12 from previous SEA approval, which requires the application to remain in conformance with the by-right signage limitations. As previously outlined, in order to effectively advertise PenFed's new presence in Tysons with a visible and legible sign, an increase in signage to allow the proposed rooftop sign along with ground-level signage is appropriate for this development. In staff's opinion, permitting a larger sign than allowed by the Zoning Ordinance will improve the visibility of the sign without negatively impacting adjacent properties.

Landscaping and open space provisions of General Standards 5 and 6 and the adequate utility, drainage and parking provisions of General Standard 7 remain unchanged with this application and have been addressed in previous land use approvals. The proposed request for additional signage will not impinge on these standards. In accordance with the general standards of the Zoning Ordinance, any signage provided on site, which is not subject to this Special Exception, will be required to meet with the signage regulations of the Zoning Ordinance.

**Waiver of Certain Sign Regulations (Sect. 9-620)**

Par. 1 of Sect. 9-620 states that a waiver is permitted for an increase in sign area, sign height or different location, but not for the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104. The applicant requests an increase in building-mounted signage for the subject site, as well as an increase in sign area above the

permitted 200 SF size limitation prescribed by the Zoning Ordinance. A waiver is permitted for both of these instances with approval of a special exception.

According to Par. 2 of Sect. 9-620, the applicant must justify the requested waiver by demonstrating unusual circumstances or conditions related to the site, such as the location, topography size or configuration of the lot or size or orientation of the structure on the lot. As previously discussed, the subject site has been subjected to various takings and dedications during the expansion of the I-495 HOT Lanes and the Jones Branch Connector. As a result, the property's size has been reduced along its frontages. In addition, in order to ensure signage visibility and legibility from the surrounding roads, the increase in signage beyond the remaining 70.1 square feet of by-right sign area is necessary to provide other tenants with visible and legible signs. With the inclusion of a second tenant, the applicant has requested a building-mounted sign for PenFed which is in scale with the existing sign. Staff believes that the inclusion of a 258 SF sign rather than a by-right 200 SF sign is compatible with not only the existing on-site signage, but also with the signage on surrounding developments. It is staff's opinion that the application satisfies these requirements.

The proposed addition of building-mounted signage complies with the Comprehensive Plan, as required by Par. 3 of Sect. 9-620. The additional signage does not conflict with the goals of the Comprehensive Plan language for the applicable area, which promotes office buildings and corporate headquarters. Staff believes that this standard is satisfied.

Par. 4 of Sect. 9-620 requires that a waiver may only be approved where the relationship to the sign(s) to the land, buildings and conforming signs in the neighborhood are reviewed and determined not to have any deleterious effect on the existing or planned development of adjacent properties and meets the intent of Article 12. The applicant has met with residential developments in the area (McLean Hamlet) and has provided exhibits (one of which is included below) showing anticipated viewsheds of proposed signage. The applicant is requesting a total of 657.5 SF of building-mounted signage, which is 403.4 SF more than the by-right allowance of 254.1 square feet. This application adds 473.5 SF of sign area (one sign at 258.5 SF, and no more than 215 SF along the first or second floor). Based on the exhibits provided by the applicant, staff does not believe that the increase in sign area or the placement of proposed signage has any deleterious effect on the existing or planned development of adjacent properties. Staff believes that this standard will be met.



Figure 9: View of proposed signage from McLean Hamlet

## CONCLUSIONS AND RECOMMENDATIONS

### Staff Conclusions

Staff concludes that the proposed signage is appropriately sized, scaled, located, and designed to complement the existing building and associated tenants. Staff believes that with the implementation of the proposed development conditions, the proposed Special Exception Amendment is consistent with the Comprehensive Plan and meets the applicable provisions of the Zoning Ordinance.

### Recommendation

Staff recommends approval of SEA 94-P-040-03, 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 proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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

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

## APPENDICES

1. Proposed Development Conditions
2. Affidavit

3. Statement of Justification
4. SEA 94-P-040, Development Conditions
5. Office of Community Revitalization Analysis
6. Zoning Ordinance Provisions
7. Glossary

## PROPOSED DEVELOPMENT CONDITIONS

### SEA 94-P-040-03

July 6, 2016

If it is the intent of the Board of Supervisors to approve SEA 94-P-040-03, located at Tax Map Parcels 29-4 ((15)) 01, 02 and 29-2 ((15)) 05, 06, and 07 to allow a Special Exception Amendment (SEA) pursuant to Sect. 9-620 of the Zoning Ordinance to permit waiver of certain sign regulations and modifications to development conditions, staff recommends requiring conformance with the following development conditions. These conditions supersede all previous conditions associated with SEA 94-P-040 (an asterisk identifies those conditions carried forward from SEA 94-P-040, underlined text signifies new changes, and strikethrough indicates a deleted condition):

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.\*
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment (SEA) Plat approved with the application, as qualified by these development conditions.\*
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Despite Note 20 on SEA Plat, any plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "7940 Jones Branch Drive" prepared by Urban Engineering and Associates, Inc. and dated August 2007 and revised through May 18, 2011 (the "SEA Plat"), and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.\*
4. Modifications may include changes to the principal building footprints in Options 2A and 2B, as long as the width of the plaza/autocourt between those buildings shall be no less than 120 feet. Said modifications shall not decrease distances to peripheral lot lines or open space, increase the approved overall square footage, and shall maintain points of access as shown on the SEA Plat.\*
5. **Limitation of Use and Applicant.** There shall be no limitation on the number of users occupying the building or buildings located on Tax Map Parcel 29-2 ((15)) C2. ("Parcel C2").\*
6. **Limitation on Square Footage.** Development of the original site, that includes 29- 2 ((15)) A8 and C1, shall not exceed 1,307,223 square feet, or a 1.0 FAR, less the gross square footage that may be acquired by VDOT for compensation on Parcel C2. Area that is dedicated in fee simple shall retain density credit upon showing proof from VDOT at site plan that no compensation was received for it. It is understood that the 30.0097 acre site may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility. It is further understood that the entire amount of gross floor area, attributed to this site may be located on the remaining 25.01 acres of the site, notwithstanding the fact that this may result in a FAR that

exceeds 1.0 when calculated solely on the 25.01 acres. Notwithstanding the subdivision of Land Bay E (as established in PCA 88-D-005), the entire land bay will be considered as a single unit for the purpose of the application of the Fairfax County Zoning Ordinance. Any subdivision or site plan filed in the future on this Land Bay shall include this notation and reference the appropriate recorded plat unless or until the property is subject to a future rezoning.\*

7. **Height of Buildings.** The maximum building height of any portion of building(s) located on Tax Map Parcel 29-2 ((15)) C2 shall not exceed 300 feet. The maximum height of any penthouse in this area shall not exceed 40 feet.\*
8. **Building Materials of Building(s).** The façade of any building that faces the Dulles International Airport Access Highway (DIAAH) shall be constructed so as to reduce building glare on adjacent residential communities. Any building located on Tax Map parcel 29-2 ((15)) C2 may include exterior or interior illumination as an architectural feature of the building. However, this illumination shall not include colored lighting or lights that change and shall conform to the provisions of the Zoning Ordinance.\*
9. **Building Materials of Optional Hotel.** The hotel, if constructed, shall be architecturally compatible with the office building. Exterior building materials shall be a combination of materials selected from pre-cast concrete, glass, metal panels, masonry, cementitious panels, stucco, brick or materials of similar quality.\*
10. **Hotel Operation:** The hotel in Option 2B may exceed 215 rooms subject to the provision of the required number of parking spaces. The number of employees for the proposed hotel shall be limited to 270 (or the full time equivalent).\*
11. **Fitness Center:** The hours of operation for the health club in Option 2B shall be 7 days a week from 5 a.m. to 11 p.m. The number of employees for the proposed health club shall be limited to 20.\*
12. **Signage.** ~~Signage shall comply with the Fairfax County Zoning Ordinance. In addition, for any building located on Parcel C2, there shall not be more than one building-mounted sign above the second floor on each the north and west faces of the office building.~~

All signs shall be consistent with the number, location, size, and height indicated on the submitted signage plan titled "Exterior Signage Placement Exhibit," prepared by Gensler, dated February 26, 2016, as revised through May 23, 2016 (also included as Attachment 1 to these development conditions). The specific design, color palette, typography, and materials of signage may vary from that shown on the exhibit, provided such signs are consistent throughout the project and remain in conformance with the overall limitations set forth in the Exhibit. Individual tenant signs are not prohibited from incorporating various colors and typography within the individual tenant identification. Content of the signs is not regulated by this SEA.

As shown in the Exhibit and the following signage matrix, one additional building-mounted sign shall be permitted above the second floor with a maximum square footage of 260 SF. In addition, notwithstanding the following "Existing and Proposed Building Mounted Signs" matrix, the applicant shall be permitted to have a maximum total combined signage area of 215 SF comprised of the following

signs: signs located on building awnings, building-mounted signs located on the first or second floor level, and/or freestanding signs in accordance with the Zoning Ordinance. The total maximum sign area of building mounted signs shall be 660 SF.

<b>Existing &amp; Proposed Building Mounted Signs.</b>			
<b>EXHIBIT #</b>	<b>MESSAGE</b>	<b>EXISTING SIGN AREA</b>	<b>ZONING ORDINANCE LIMIT</b>
01	LMI	138 Sq. Ft.	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)
02	LMI	46 Sq. Ft.	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)
<b>EXHIBIT #</b>	<b>MESSAGE</b>	<b>PROPOSED SIGN AREA</b>	<b>ZONING ORDINANCE LIMIT</b>
03	PENFED	258.5 Sq. Ft.	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)
04	PENFED CREDIT UNION	32.5 Sq. Ft.t	200 Sq.Ft for each sign (Par. 8 of sect. 12-203)

Other than permitted above, all other signs shall be in conformance with the Zoning Ordinance.

13. **Crane Lighting.** Construction cranes shall have lighting in conformance with Federal Aviation Administration (FAA) guidelines and regulations.\*
14. **Helistop.** A helistop shall not be permitted.\*
15. **Communications Facilities.** Satellite earth stations (including equipment shelters) and communication antennas shall not be permitted. This shall not preclude building mounted land based telecommunication facilities that are permitted uses in the C-3 District.\*
16. **Tree Preservation:** A Tree Preservation plan (the "Preservation Plan") shall be submitted as part of the first and all subsequent site plan submissions. The Preservation Plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division (UFMD), of DPWES. The Preservation Plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees ten (10) inches in diameter and greater, and twenty-five (25) feet to either side of the limits of clearing and grading as shown on the SEA Plat for the entire site. The Preservation Plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SEA Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest

edition of the Guide for Plant Appraisal published by the International Society of Arboriculture.\*

17. **Limits of Clearing and Grading.** The limits of clearing and grading shall strictly conform to that shown on the SEA Plat, subject to allowances specified in these Development Conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD of DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD of DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.\*
18. **Landscaping and Open Space.** Concurrent with the submittal of the first and subsequent site plans, a landscaping plan shall be submitted for the review and approval of Urban Forest Management. Landscaping shall be provided that is consistent in quantity and quality with that depicted on the SEA Plat. Additional landscaping treatment shall be provided along retaining walls if the walls exceed 4 feet in height. At least 15 percent of the gross land area of Parcel C2 shall be designated as landscaped open space as depicted on the SEA Plat.\*
19. **Parking.** Parking shall be provided in accordance with Article 11 of the Zoning Ordinance, or as may be approved either in conjunction with a Shared Parking Agreement as reviewed and approved by DPWES or Parking Redesignation Plan under Sect. 11-101. The number of parking spaces provided on-site may be increased above the minimum Ordinance requirements, or decreased, as long as any additional spaces do not decrease the open space tabulation or increase the height and footprint of the proposed parking structure. The exterior of all parking structures shall be landscaped as depicted on the SEA Plat.\*
20. **Setback from the DIAAH.** There shall be a minimum distance of 75 feet between all principal buildings and the DIAAH right-of-way. However, free standing parking structures may be located within 75 feet of the DIAAH right of way as depicted on the SEA Plat.\*
21. **Parking Structure.** The entire garage façade shall be constructed with high-quality architectural block, stone, stone-like material, colored pre-cast concrete or a comparable material. Where visible, the garage façade shall incorporate architectural treatments such as "ribbing", eyebrows or other details that complement the architecture of the adjacent office building. Plantings along the frontage of the parking structure shall be provided as shown on the SEA Plat. Planter boxes containing vines and/or low growing shrubs and/or a green screen with vegetation shall be provided along the top edge of the parking structure closest to the DIAAH subject to review of Urban Forest Management (UFM). All minimum planting areas, as determined by the Public Facilities Manual (PFM), shall be met at the time of site plan review and approval for plantings proposed on the parking structure. During site plan review and prior to site plan approval, elevations of the parking structure shall be submitted to the Planning Commission for comment and review.\*

22. **Location of Plantings in Easements.** If plantings are proposed within any on-site Fairfax County Water Authority (FCWA) easements, on-site storm drainage easements, or utility easements, permission from the owner of such easements shall be obtained prior to site plan approval. If such permission cannot be obtained, any change in landscaping shall remain in substantial conformance with the alternatives depicted on the SEA Plat or an amendment to this SEA shall be required.\*
23. **Noise.** Prior to site plan approval, a noise study shall be submitted to the Environmental Review Development Branch (EDRB) of the Department of Planning and Zoning demonstrating that noise in any outdoor amenity area will not exceed 65 dBA. Should the hotel option be selected, prior to site plan approval for the hotel, a noise study shall be submitted to the (ERDB) of the Department of Planning and Zoning (DPZ) for review and approval which demonstrates interior noise levels for the hotel shall not exceed 45 dBA. Prior to issuance of any Non-RUP for a child care center and/or nursery school on the property, a noise study shall be submitted to ERDB for review and approval which demonstrates that the noise levels for the outdoor play area shall not exceed DNL 65 dBA and that levels for the indoor facility shall not exceed 45 dBA. Any noise study shall be conducted in accordance with the attached guidelines.\*
24. **Outdoor Seating.** Outdoor seating may be provided for any proposed eating establishment so long as such seating does not block any sidewalks or other pedestrian connections as depicted on the SEA Plat. Benches enhanced landscaping and/or other outdoor amenities may be provided in or around the autocourt.\*
25. **Sidewalks.** Public access easements in a form acceptable to the County Attorney shall be provided by the applicant over the sidewalks along Jones Branch Drive and the Jones Branch Connector.\*
26. **Child Care Center/Nursery School.** A child care center and/or nursery school may be located within an office building. The facility shall be for the exclusive use of the employees of on-site tenants and shall not be open to the general public. The facility shall be approximately two thousand (2,000) square feet and shall be limited to a maximum enrollment of no more than thirty (30) children at any given time and no more than five (5) employees.\*
27. **Low Impact Development (LID).** The site shall incorporate the two proposed rain gardens as depicted on the SEA Plat for Option 1. The proposal may include an above or below ground cistern on the property in addition to the depicted rain gardens on the SEA Plat. Options 2A and 2B shall include LID features as feasible. Any LID feature/facility shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES.\*
28. **Offsite Detention of Stormwater.** If a waiver of on-site stormwater management/best management practices (SWM/BMP) is not granted by DPWES and an on-site SWM/BMP facility cannot be provided in substantial conformance with the SEA Plat, then a Special Exception Amendment (SEA) shall be obtained prior to site plan approval.\*
29. **Revegetation of RPA.** A revegetation plan for the RPA located in the northern portion of the property, Tax Map 29-2 ((15)) C2, shall be submitted concurrently

with the first and all subsequent site plan submissions for review and approval by Urban Forest Management, DPWES, and shall be in substantial conformance with that shown on the SEA Plat. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native forest cover type. The plan shall include, but not be limited to, the following:\*

- a. plant list detailing species, sizes and stock type of trees and other vegetation to be planted
- b. soil treatments and amendments if necessary
- c. mulching specifications
- d. methods of installation
- e. maintenance
- f. mortality threshold
- g. monitoring
- h. replacement schedule

### **30. Commitment to LEED certification**

Prior to approval of the site plan, the applicant will execute a separate agreement and 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. If the applicant selects either option 1 or 2A (the office with restaurant options), the escrow amount will be \$154,000. If the applicant selects Option 2B (the office and the hotel option), the escrow amount will be \$296,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design-New Construction (LEED®- NC) rating system, Leadership in Energy and Environmental Design-Core and Shell (LEED®-CS) rating system, or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that each building has attained LEED certification will be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within two years of issuance of the final non-RUP for the building, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.\*

### **31. Release of LEED Escrow.\***

- a. If the applicant provides to the Environment and Development Review Branch of DPZ, within two years of issuance of the final non-RUP for the building, documentation demonstrating that LEED 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 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.

- b. If the applicant fails to provide, within two years of issuance of the final non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by four points or more, 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.
- c. If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED 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.
- d. The applicant will include, as part of the site plan submission, a statement certifying that a LEED®-accredited professional who is also a professional engineer or licensed architect is a member of the design team, and that the LEED-accredited professional is working with the team to incorporate sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification.
- e. 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 of the U.S. Green Building Council's Leadership in Energy and Environmental Design-New Construction (LEED®-NC) rating system, Leadership in Energy and Environmental Design-Core and Shell (LEED®-CS) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council, that the applicant anticipates attaining. A professional engineer or licensed architect will provide certification statements at both the time of site plan/subdivision 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 certification of the project.
- f. Prior to approval of non-RUPs, the applicant will provide to the Environment and Development Review Branch of DPZ a letter from a LEED®-accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants (including tenants of properties to be rented or leased), that this manual has been written by a LEED-accredited

professional, that copies of this manual will be provided to all future building occupants and that this manual, at a minimum:

- Prior to approval of non-RUPs, the applicant will provide to the Environment and Development Review Branch of DPZ a letter from a LEED®-accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants (including tenants of properties to be rented or leased), that this manual has been written by a LEED-accredited professional, that copies of this manual will be provided to all future building occupants and that this manual, at a minimum:
  - i. provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
  - ii. provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
  - iii. provides, as applicable, either or both of the following:
    - (1) a maintenance staff notification process for improperly functioning equipment; or
    - (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and provides contact information that building occupants can use to obtain further guidance on each green building component.
- g. Prior to approval of non-RUPs, the applicant will provide an electronic copy of the manual in .pdf format to the Environment and Development Review Branch of the Department of Planning and Zoning.
- h. Prior to site plan approval, the applicant will designate the Chief of the Environment and Development Review Branch of the Department of Planning and Zoning 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.

### **32. Road Improvements, Signalization and Pedestrian Improvements.**

All improvements to Jones Branch Drive, including construction of road improvements, signalization and pedestrian improvements shall be provided as shown on the SEA Plat at the time of site plan approval.\*

**33. Right of Way Dedication**

The areas shown as to be dedicated shall be dedicated in fee simple to the Board of Supervisors at time of site plan approval, or upon demand of Fairfax County or VDOT, whichever shall occur first; but no earlier than thirty (30) days of approval of this application. The area adjacent to the Jones Branch Connector which is noted as "Reserved" on the SEA Plat shall be dedicated in fee simple to the Board of Supervisors upon demand should the area be necessary for the establishment of a Circulator to serve Tysons Comer. Additional easements for sidewalks, grading and construction necessary to complete Phases 1 or 2 of the Jones Branch Connector needed within the 40 foot setback area shall be provided upon demand of Fairfax County or VDOT. In this event, a Special Exception Amendment will not be required. Any landscaping removed in conjunction with installation of improvements within said easements shall be replaced by Fairfax County and/or VDOT as necessary.\*

**34. TDM Program.** The following transportation demand management plan (the "TDM Plan") shall be implemented in order to encourage the use of shuttle and/or bus circulators, high-occupancy vehicle commuting modes, walking and biking all in order to reduce automobile trips generated by the proposed development:\*

- a. Program Manager. Prior to the issuance of the first Non-RUP for the proposed office building, an individual shall be designated by the applicant to act as the Program Manager ("PM") for the Property, whose responsibility will be to implement the TDM strategies. The duties of the PM may also be a part of other duties assigned to the individual(s). Written notice shall be provided by the applicant to the Fairfax County Department of Transportation ("FCDOT") of the appointment of the PM within ten (10) days of such appointment, and thereafter, within ten (10) days of any change in such appointment.
- b. TDM Plan. Ninety (90) days after the appointment of the PM, the TDM Plan for the property shall be submitted to FCDOT for review and approval. The TDM Plan and any amendments thereto shall include provisions for the following with respect to the proposed office building;
  - i. Information Dissemination. Metro maps, schedules and forms, ridesharing and other relevant transit option information available to owners/tenants and employees shall be made available in a common area of the office building; such as a central lobby;
  - ii. Ride Matching. Coordination and assistance with vanpool and carpool formation programs, ride matching services including adjacent office buildings, and established guaranteed ride home programs shall be provided to employees of the office building;

- iii. Car Sharing Information. Information regarding the use of car sharing program(s) to tenants and employees (such as ZipCar/FlexCar) shall be made available to owners/tenants and employees in a common area of the office building;
  - iv. Subsidies. Tenants of the proposed office building shall be encouraged to offer subsidies to carpool users of HOT lanes; and,
  - v. Website. A TDM project website shall be developed and maintained by the PM that includes targeted information including multi-modal transportation information, real-time travel and transit data, the possibility of online transit pass sales or value loading and connections to supporting links.
  - vi. Restaurant Discounts. The proposed restaurant shall be encouraged to offer discounts and/or other incentives to employees of the office building who stay on-site to eat dinner or lunch.
- c. FCDOT Response. If FCDOT has not responded with any comments to the PM within sixty (60) days of receipt of the TDM Plan, the TDM Plan shall be deemed to be approved. If FCDOT responds with comments on the TDM Plan, the PM shall meet with FCDOT staff within fifteen (15) days of receipt of the County's comments. The PM shall then submit the revised TDM Plan no later than thirty (30) days after the meeting and begin implementation of the approved program.
- d. Vehicle Trip Objectives. In conjunction with Option 1 or Option 2A (493,362 gross square feet of office and 10,000 gross square feet of restaurant), the goal of the TDM Plan shall be to initially reduce the number of vehicle trips generated by the proposed office building(s) by fifteen percent (15%) in both the AM and PM peak hours from what would be projected by using methods based on ITE, 8<sup>th</sup> Edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use Code 710 (General Office). Therefore, the maximum trip limits for total driveway counts would be as follows:

<b>AM PEAK HOUR TRIPS</b>	<b>PM PEAK HOUR TRIPS</b>
580	612

If a restaurant is not constructed as part of Option 1 or 2A, the trip objectives defined above shall still apply.

In conjunction with Option 2B, the goal of the TDM Plan shall be to reduce the number of vehicle trips generated by the proposed development in both the AM and PM peak hours from what would be projected by using methods based on ITE, 8<sup>th</sup> Edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use

Code 710 (General Office), 931 (Quality Sit-down Restaurant) and 310 (Hotel). The goal is to achieve an overall reduction of 15 percent during the AM peak hour and an overall reduction of 14 percent during the PM peak hour. These overall reductions account for both a 15 percent TDM reduction in the office component and the internal trip reductions associated with the synergy created between the office and hotel uses. Therefore, the maximum trip limits for total driveway counts under Option 2B would be as follows:

<b>AM PEAK HOUR TRIPS</b>	<b>PM PEAK HOUR TRIPS</b>
522	572

(The total number of trips shown includes trips generated by the office, the hotel and the restaurant.)

If a restaurant is not constructed as part of Option 2B, the trip defined objectives above shall still apply.

Should a Tysons Circulator begin operation that serves this site, the TDM trip objectives shall cause a reduction of vehicle trips generated by the proposed uses in Option 1 and Option 2 by an overall twenty percent (20%) in both the AM and PM peak hours from what would be projected.

- e. Annual Trip Counts & Coordination with FCDOT. Beginning one year following issuance of the first Non-RUP for the proposed office building, trip counts shall be completed in October of each year and provided to FCDOT (the "Trip Counts"). The Trip Counts shall be conducted at the site driveways during the peak hour, as defined below, during a week without any holidays and when Fairfax County Public Schools are in session. The Trip Counts shall be compared against the maximum trip limit totals identified in this Development Condition to determine whether the trip reduction goals are met and shall be used by the PM to determine whether changes to the TDM Plan are needed to ensure that the vehicle trips are within the Vehicle Trip Objectives targeted goal. Results of the Trip Counts will be submitted to FCDOT within thirty (30) days of completing them. If the Trip Counts reveal that changes to the TDM Plan are needed, such changes shall be coordinated between the PM and FCDOT and such changes shall be implemented and the TDM Plan shall be adjusted accordingly. The PM shall coordinate the preparation of trip counts materials and the methodology for validating the results of the Trip Counts with FCDOT at least thirty (30) days prior to completing each year's Trip Counts, and shall collect and analyze the results.
  - i. Peak Hour. The relevant weekday AM or PM "peak hour" shall be that 60-minute period during which the highest volume of mainline through volumes occurs between 6:00 and 9:00 AM and 4:00 to 7:00 PM, respectively, as determined by mechanical and/or manual traffic counts along Jones Branch Drive

conducted by a qualified traffic engineering firm. To determine the peak hour, the Trip Counts shall be collected beginning on a Monday at 2400 hours and continuing to the following Thursday at 2400 hours during a week when public schools are in session that does not contain a federal holiday. The methodology for determining the peak hour may be modified, in agreement between the applicant and FCDOT in order to respond to technological and/or other improvements in trip counting.

- ii. Termination. Annual Trip Counts shall be conducted unless and until it can be demonstrated to FCDOT that the maximum trip limits has been met. After the goal has been met for two (2) consecutive years, the Trip Counts will be taken every other year. If it is demonstrated that the goal has been met for two consecutive biennial trip counts, the Trip Counts shall be terminated although the TDM Program will continue. In lieu of the Trip Counts and subject to the approval of FCDOT, surveys of employees in the office building may be used to determine compliance with TDM goals. The content and sample size of such surveys shall be approved by FCDOT. Should the survey data not provide a means to adequately determine compliance, Trip Counts as described herein, or other method acceptable to FCDOT shall be employed.
- f. Remedy for Non-Attainment.
- i. TDM Remedy Fund. The purpose of the TDM Remedy Fund, as further described below, shall be to fund additional TDM strategies, which may be required if annual or biennial trip counts reveal that the Vehicle Trip Objectives described in these development conditions (the "Vehicle Trip Objectives") are not met. At site plan approval for the first building on the site the applicant shall set up a TDM Remedy Fund based on \$0.05 per square foot of office space. Funds from the TDM Remedy Fund shall be drawn on only for purposes of remedying the non-attainment of the Vehicle Trip Objectives.
  - ii. Maximum Fund Contributions. Notwithstanding subparts (i) of this Development Condition, no more than Seventy-Five Thousand Dollars (\$75,000.00) shall be required of the applicant to remedy non-attainment of Vehicle Trip Objectives over the life of the TDM Plan.
- g. Should a hotel be constructed on the property, Metro maps, schedules and forms and other relevant transit option information shall be made available in a common location, such as a central lobby. The hotel concierge shall be familiar with

said information that provides alternatives to single occupancy vehicle use.

- h. The applicant shall work with FCDOT to review/adjust the TDM goals and accompanying trip reduction thresholds associated with the Property upon implementation of circulator service to/from the site. If circulator service to/from the site becomes available. A Trip Count shall be conducted three years after the service begins in order to determine any additional reductions which could be achieved. The Trip Count will be compared to previous Trip Reduction Counts (conducted under "E" of this Condition) to determine the appropriate adjustments to the TDM goals resulting from implementation of the Circulator.

35. **Bus Shelter.** A pad for a bus shelter shall be built by the applicant in a location as determined in consultation with WMATA and FCDOT as part of site plan review. As an alternative, a pad and bus shelter may be constructed and maintained by the applicant.\*

36. **Bicycle Racks and Lockers.** Bicycle racks for the proposed office building shall be installed throughout the parking garage, in specific locations to be approved by FCDOT as part of site plan review (collectively, the "Bike Racks"). In conjunction with Option 1 and Option 2A, the Bike Racks shall accommodate at least seventy (70) bicycles, including fifty (50) employee bicycles and twenty (20) visitor bicycles. In addition, ten (10) bicycle lockers (the "Bike Lockers") shall be provided throughout the parking garage for employees. In conjunction with Option 2B, the Bike Racks shall accommodate at least forty-five (45) bicycles, including thirty-three (33) employee bicycles and twelve (12) visitor bicycles. In addition, six (6) Bike Lockers shall be provided throughout the parking garage for employees. The Bike Racks and the Bike Lockers shall be installed prior to the issuance of the Non-RUP for the proposed office building.\*

37. **Exercise and Shower Facilities.** In conjunction with Option 1 and Option 2A, an exercise and shower facility shall be installed in one of the two proposed office building(s) prior to the issuance of the Non-RUP. The exercise facility shall be a minimum of 1,000 square feet and at least four (4) showers shall be installed and made available to employees.\*

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: February 26, 2016  
 (enter date affidavit is notarized)

134565

I, Mark M. Viani, Esq., 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

in Application No.(s): SEA -94 - P - 040 - 03  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

<b>NAME</b> (enter first name, middle initial, and last name)	<b>ADDRESS</b> (enter number, street, city, state, and zip code)	<b>RELATIONSHIP(S)</b> (enter applicable relationships listed in <b>BOLD</b> above)
Pentagon Federal Credit Union Agents: William B. Heyer Roderick Mitchell	2930 Eisenhower Avenue, Alexandria, VA 22314	Applicant/Title Owner
Bean, Kinney & Korman, P.C. Agents: Mark M. Viani, Esq. Matthew G. Roberts, Esq. Zachary G. Williams, Esq. Lauren K. Rote, Esq.	2300 Wilson Blvd., 7th Fl., Arlington, VA 22201	Attorney/Agent
Gensler Architecture, Design & Planning, P.C. Agents: Evan Rosner Mick Markham	2020 K Street NW, #200, Washington, D.C. 20006	Architect/Agent
Logistics Management Insitute	7940 Jones Branch Drive, Tysons, VA 22102	Lessee

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.  
 \*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 26, 2016
(enter date affidavit is notarized)

134565

for Application No. (s): SEA 94-P-040-03
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

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

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code) Pentagon Federal Credit Union, 2930 Eisenhower Avenue, Alexandria, VA 22314

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)

NOTE: Pentagon Federal Credit Union is a federally chartered credit union operating under Charter 227, approved on March 25, 1935, as amended on December 8, 1947, pursuant to the Federal Credit Union Act, 12 U.S.C. sec. 1751, et seq.

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

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**Special Exception Attachment to Par. 1(b)**

DATE: February 26, 2016  
(enter date affidavit is notarized)

134565

for Application No. (s): SEA 94-P-040-03  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Bean, Kinney & Korman, P.C., 2300 Wilson Blvd., 7th Fl., Arlington, VA 22201

**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)

James W. Korman  
Jonathan C. Kinney

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Gensler Architecture, Design & Planning, P.C., 2020 K Street NW, Washington, DC 20006

**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. Arthur Gensler, Jr.

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

**Special Exception Attachment to Par. 1(b)**

DATE: February 26, 2016  
(enter date affidavit is notarized)

134565

for Application No. (s): SEA 94-P-040-03  
(enter County-assigned application number (s))

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)  
Logistics Management Institute, 7940 Jones Branch Drive, 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)

None. Logistics Management Institute is a Delaware non-stock corporation.

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 26, 2016  
(enter date affidavit is notarized)

134565

for Application No. (s): SEA 94-P-040-03  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)  
NONE

(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)

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

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

SPECIAL EXCEPTION AFFIDAVIT

DATE: February 26, 2016  
(enter date affidavit is notarized)

134565

for Application No. (s): SEA 94-P-040-03  
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

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

(check if applicable)  There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

Application No.(s): SEA 94-P-040-03  
(county-assigned application number(s), to be entered by County Staff)

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: FEB. 26, 2016  
(enter date affidavit is notarized)

134565

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

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

(i) Frederick R. Taylor - Bean, Kinney & Korman P.C. - Contributions in excess of \$100 to Penelope A. Gross within the last 12 months. (ii) Jerry W. Boykin - Bean, Kinney & Korman P.C. - Contributions in excess of \$100 to Pat Herryty and John C. Cook within the last 12 mos.

**NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)**

(check if applicable)  There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

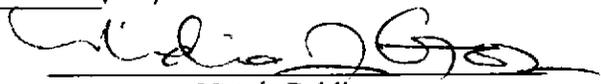
WITNESS the following signature:



(check one)  Applicant  Applicant's Authorized Agent

Mark M. Viani, Esq.  
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 26<sup>th</sup> day of February 2016, in the State/Comm. of Virginia, County/City of Arlington



Notary Public

My commission expires: July 31, 2018





2300 WILSON BOULEVARD  
7TH FLOOR  
ARLINGTON, VA 22201  
PHONE 703.525.4000  
FAX 703.525.2207

Mark M. Viani  
Ext. 299  
mviani@beankinney.com

February 29, 2016

RECEIVED  
Department of Planning & Zoning

MAR 01 2016

Zoning Evaluation Division

Barbara C. Berlin, Director  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning  
12055 Government Center Parkway, Ste. 801  
Fairfax, Virginia 22035

**Re: 7940 Jones Branch Drive  
Special Exception Application for Waiver of Sign Regulations  
Tax Map Nos. 29-4 ((15)) 0001; 29-4 ((15)) 0002; 29-2 ((15)) 0005; 29-2 ((15))  
0006; 29-2 ((15)) 0007 (the "Property")  
STATEMENT OF JUSTIFICATION**

Dear Ms. Berlin,

On behalf of Pentagon Federal Credit Union (the "Applicant"), the applicant and owner of the Property, we are submitting this letter as a statement of justification for the enclosed Special Exception application ("Application"). The Application seeks a waiver of certain sign regulations pursuant to Zoning Ordinance § 9-620 to allow additional building-mounted sign area on the Property and to increase the amount of sign area for an individual building-mounted sign.

## **I. Introduction**

The Applicant, a federally-chartered credit union serving nearly 1.4 million members worldwide, closed on its purchase of the Property in late 2015. The Applicant intends to use the office building to relocate its corporate headquarters from Alexandria to Tysons. Further, the Applicant will establish a branch location at the Property. As such, the Applicant desires additional building-mounted signage on the office building to identify its corporate presence in Tysons.

The Property consists of approximately 5.96 acres of C-3 zoned land located at 7940 Jones Branch Drive, adjacent to I-495 and the Dulles Airport Access Road ("DAAR"). In accordance with SEA 94-P-040, the Property (identified in that application as Parcel C2) is currently improved with an 11-story office building, an associated 6-level parking structure, and various landscaping. The office building is currently occupied by one tenant, Logistics Management Institute ("LMI"). The office building has existing signage identifying LMI's presence at the Property. When the Applicant moves into this location and establishes its new headquarters, the office building will be 100% occupied.



Signage on the Property is governed by the provisions of the Fairfax County Zoning Ordinance and Condition #12 of SEA 94-P-040, which provides:

“Signage shall comply with the Fairfax County Zoning Ordinance. In addition, for any building located on Parcel C2, there shall not be more than one building-mounted sign above the second floor on each [*sic*] the north and west faces of the office building.”

To the best of the Applicant’s knowledge, the Property is not in violation of Condition #12.

Pursuant to Section 12-203(8) of the Zoning Ordinance because the office building contains multiple tenants that access via a common entrance and because the office building has 204.1 feet of building frontage, it is allowed a total of 254.1 square feet of building-mounted signage by right. This by-right signage is subject, however, to the limitation that no sign may be greater than 200 square feet, unless approved by Special Exception. It is further subject to Condition #12’s limitation that not more than one building-mounted sign may be permitted above the second floor on each of the north and west faces of the office building.

## **II. Description of Application Requests**

The Applicant is requesting that the Board of Supervisors waive certain sign regulations in Zoning Ordinance § 12-203 to (i) permit an increase in the total amount of building-mounted signage allowed on the office building, and (ii) increase the total sign area above 200 SF for an individual building mounted sign. This request will not affect approved building facades, building or Property uses, or approved landscaping. Furthermore, as explained below, this request is entirely consistent with similar approvals grants for adjacent properties in Tysons Corner and along I-495.

Per Zoning Ordinance § 12-203(8), the office building can accommodate up to 254.1 SF of building-mounted signage without seeking a special exception. LMI currently has two building-mounted signs. One sign is located on the office building’s eastern façade at the roofline, which faces I-495 (the “Existing Roof Sign”). As shown in the attached exhibits, the Existing Roof Sign is approximately 138 SF. LMI’s second sign, located on the office building’s southern façade at the ground floor near the common building entrance, faces the Property’s interior driveway and is approximately 20 SF.

The Applicant proposes to add two additional building-mounted signs to identify the presence of its corporate headquarters in Tysons. Both signs would include the Applicant’s company logo, and the words “PENFED.”

The first sign would be located on the office building’s roofline along its northern façade, facing the confluence of I-495 and the DAAR (the “Proposed Roof Sign”). As shown in the attached exhibits, the Proposed Roof Sign, which would be internally-illuminated, is proposed to be approximately 258.5 SF. This sign would be the Applicant’s signature corporate sign, consistent with similar signature corporate signs in the immediate surroundings (i.e. Hilton, USA



Today, Capital One, Wells Fargo, etc.). Its placement on the northern roofline is a strategic decision to take advantage of Tyson's Overlook's unique locational advantage at the intersection of I-495 and the Dulles Airport Access Road, a prime gateway to Tysons Corner and the business epicenter of Northern Virginia.

The Applicant's second sign would be located, like LMI's secondary sign, on the southern façade at the ground floor near the common entrance, facing the Property's interior driveway (the "PFCU Secondary Sign"). As the PFCU Secondary Sign would identify the location of the Applicant's branch bank in the office building, the Applicant desires to maintain flexibility as to the sign's size until retail programming is finalized for this branch bank<sup>1</sup>. The PFCU Secondary Sign, which would also be internally-illuminated, is proposed to be either 13.5 SF or 32.5 SF. Due to its location, the PFCU Secondary Sign will be visible only to persons on the Property and perhaps briefly to travelers along the Property's frontage on the Jones Branch Connector.

Based on the foregoing, the Applicant proposes the following language to replace Condition #12 governing signage on the Property. The proposed condition language is drawn from similar approvals on adjacent properties.

**Signage.** Building-mounted signs shall be permitted on a maximum of four sides of any building located on the site. A maximum of one sign shall be permitted on each of these four sides (including no more than one building-mounted sign above the second floor on each of the north and west faces of the office building); however, if a building has a side or sides that face onto I-495, on the one side of the building that faces I-495, a maximum of two signs shall be permitted on each of those sides of the building. Above the second floor, no more than one sign shall be permitted on any side of a building that does not face I-495. Building-mounted signs shall be back-lit only. No sign shall identify more than one business entity. The maximum area of any sign shall be determined by tracing the outer edges of the letter and logo and shall not include the space, if any, between the lines of the text. The maximum size of any sign shall be 260 square feet and the total maximum sign area of building-mounted signs per building shall be 520 square feet.

In addition, each building shall be permitted to have a maximum total combined signage area of 215 square feet comprised of the following signs: signs located on building awnings, building mounted signs located on the first or second floor level, and/or freestanding signs in accordance with Par. 13B of Sect. 12-203 of the Zoning Ordinance.

Other than as permitted above, all other signs on the site shall be in conformance with the provisions of Article 12 of the Zoning Ordinance.

Sign permits for all signs shall be obtained in accordance with the provisions of Article 12 of the Zoning Ordinance.

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<sup>1</sup> The Applicant would finalize its selection of the PFCU Secondary Sign size as part of a sign permit application.



### III. Conformance with Zoning Ordinance Requirements

The following information is provided in accordance with various sections of the Zoning Ordinance pertaining to Special Exceptions:

#### **Zoning Ordinance § 9-620**

*The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:*

1. *Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.*

The signs requested by this application are in accordance with the permitted modifications allowed pursuant to this section of the Zoning Ordinance. It is worth noting, too, that the requested signage modifications would not be a large deviation from what the Applicant could achieve by-right. As noted above, the Applicant has sufficient building frontage to place a 200 SF building-mounted sign along the rooftop. The Applicant's request, then, would only exceed the by-right limit by 58.5 feet. Such a sign would also be consistent with Condition #12 of SEA 94-P-040.

2. *Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.*

There are several unusual circumstances and site conditions justifying the Applicant's requests.

First, the Property has been subjected to various takings and dedications related to the expansion of the I-495 HOT Lanes and the Jones Branch Connector. In 2011, the Applicant's predecessor in title struck a deal with Fairfax County and the Virginia Department of Transportation related to VDOT's proposed taking of 68,878 SF of site area along the Property's southern and western frontages. The then-owner agreed to dedicate/reserve half of this land area for the future right-of-way, with the second half taken by VDOT via eminent domain. This reduced the Property's size along its various frontages, ultimately affecting the size of the office building. This had the effect of artificially decreasing the building's by-right building signage. Combined with the fact that the Applicant desires to preserve LMI's existing signage (which would be consistent with the County's goals of promoting Tysons Corner), the overall effect is to



reduce the total allowable signage area on the Property for the Applicant. Thus, the Applicant is requesting a waiver to allow for more total sign area on the Property than is otherwise allowed under Article 12.

Second, the office building is oriented nearly perpendicular to I-495. This makes the northern and eastern facades the most prominent locations for building signage, as they face the DAAR and I-495. This orientation presents the opportunity to adopt prominent site signage along the roofline to recognize the office building's tenants and their corporate presence in Tysons<sup>2</sup>. However, the Property is also located along a portion of I-495/DAAR where a large elevation change occurs, obscuring a portion of the office building as one comes off the DAAR ramp and onto the Capital Beltway. In order to capitalize on the Property's prominent location, while simultaneously mitigating the effects of the elevation change, the Applicant is requesting additional sign area for the Proposed Roof Sign.

Lastly, the Property is one of only four "gateway" properties in Tysons, specifically the northern gateway site, as designated in the Comprehensive Plan. *See* Fairfax County Comprehensive Plan, 2013 Ed., Area II, Tysons Corner Urban Center, p.173. This request is, therefore, in keeping with the Property's status by facilitating prominent building signage for the tenants indicating their corporate presence.

3. *It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.*

This request is in line with the Comprehensive Plan's guidance for the Property. As noted above, the Property is one of four "gateway" properties in Tysons. By facilitating prominent building signage, this request furthers the Comprehensive Plan's goals. Furthermore, the site is currently built out with office uses, as contemplated by the DAAR Office subarea in the Comprehensive Plan. Prominent signage will continue to facilitate office uses of the Property in line with the Comprehensive Plan.

4. *A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.*

The request will not create deleterious effects on surrounding developments. First, the Property is surrounded by office and commercial development within the DAAR Office subarea. This includes the Gannett and Hilton Worldwide office buildings and hotel with their signature corporate signage, as well as the alternating LED display of the Silverline Building at 7900 Westpark Drive. Similarly, the approved Capital One campus is located across the Beltway from the Property. Second, the Property is bounded on its east by I-495 and the DAAR with lanes in-bound and out-bound from Tysons. Finally, the request is similar to other approved signage modification requests in Tysons. As part of SE 94-P-040, the Gannett building was approved for 300 SF rooftop signs and 1,800 SF of overall signage. Similarly, the Capital One project

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<sup>2</sup> For example, LMI's rooftop sign is already located along the eastern façade.



obtained approval in SE 2002-PR-017 for 250 SF rooftop signs facing I-495. The Applicant's proposed signage, therefore, is in keeping with the current and proposed uses of the area. Furthermore, the Applicant's proposed signage utilizes an attractive two-tone design, that harmonizes with the Tysons skyline.

**Zoning Ordinance § 9-006**

***General Standards***

*In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:*

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

For the reasons stated previously, the proposed signs are in harmony with the adopted Comprehensive Plan.

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

For the reasons stated previously, the proposed signage is in harmony with and serves to promote the intent of the C-3 District.

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

For the reasons stated previously, the proposed signage will not adversely impact neighboring properties.

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

There will not be any pedestrian or vehicular traffic associated with the proposed signage

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

Article 13 does not require the Applicant to screen the proposed signage

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

Open space requirements are not applicable to the current application.



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

Utility and parking requirements are not applicable to the current application

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

This application is filed in accordance with Article 12's regulations.

**Zoning Ordinance § 9-011(7)**

- A. *Type of Operation:* Signage for existing office building.
- B. *Hours of Operation:* N/A
- C. *Estimated number of patrons, clients, pupils, etc.:* N/A
- D. *Proposed number of employees, attendants, teachers, etc.:* N/A
- E. *Estimate of traffic impact of the proposed use:* None
- F. *Vicinity or general area to be served by the use:* Northern Virginia area
- G. *Description of building façade and architecture of proposed new building or addition:* Drawings showing placement of the proposed signage on the existing office building, as well as its interrelationship with building architecture and facades are included as part of this submission.
- H. *Known hazardous substances:* N/A
- I. *Statement that the proposed use conforms to the provisions of applicable ordinances, regulations, and standards:* Except for the specific waivers requested by this application, to the best of the Applicant's knowledge, the proposed use complies with all applicable standards, ordinances and regulations.



#### IV. Summary

For the reasons stated above, the Applicant requests the Board of Supervisors to approve (i) a waiver of the total sign area and permit additional building mounted signage at the Property, and (ii) a waiver to permit additional sign area above 200 SF for the Proposed Roof Sign.

Thank you for your time and attention to these matters.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark M. Viani', enclosed within a large, loopy oval scribble.

Mark M. Viani, Esq.



# County of Fairfax, Virginia

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

July 27, 2011

Lynne J. Strobel  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, 13<sup>th</sup> Floor  
Arlington, VA 22201

RE: Special Exception Amendment Application SEA 94-P-040

Dear Ms. Strobel:

At a regular meeting of the Board of Supervisors held on July 26, 2011, the Board approved Special Exception Amendment Application SEA 94-P-040 in the name of RP MRP Tysons, LLC. The subject property is located 7940 Jones Branch Drive on approximately 6.08 acres of land zoned C-3 in the Providence District [Tax Map 29-2 ((15)) C2]. The Board's action amends Special Exception Application SE 94-P-040 previously approved for increase in building height, radio and television broadcasting facilities, microwave facilities, satellite earth stations and helistop and waiver of certain sign regulations to permit a hotel, additional uses and associated modifications to site design and development conditions pursuant to Sections 4-304, 9-607, and 9-620 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous development conditions

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment (SEA) Plat approved with the application, as qualified by these development conditions.
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans. Despite Note 20 on SEA Plat, any plan submitted pursuant to this special exception amendment shall be in substantial conformance with the approved Special Exception Amendment Plat entitled "7940 Jones Branch Drive" prepared by Urban Engineering and Associates, Inc. and dated August 2007 and revised through May 18, 2011 (the "SEA Plat"), and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

**Office of the 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](mailto:clerktothebos@fairfaxcounty.gov)  
<http://www.fairfaxcounty.gov/bosclerk>

4. Modifications may include changes to the principal building footprints in Options 2A and 2B, as long as the width of the plaza/autocourt between those buildings shall be no less than 120 feet. Said modifications shall not decrease distances to peripheral lot lines or open space, increase the approved overall square footage, and shall maintain points of access as shown on the SEA Plat.
5. **Limitation of Use and Applicant.** There shall be no limitation on the number of users occupying the building or buildings located on Tax Map Parcel 29-2 ((15)) C2. ("Parcel C2").
6. **Limitation on Square Footage.** Development of the original site, that includes 29-2 ((15)) A8 and C1, shall not exceed 1,307,223 square feet, or a 1.0 FAR, less the gross square footage that may be acquired by VDOT for compensation on Parcel C2. Area that is dedicated in fee simple shall retain density credit upon showing proof from VDOT at site plan that no compensation was received for it. It is understood that the 30.0097 acre site may be subdivided into two (2) or more lots of record, with one (1) lot consisting of approximately 5.0 acres containing only a stormwater management facility. It is further understood that the entire amount of gross floor area, attributed to this site may be located on the remaining 25.01 acres of the site, notwithstanding the fact that this may result in a FAR that exceeds 1.0 when calculated solely on the 25.01 acres. Notwithstanding the subdivision of Land Bay E (as established in PCA 88-D-005), the entire land bay will be considered as a single unit for the purpose of the application of the Fairfax County Zoning Ordinance. Any subdivision or site plan filed in the future on this Land Bay shall include this notation and reference the appropriate record plat unless or until the property is subject to a future rezoning.
7. **Height of Buildings.** The maximum building height of any portion of building(s) located on Tax Map Parcel 29-2 ((15)) C2 shall not exceed 300 feet. The maximum height of any penthouse in this area shall not exceed 40 feet.
8. **Building Materials of Building(s).** The façade of any building that faces the Dulles International Airport Access Highway (DIAAH) shall be constructed so as to reduce building glare on adjacent residential communities. Any building located on Tax Map parcel 29-2 ((15)) C2 may include exterior or interior illumination as an architectural feature of the building. However, this illumination shall not include colored lighting or lights that change and shall conform to the provisions of the Zoning Ordinance.
9. **Building Materials of Optional Hotel.** The hotel, if constructed, shall be architecturally compatible with the office building. Exterior building materials shall be a combination of materials selected from pre-cast concrete, glass, metal panels, masonry, cementitious panels, stucco, brick or materials of similar quality.
10. **Hotel Operation:** The hotel in Option 2B may exceed 215 rooms subject to the provision of the required number of parking spaces. The number of employees for the proposed hotel shall be limited to 270 (or the full time equivalent).

11. **Fitness Center:** The hours of operation for the health club in Option 2B shall be 7 days a week from 5 a.m. to 11 p.m. The number of employees for the proposed health club shall be limited to 20.
12. **Signage.** Signage shall comply with the Fairfax County Zoning Ordinance. In addition, for any building located on Parcel C2, there shall not be more than one building-mounted sign above the second floor on each the north and west faces of the office building.
13. **Crane Lighting.** Construction cranes shall have lighting in conformance with Federal Aviation Administration (FAA) guidelines and regulations.
14. **Helistop.** A helistop shall not be permitted.
15. **Communications Facilities.** Satellite earth stations (including equipment shelters) and communication antennas shall not be permitted. This shall not preclude building mounted land based telecommunication facilities that are permitted uses in the C-3 District.
16. **Tree Preservation:** A Tree Preservation plan (the "Preservation Plan") shall be submitted as part of the first and all subsequent site plan submissions. The Preservation Plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division (UFMD), of DPWES. The Preservation Plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees ten (10) inches in diameter and greater, and twenty-five (25) feet to either side of the limits of clearing and grading as shown on the SEA Plat for the entire site. The Preservation Plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SEA Plat and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture.
17. **Limits of Clearing and Grading.** The limits of clearing and grading shall strictly conform to that shown on the SEA Plat, subject to allowances specified in these Development Conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD of DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD of DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

18. **Landscaping and Open Space.** Concurrent with the submittal of the first and subsequent site plans, a landscaping plan shall be submitted for the review and approval of Urban Forest Management. Landscaping shall be provided that is consistent in quantity and quality with that depicted on the SEA Plat. Additional landscaping treatment shall be provided along retaining walls if the walls exceed 4 feet in height. At least 15 percent of the gross land area of Parcel C2 shall be designated as landscaped open space as depicted on the SEA Plat.
19. **Parking.** Parking shall be provided in accordance with Article 11 of the Zoning Ordinance, or as may be approved either in conjunction with a Shared Parking Agreement as reviewed and approved by DPWES or Parking Redesignation Plan under Sect. 11-101. The number of parking spaces provided on-site may be increased above the minimum Ordinance requirements, or decreased, as long as any additional spaces do not decrease the open space tabulation or increase the height and footprint of the proposed parking structure. The exterior of all parking structures shall be landscaped as depicted on the SEA Plat.
20. **Setback from the DIAAH.** There shall be a minimum distance of 75 feet between all principal buildings and the DIAAH right-of-way. However, free standing parking structures may be located within 75 feet of the DIAAH right of way as depicted on the SEA Plat.
21. **Parking Structure.** The entire garage façade shall be constructed with high-quality architectural block, stone, stone-like material, colored pre-cast concrete or a comparable material. Where visible, the garage façade shall incorporate architectural treatments such as “ribbing”, eyebrows or other details that complement the architecture of the adjacent office building. Plantings along the frontage of the parking structure shall be provided as shown on the SEA Plat. Planter boxes containing vines and/or low growing shrubs and/or a green screen with vegetation shall be provided along the top edge of the parking structure closest to the DIAAH subject to review of Urban Forest Management (UFM). All minimum planting areas, as determined by the Public Facilities Manual (PFM), shall be met at the time of site plan review and approval for plantings proposed on the parking structure. During site plan review and prior to site plan approval, elevations of the parking structure shall be submitted to the Planning Commission for comment and review.
22. **Location of Plantings in Easements.** If plantings are proposed within any on-site Fairfax County Water Authority (FCWA) easements, on-site storm drainage easements, or utility easements, permission from the owner of such easements shall be obtained prior to site plan approval. If such permission cannot be obtained, any change in landscaping shall remain in substantial conformance with the alternatives depicted on the SEA Plat or an amendment to this SEA shall be required.
23. **Noise.** Prior to site plan approval, a noise study shall be submitted to the Environmental Review Development Branch (EDRB) of the Department of

Planning and Zoning demonstrating that noise in any outdoor amenity area will not exceed 65 dBA. Should the hotel option be selected, prior to site plan approval for the hotel, a noise study shall be submitted to the (ERDB) of the Department of Planning and Zoning (DPZ) for review and approval which demonstrates interior noise levels for the hotel shall not exceed 45 dBA. Prior to issuance of any Non-RUP for a child care center and/or nursery school on the property, a noise study shall be submitted to ERDB for review and approval which demonstrates that the noise levels for the outdoor play area shall not exceed DNL 65 dBA and that levels for the indoor facility shall not exceed 45 dBA. Any noise study shall be conducted in accordance with the attached guidelines.

24. **Outdoor Seating.** Outdoor seating may be provided for any proposed eating establishment so long as such seating does not block any sidewalks or other pedestrian connections as depicted on the SEA Plat. Benches enhanced landscaping and/or other outdoor amenities may be provided in or around the autocourt.
25. **Sidewalks.** Public access easements in a form acceptable to the County Attorney shall be provided by the applicant over the sidewalks along Jones Branch Drive and the Jones Branch Connector.
26. **Child Care Center/Nursery School.** A child care center and/or nursery school may be located within an office building. The facility shall be for the exclusive use of the employees of on-site tenants and shall not be open to the general public. The facility shall be approximately two thousand (2,000) square feet and shall be limited to a maximum enrollment of no more than thirty (30) children at any given time and no more than five (5) employees.
27. **Low Impact Development (LID).** The site shall incorporate the two proposed rain gardens as depicted on the SEA Plat for Option 1. The proposal may include an above or below ground cistern on the property in addition to the depicted rain gardens on the SEA Plat. Options 2A and 2B shall include LID features as feasible. Any LID feature/facility shall be provided in accordance with the Public Facilities Manual (PFM) as determined by DPWES.
28. **Offsite Detention of Stormwater.** If a waiver of on-site stormwater management/best management practices (SWM/BMP) is not granted by DPWES and an on-site SWM/BMP facility cannot be provided in substantial conformance with the SEA Plat, then a Special Exception Amendment (SEA) shall be obtained prior to site plan approval.
29. **Revegetation of RPA.** A revegetation plan for the RPA located in the northern portion of the property, Tax Map 29-2 ((15)) C2, shall be submitted concurrently with the first and all subsequent site plan submissions for review and approval by Urban Forest Management, DPWES, and shall be in substantial conformance with that shown on the SEA Plat. The plan shall propose an appropriate selection of species based on existing and proposed site conditions to restore the area to a native

forest cover type. The plan shall include, but not be limited to, the following:

- a. plant list detailing species, sizes and stock type of trees and other vegetation to be planted
- b. soil treatments and amendments if necessary
- c. mulching specifications
- d. methods of installation
- e. maintenance
- f. mortality threshold
- g. monitoring
- h. replacement schedule

**30. Commitment to LEED certification**

Prior to approval of the site plan, the applicant will execute a separate agreement and 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**. If the applicant selects either option 1 or 2A (the office with restaurant options), the escrow amount will be \$154,000. If the applicant selects Option 2B (the office and the hotel option), the escrow amount will be \$296,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the U.S. Green Building Council's (USGBC) Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, Leadership in Energy and Environmental Design—Core and Shell (LEED®-CS) rating system, or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ of documentation from the U.S. Green Building Council that each building has attained LEED certification will be sufficient to satisfy this commitment. If the applicant fails to provide documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification within two years of issuance of the final non-RUP for the building, the escrow will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

**31. Release of LEED Escrow.**

- A. If the applicant provides to the Environment and Development Review Branch of DPZ, within two years of issuance of the final non-RUP for the building, documentation demonstrating that LEED 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 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.

- B. If the applicant fails to provide, within two years of issuance of the final non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by four points or more, 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.
- C. If the Applicant provides documentation from the USGBC demonstrating, to the satisfaction of the Environment and Development Review Branch of DPZ, that USGBC completion of the review of the LEED 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.
- D. The applicant will include, as part of the site plan submission, a statement certifying that a LEED®-accredited professional who is also a professional engineer or licensed architect is a member of the design team, and that the LEED-accredited professional is working with the team to incorporate sustainable design elements and innovative technologies into the project with a goal of having the project attain LEED certification.
- E. 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 of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED®-NC) rating system, Leadership in Energy and Environmental Design—Core and Shell (LEED®-CS) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council, that the applicant anticipates attaining. A professional engineer or licensed architect will provide certification statements at both the time of site plan/subdivision 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 certification of the project.
- F. Prior to approval of non-RUPs, the applicant will provide to the Environment and Development Review Branch of DPZ a letter from a

LEED®-accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants (including tenants of properties to be rented or leased), that this manual has been written by a LEED-accredited professional, that copies of this manual will be provided to all future building occupants and that this manual, at a minimum:

- Prior to approval of non-RUPs, the applicant will provide to the Environment and Development Review Branch of DPZ a letter from a LEED®-accredited professional certifying that a green building maintenance reference manual has been prepared for use by future building occupants (including tenants of properties to be rented or leased), that this manual has been written by a LEED-accredited professional, that copies of this manual will be provided to all future building occupants and that this manual, at a minimum:
  - provides a narrative description of each green building component, including a description of the environmental benefits of that component and including information regarding the importance of maintenance and operation in retaining the attributes of a green building;
  - provides, where applicable, product manufacturer's manuals or other instructions regarding operations and maintenance needs for each green building component, including operational practices that can enhance energy and water conservation;
  - provides, as applicable, either or both of the following: (1) a maintenance staff notification process for improperly functioning equipment; or (2) a list of local service providers that offer regularly scheduled service and maintenance contracts to assure proper performance of green building-related equipment and the structure, to include, where applicable, the HVAC system, water heating equipment, water conservation features, sealants, and caulks; and provides contact information that building occupants can use to obtain further guidance on each green building component.
- G. Prior to approval of non-RUPs, the applicant will provide an electronic copy of the manual in .pdf format to the Environment and Development Review Branch of the Department of Planning and Zoning.
- H. Prior to site plan approval, the applicant will designate the Chief of the Environment and Development Review Branch of the Department of Planning and Zoning 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.

32. **Road Improvements, Signalization and Pedestrian Improvements.** All improvements to Jones Branch Drive, including construction of road improvements, signalization and pedestrian improvements shall be provided as shown on the SEA Plat at the time of site plan approval.
33. **Right of Way Dedication**

The areas shown as to be dedicated shall be dedicated in fee simple to the Board of Supervisors at time of site plan approval, or upon demand of Fairfax County or VDOT, whichever shall occur first; but no earlier than thirty (30) days of approval of this application. The area adjacent to the Jones Branch Connector which is noted as "Reserved" on the SEA Plat shall be dedicated in fee simple to the Board of Supervisors upon demand should the area be necessary for the establishment of a Circulator to serve Tysons Corner. Additional easements for sidewalks, grading and construction necessary to complete Phases 1 or 2 of the Jones Branch Connector needed within the 40 foot setback area shall be provided upon demand of Fairfax County or VDOT. In this event, a Special Exception Amendment will not be required. Any landscaping removed in conjunction with installation of improvements within said easements shall be replaced by Fairfax County and/or VDOT as necessary.
34. **TDM Program.** The following transportation demand management plan (the "TDM Plan") shall be implemented in order to encourage the use of shuttle and/or bus circulators, high-occupancy vehicle commuting modes, walking and biking all in order to reduce automobile trips generated by the proposed development:
  - A. **Program Manager.** Prior to the issuance of the first Non-RUP for the proposed office building, an individual shall be designated by the applicant to act as the Program Manager ("PM") for the Property, whose responsibility will be to implement the TDM strategies. The duties of the PM may also be a part of other duties assigned to the individual(s). Written notice shall be provided by the applicant to the Fairfax County Department of Transportation ("FCDOT") of the appointment of the PM within ten (10) days of such appointment, and thereafter, within ten (10) days of any change in such appointment.
  - B. **TDM Plan.** Ninety (90) days after the appointment of the PM, the TDM Plan for the property shall be submitted to FCDOT for review and approval. The TDM Plan and any amendments thereto shall include provisions for the following with respect to the proposed office building;
    - i. **Information Dissemination.** Metro maps, schedules and forms, ridesharing and other relevant transit option information available to owners/tenants and employees shall be made available in a common area of the office building; such as a central lobby;

- ii. Ride Matching. Coordination and assistance with vanpool and carpool formation programs, ride matching services including adjacent office buildings, and established guaranteed ride home programs shall be provided to employees of the office building;
  - iii. Car Sharing Information. Information regarding the use of car sharing program(s) to tenants and employees (such as ZipCar/FlexCar) shall be made available to owners/tenants and employees in a common area of the office building;
  - iv. Subsidies. Tenants of the proposed office building shall be encouraged to offer subsidies to carpool users of HOT lanes; and,
  - v. Website. A TDM project website shall be developed and maintained by the PM that includes targeted information including multi-modal transportation information, real-time travel and transit data, the possibility of online transit pass sales or value loading and connections to supporting links.
  - vi. Restaurant Discounts. The proposed restaurant shall be encouraged to offer discounts and/of other incentives to employees of the office building who stay on-site to eat dinner or lunch.
- C. FCDOT Response. If FCDOT has not responded with any comments to the PM within sixty (60) days of receipt of the TDM Plan, the TDM Plan shall be deemed to be approved. If FCDOT responds with comments on the TDM Plan, the PM shall meet with FCDOT staff within fifteen (15) days of receipt of the County's comments. The PM shall then submit the revised TDM Plan no later than thirty (30) days after the meeting and begin implementation of the approved program.
- D. Vehicle Trip Objectives. In conjunction with Option 1 or Option 2A (493,362 gross square feet of office and 10,000 gross square feet of restaurant), the goal of the TDM Plan shall be to initially reduce the number of vehicle trips generated by the proposed office building(s) by fifteen percent (15%) in both the AM and PM peak hours from what would be projected by using methods based on ITE, 8<sup>th</sup> Edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use Code 710 (General Office). Therefore, the maximum trip limits for total driveway counts would be as follows:

AM PEAK HOUR TRIPS			PM PEAK HOUR TRIPS		
		580			612

If a restaurant is not constructed as part of Option 1 or 2A, the trip objectives defined above shall still apply.

In conjunction with Option 2B, the goal of the TDM Plan shall be to reduce the number of vehicle trips generated by the proposed development in both the AM and PM peak hours from what would be projected by using methods based on ITE, 8<sup>th</sup> Edition, Trip Generation rates and/or equations (the "ITE Trip Generation Rate") for Land Use Code 710 (General Office), 931 (Quality Sit-down Restaurant) and 310 (Hotel). The goal is to achieve an overall reduction of 15 percent during the AM peak hour and an overall reduction of 14 percent during the PM peak hour. These overall reductions account for both a 15 percent TDM reduction in the office component and the internal trip reductions associated with the synergy created between the office and hotel uses. Therefore, the maximum trip limits for total driveway counts under Option 2B would be as follows:

AM PEAK HOUR TRIPS			PM PEAK HOUR TRIPS		
		522			572

(The total number of trips shown includes trips generated by the office, the hotel and the restaurant)

If a restaurant is not constructed as part of Option 2B, the trip objectives defined above shall still apply.

Should a Tysons Circulator begin operation that serves this site, the TDM trip objectives shall cause a reduction of vehicle trips generated by the proposed uses in Option 1 and Option 2 by an overall twenty percent (20%) in both the AM and PM peak hours from what would be projected.

- E. Annual Trip Counts & Coordination with FCDOT. Beginning one year following issuance of the first Non-RUP for the proposed office building, trip counts shall be completed in October of each year and provided to FCDOT (the "Trip Counts"). The Trip Counts shall be conducted at the site driveways during the peak hour, as defined below, during a week without any holidays and when Fairfax County Public Schools are in session. The Trip Counts shall be compared against the maximum trip limit totals identified in this Development Condition to determine whether the trip reduction goals are met and shall be used by the PM to determine whether changes to the TDM Plan are needed to ensure that the vehicle trips are within the Vehicle Trip Objectives targeted goal. Results of the Trip Counts will be submitted to FCDOT within thirty (30) days of completing them. If the Trip Counts reveal that changes to the TDM Plan are needed, such changes shall be coordinated

between the PM and FCDOT and such changes shall be implemented and the TDM Plan shall be adjusted accordingly. The PM shall coordinate the preparation of trip counts materials and the methodology for validating the results of the Trip Counts with FCDOT at least thirty (30) days prior to completing each year's Trip Counts, and shall collect and analyze the results.

- i. Peak Hour. The relevant weekday AM or PM "peak hour" shall be that 60-minute period during which the highest volume of mainline through volumes occurs between 6:00 and 9:00 AM and 4:00 to 7:00 PM, respectively, as determined by mechanical and/or manual traffic counts along Jones Branch Drive conducted by a qualified traffic engineering firm. To determine the peak hour, the Trip Counts shall be collected beginning on a Monday at 2400 hours and continuing to the following Thursday at 2400 hours during a week when public schools are in session that does not contain a federal holiday. The methodology for determining the peak hour may be modified, in agreement between the applicant and FCDOT in order to respond to technological and/or other improvements in trip counting.
- ii. Termination. Annual Trip Counts shall be conducted unless and until it can be demonstrated to FCDOT that the maximum trip limits has been met. After the goal has been met for two (2) consecutive years, the Trip Counts will be taken every other year. If it is demonstrated that the goal has been met for two consecutive biennial trip counts, the Trip Counts shall be terminated although the TDM Program will continue.

In lieu of the Trip Counts and subject to the approval of FCDOT, surveys of employees in the office building may be used to determine compliance with TDM goals. The content and sample size of such surveys shall be approved by FCDOT. Should the survey data not provide a means to adequately determine compliance, Trip Counts as described herein, or other method acceptable to FCDOT shall be employed.

F. Remedy for Non-Attainment.

- i. TDM Remedy Fund. The purpose of the TDM Remedy Fund, as further described below, shall be to fund additional TDM strategies, which may be required if annual or biennial trip counts reveal that the Vehicle Trip Objectives described in these development conditions (the "Vehicle Trip Objectives") are not met. At site plan approval for the first building on the site the applicant shall set up a TDM Remedy Fund based on \$0.05 per square foot of office space. Funds from the TDM Remedy Fund shall be drawn on only for purposes of remedying the non-attainment of the Vehicle Trip Objectives.

- ii. Maximum Fund Contributions. Notwithstanding subparts (i) of this Development Condition, no more than Seventy-Five Thousand Dollars (\$75,000.00) shall be required of the applicant to remedy non-attainment of Vehicle Trip Objectives over the life of the TDM Plan.
  
- G. Should a hotel be constructed on the property, Metro maps, schedules and forms and other relevant transit option information shall be made available in a common location, such as a central lobby. The hotel concierge shall be familiar with said information that provides alternatives to single occupancy vehicle use.
  
- H. The applicant shall work with FCDOT to review/adjust the TDM goals and accompanying trip reduction thresholds associated with the Property upon implementation of circulator service to/from the site. If circulator service to/from the site becomes available, a Trip Count shall be conducted three years after the service begins in order to determine any additional reductions which could be achieved. The Trip Count will be compared to previous Trip Reduction Counts (conducted under "E" of this Condition) to determine the appropriate adjustments to the TDM goals resulting from implementation of the Circulator.
  
- 35. **Bus Shelter.** A pad for a bus shelter shall be built by the applicant in a location as determined in consultation with WMATA and FCDOT as part of site plan review. As an alternative, a pad and bus shelter may be constructed and maintained by the applicant.
  
- 36. **Bicycle Racks and Lockers.** Bicycle racks for the proposed office building shall be installed throughout the parking garage, in specific locations to be approved by FCDOT as part of site plan review (collectively, the "Bike Racks"). In conjunction with Option 1 and Option 2A, the Bike Racks shall accommodate at least seventy (70) bicycles, including fifty (50) employee bicycles and twenty (20) visitor bicycles. In addition, ten (10) bicycle lockers (the "Bike Lockers") shall be provided throughout the parking garage for employees. In conjunction with Option 2B, the Bike Racks shall accommodate at least forty-five (45) bicycles, including thirty-three (33) employee bicycles and twelve (12) visitor bicycles. In addition, six (6) Bike Lockers shall be provided throughout the parking garage for employees. The Bike Racks and the Bike Lockers shall be installed prior to the issuance of the Non-RUP for the proposed office building.
  
- 37. **Exercise and Shower Facilities.** In conjunction with Option 1 and Option 2A, an exercise and shower facility shall be installed in one of the two proposed office building(s) prior to the issuance of the Non-RUP. The exercise facility shall be a minimum of 1,000 square feet and at least four (4) showers shall be installed and made available to employees.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or

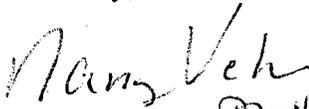
adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception Amendment shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, sixty (60) months after the date of approval unless, at a minimum, 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:**

- Waived the front yard bulk standards for section 2-418 along all front yards to that shown on the SEA Plat
- Waived the transitional screening and barrier requirements, in favor of what is shown on the SEA Plat
- Waived the trail depicted in the Comprehensive Plan along the Dulles International Airport Access Highway/I-495
- Directed the Director of the Department of Public Works and Environmental Services to permit a deviation from the tree preservation target, as identified in the Public Facilities Manual
- Modified the loading space requirement shown on the SEA Plat

Sincerely,

  
Nancy Vehrs *omit for*  
Clerk to the Board of Supervisors  
NV/ph

July 27, 2011

Cc: Chairman Sharon Bulova  
Supervisor Lynda Smyth, Providence District  
Janet Coldsmith, Director, Real Estate Division, Dept. of Tax Administration  
Regina Coyle, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Angela K. Rodeheaver, Section Chief, 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  
District Planning Commissioner  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

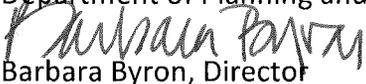


# County of Fairfax, Virginia

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

**DATE:** June 6, 2016

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

**FROM:**   
Barbara Byron, Director  
Office of Community Revitalization

**RE:** SEA 94-P-040-03  
Pentagon Federal Credit Union

The Office of Community Revitalization (OCR) has reviewed the above referenced Special Exception Amendment application for additional signage dated February 26, 2016.

The proposed building mounted signage is appropriate for the size and scale of the building and is compatible with the existing building mounted signage. OCR recommends that the applicant verify that the building structure can support the additional weight of the signs without the need for structural appurtenances.

**CC:** Casey Gresham, Staff Coordinator, DPZ/ZED  
Suzianne Zottl, Revitalization Program Manager, OCR  
OCR File

**Office of Community Revitalization**  
12055 Government Center Parkway, Suite 1048  
Fairfax, VA 22035  
703-324-9300, TTY 711  
[www.fcrevit.org](http://www.fcrevit.org)



## FAIRFAX COUNTY ZONING ORDINANCE

- (7) Include the addition of any building or additions to buildings except that accessory structures clearly subordinate to the use, and minor additions to buildings may be permitted, provided that:
    - (a) the sum total of all such structures or additions shall not exceed the greater of 500 square feet of gross floor area, or five (5) percent of the approved gross floor area up to a maximum of 2500 square feet of gross floor area; and
    - (b) the maximum permitted FAR for the zoning district shall not be exceeded.
- C. For all approved special exception uses, any request for an addition shall require the provision of written notice by the requester in accordance with the following:
- (1) the notice shall include the letter of request with all attachments as submitted to the Zoning Administrator, a statement that the request has been submitted, and where to call for additional information; and
  - (2) the notice shall be sent to the last known address of the owners, as shown in the real estate assessment files of the Department of Tax Administration, of all property abutting and across the street from the site, or portion thereof, which is the subject of the request, and shall be delivered by hand or sent by certified mail, return receipt requested.

The request for an addition submitted to the Zoning Administrator shall include: an affidavit from the requester affirming that the required notice has been provided in accordance with the above; the date that the notice was delivered or sent; the names and addresses of all persons notified; and the Tax Map references for all parcels notified. No request for an addition shall be considered by the Zoning Administrator unless the affidavit has been provided in accordance with this paragraph.

When it is determined by the Zoning Administrator that a modification is not in substantial conformance with the approved special exception, such modification shall require the approval of an amendment to the special exception in accordance with Sect. 014 below or a new special exception.

#### **9-005 Establishment of Categories**

For purposes of applying specific conditions upon certain types of special exception uses, and for allowing special exception uses to be established only in those zoning districts which are appropriate areas for such uses, all special exception uses are divided into categories of associated or related uses, as hereinafter set forth in this Article 9.

#### **9-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

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1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

### **9-007 Conditions and Restrictions**

In addition to those standards set forth in this Article, the Board, in approving a special exception, may impose such conditions and restrictions upon the proposed use as it may deem necessary in the public interest to secure compliance with the provisions of this Ordinance and to protect the viability of the implementation of the adopted comprehensive plan. Such conditions or restrictions may include but need not be limited to a time limitation on the length of the exception in accordance with the provisions of Sect. 008 below and may require the posting of a guarantee or bond in a reasonable amount by the applicant.

### **9-008 Time Limitations, Extensions, Renewals**

In addition to the time limits set forth in this Article, the Board may require, as a condition of the approval of any special exception, that it shall be approved for a specified period of time; that it may be subsequently extended for a designated period by the Zoning Administrator; or that it

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allowing the alteration, even if the use may not be in harmony with the adopted comprehensive plan.

3. A plan shall be submitted which depicts the proposed alteration and the overall impact or effect of the alteration to the structure. No such alteration shall result in an increase in building square footage, an increase in the area of the building occupied by the nonconforming use, or in the relocation of the building on the site.
4. Such special exception may be approved notwithstanding any existing nonconformity and any nonconformity that may be created by the public improvement, and approval of the special exception shall permit such nonconformities to continue as nonconformities.

Upon approving a special exception, the Board may impose such conditions as deemed necessary to address any impacts of the nonconformity or proposed modification.

### **9-620 Waiver of Certain Sign Regulations**

The purpose of this special exception is to provide some relief where appropriate for those signs in the C and I districts which, because of certain unusual circumstances as specified below, do not provide identification as intended by the sign regulations. In the C and I districts, the Board may approve, either in conjunction with the approval of a rezoning or as a Category 6 special exception, a modification or waiver of the sign regulations in accordance with the following:

1. Such waiver may be for an increase in sign area, increase in sign height or different location of a sign, not otherwise provided by Sect. 12-304. Such waiver shall not allow the erection of a freestanding sign or off-site sign, not otherwise permitted by this Ordinance, or the establishment of any sign prohibited by the provisions of Sect. 12-104.
2. Such waiver may be approved only when it is demonstrated by the applicant that there are unusual circumstances or conditions in terms of location, topography, size or configuration of the lot; access to the lot; unusual size or orientation of the structure on the lot; or other unique circumstance of the land or structure that impacts the applicant's ability to provide for a reasonable identification of the use.
3. It is determined that such waiver will be in harmony with the policies of the adopted comprehensive plan.
4. A waiver of the sign provisions may be approved only in those locations where, based upon a review of the relationship of the sign to the land, buildings and conforming signs in the neighborhood, it is determined that the sign will not have any deleterious effect on the existing or planned development of adjacent properties and that it is consistent with the purpose and intent of Article 12.

### **9-621 Provisions for Outdoor Storage in Association with Warehousing Establishments in the Sully Historic Overlay District**

The Board may approve a special exception authorizing the establishment of outdoor storage in association with a warehousing establishment on land zoned I-5 or I-6 in the Sully Historic Overlay District in accordance with the provisions of Sect. A1-303.

## GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

**ABANDONMENT:** Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

**ACCESSORY DWELLING UNIT (OR APARTMENT):** A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

**AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT:** Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

**AGRICULTURAL AND FORESTAL DISTRICTS:** A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

**BARRIER:** A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

**BEST MANAGEMENT PRACTICES (BMPs):** Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

**BUFFER:** Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

**CHESAPEAKE BAY PRESERVATION ORDINANCE:** Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

**CLUSTER DEVELOPMENT:** Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

**COUNTY 2232 REVIEW PROCESS:** A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

**dBA:** The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

**DENSITY:** Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

**DENSITY BONUS:** An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

**DEVELOPMENT CONDITIONS:** Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

**DEVELOPMENT PLAN:** A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

**EASEMENT:** A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

**ENVIRONMENTAL QUALITY CORRIDORS (EQCs):** An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

**ERODIBLE SOILS:** Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

**FLOODPLAIN:** Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

**FLOOR AREA RATIO (FAR):** An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

**FUNCTIONAL CLASSIFICATION:** A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

**GEOTECHNICAL REVIEW:** An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

**HYDROCARBON RUNOFF:** Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

**IMPERVIOUS SURFACE:** Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

**INFILL:** Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

**INTENSITY:** The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

**Ldn:** Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

**LEVEL OF SERVICE (LOS):** An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

**MARINE CLAY SOILS:** Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

**OPEN SPACE:** That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

**OPEN SPACE EASEMENT:** An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

**P DISTRICT:** A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

**PROFFER:** A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

**PUBLIC FACILITIES MANUAL (PFM):** A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

**RESOURCE MANAGEMENT AREA (RMA):** That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**RESOURCE PROTECTION AREA (RPA):** That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

**SITE PLAN:** A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

**SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP):** Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

**STORMWATER MANAGEMENT:** Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

**SUBDIVISION PLAT:** The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

**TRANSPORTATION DEMAND MANAGEMENT (TDM):** Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

**TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS:** This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

**URBAN DESIGN:** An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

**VACATION:** Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

**VARIANCE:** An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

**WETLANDS:** Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

**TIDAL WETLANDS:** Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

#### Abbreviations Commonly Used in Staff Reports

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