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Zoning Evaluation Division

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Via Hand Delivery

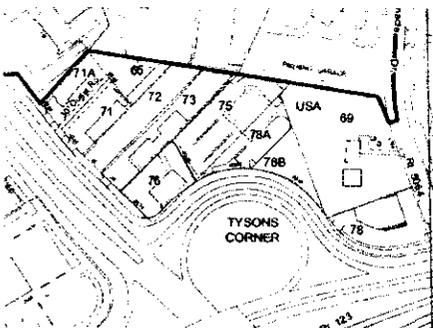
Regina C. Coyle
Director, Zoning Evaluation Division
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035

Re: Request for Rezoning from the C-8, HC, SC Districts to the PTC, HC, SC Districts
NVCommercial Incorporated and Clyde's Real Estate Group, Inc. ("NVC" and
"Clyde's"; together, the "Applicants")
TM 29-3 ((1)) 65, 71, 72, 73, 75, and 78A (the "Application Property")

Dear Ms. Coyle:

Please accept this letter as a statement of justification for a proposed rezoning of consolidated properties located in the Tysons Central 7 District of Tysons Corner. NVC and Clyde's are co-applicants. NVC is the contract purchaser of Parcels 65, 71, 72 and 73, while Clyde's is the owner of Parcels 75 and 78A. The Applicants are requesting a rezoning of the Application Property from the C-8 (Highway Commercial Corridor), HC and SC Districts to the PTC (Planned Tysons Corner Urban), HC and SC Districts in order to permit the construction of a transit-oriented, mixed use development with an overall 6.28 floor area ratio ("FAR"). When complete, development of the Application Property will consist of five multi-story towers, noted as Buildings A, B, C, D and E on the Conceptual Development Plan ("CDP"), with structured parking and associated public amenities. A mixture of office hotel, residential, eating establishment and retail uses is proposed.

Property Description – The Application Property is a consolidation of six parcels of land totaling 4.78 acres (208,011 square feet) and located in the northern quadrant of the intersections of Leesburg Pike (Rte. 7) and Chain Bridge Road (Rte. 123) in the Providence Magisterial District. Currently established on the Application Property is a mixture of low rise retail and commercial uses; Clyde's Restaurant occupies Parcels 75 and 78A.



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ATTORNEYS AT LAW

All uses are accessed from an existing service/frontage road adjacent to the ramp for the grade separated interchange of Leesburg Pike and Chain Bridge Road ("Tysons Central Street"). However, the Application Property is located adjacent to the proposed Tysons Central 7 Station serving the Silver Metro line currently under construction through Tysons (the "Metro Station"). The proposed northern pedestrian entry/exit point for the Metro Station will be located immediately next to Parcel 71A on its northwestern boundary. All of the Application Property is located within 1/8 mile of the Metro Station entrance, making it a prime location for redevelopment in a transit-oriented, pedestrian friendly mode.

A 53 foot change in elevation challenges development on the Application Property, which has its lowest elevation of approximately 461 feet above sea level located near the southwestern corner of Parcel 71A and its highest elevation of approximately 514 feet above sea level located near the northeastern corner of Parcel 75.

Zoning History – All of the Application Property is zoned C-8, HC and SC, which allows a variety of retail and service uses. To the best of our knowledge, there are no proffers or development conditions from previously approved zoning actions that encumber development of the Application Property.

Description of Development Proposal

Overall Vision -- Referred to as Tysons Central, the proposed development seeks to transform the current mixture of small, aging retail structures in to a mixed use development that capitalizes on its proximity to Metro while significantly enhancing the Metro Station area. As currently planned, the Metro Station entrance area lacks good pedestrian linkages, a strong design element and a sense of excitement and vitality. Tysons Central will bring well designed buildings with high quality materials within steps of the Metro Station, providing a lively interface between uses on the site and transit riders. A comprehensive pedestrian system will provide safe and convenient passage for those working, residing or visiting Tysons Central and adjacent properties.

The Applicants propose to work with Dulles Transit Partners in creating an urban plaza at the entrance to the Metro Station (the "Metro Promenade"). Upon descending the Tysons Central 7 escalator, the experience will be vibrant and urban. Views will include a hard surface plaza, broken with vignettes of greenery, a stepped water feature and public art. Seating areas will invite users to stop, enjoy the amenities and people watch. An office building and an iconic hotel/residential tower with ground level retail or restaurant uses will front on the plaza. A wide, sweeping staircase will invite pedestrians further into Tysons Central and lead them up to a large esplanade ringed by a mixture of office and residential towers.

The European styled esplanade is envisioned primarily as hardscape in order to accommodate, in addition to limited vehicular circulation, multiple uses such as seating for concerts and space for outdoor markets. At the northeastern portion of this esplanade is a focal structure that may be used as a gathering place or a bandstand. Moving upward along an area of stairs that will double

as amphitheater seating, an additional area of green open space is reached. This area is intended for informal gathering and recreation and is connected to Tysons Central Street to the east. Throughout all of the open spaces are included smaller, private areas intended for conversation and recreation. Landscaping and art will provide visual interest and respite from the urban setting.

While the pedestrian will be the focus of the proposed development, additions to the grid of streets are also provided. A new local street, identified as Station Place, is envisioned along the western periphery of parcel 71A. Station Place would provide access to the Metro Station and adjacent properties from Leesburg Pike and would ultimately extend to intersect with Greensboro Drive. A new street paralleling Leesburg Pike, identified as Center Street, would be extended eastward from the adjacent SAIC Property across Station Place and the Application Property. Utilizing right-of-way on adjacent property, Center Street would extend to Pinnacle Drive, initially as a one-way street, but ultimately with the redevelopment of adjacent parcels as a fully functioning local street. In addition, access to the Application Property is provided along the existing public streets to the south and west.

All parking will be structured. The architects have taken advantage of the site's natural topography to design parking in to the slope. A total of 4 to 5 levels of parking are provided, with access to the garages provided from existing Tysons Central Street and proposed Center Street. Care has been taken to ensure that the Tysons Central Street frontage adjacent to Leesburg Pike will be activated, with an office lobby, potential restaurant space and attractive architectural elements and streetscape treatments.

The CDP proposes a maximum of 1,307,500 gross square feet ("GSF") with an overall floor area ratio ("FAR") of 6.28. The mix of uses is approximately 39% office, 47% residential, 12% hotel, and 2% retail and service uses.

Land Use Mix and FAR

| Use | GSF | Percentage of Total | FAR |
|---------------|---------------|---------------------|-------|
| --Office | 510,000 | 39 % | 2.452 |
| --Residential | 612,000 | 47 % | |
| --Hotel | 152,000 | 12 % | |
| --Retail | <u>33,500</u> | <u>2 %</u> | |
| Total | 1,307,500 | 100 % | 6.286 |

Five distinct buildings are proposed as follows:

Building A – Building A will be situated within the southwestern corner of the Application Property, immediately adjacent to the proposed northern pedestrian entry/exit platform for the Metro Station. The building is proposed to be approximately 9 stories, not including parking, and have a height of approximately 160 feet. Proposed primary use of this approximately 237,000

gross square foot building is a combination of office and retail, and may include an eating establishment.

Building B – Building B will be situated north of Building A and is intended to be the iconic structure within the proposed development. This structure will soar to 33 stories and will have a height of approximately 370 feet. This tower is planned for approximately 514,000 gross square feet, with a 200 room hotel occupying the lower floors and approximately 362 multi-family residential dwelling units above. Hotel amenities will occupy and enliven the ground level.

Building C – Building C will be situated to the east of Building B. The building is proposed to be approximately 6 stories and have a height of approximately 125 feet. Proposed primary use of this approximately 96,000 gross square foot building is office.

Building D – Building D will be situated on the northeastern portion of the Application Property in the vicinity of the current Clyde's Restaurant. The building is proposed to be approximately 20 stories and have a height of approximately 245 feet. Proposed primary use of this 250,000 gross square foot building is residential with approximately 250 multi-family dwelling units and associated amenities.

Building E – Building E will be situated immediately south of Building D, also in the vicinity of the current Clyde's Restaurant. The building is proposed to be approximately 11 stories and have a height of approximately 185 feet. Proposed primary use of this approximately 210,500 gross square foot building is office with ground level retail and service opportunities.

Phased Site Development – It is anticipated that the proposed development may well be phased. However, due to the nature of the design with the five proposed buildings constructed on top of one large plinth with parking beneath, multiple buildings may be built concurrently. Much thought was given to ensure that the phasing plans including in the CDP would provide interim development scenarios that conform to the overall vision for Tysons. At each phase, critical links within the street grid will be provided. Parks and open space adjacent to the phased development will be constructed to serve the occupants of the constructed buildings and to ensure that pedestrian access to the Metro Station is maintained.

Comprehensive Plan Recommendations

The Application Property is located in the Tysons Central 7 District of Tysons Corner Urban Center in the Area II Plan (the "Plan"). Guidance is provided in both the Areawide Recommendations and in the more site specific Tysons Central 7 - North Subdistrict recommendations. The Application Property is recommended for Transit Station Mixed Use, which is described as a balanced mix of retail, office, arts/civic, hotel, and residential uses, with office comprising approximately 65% and residential comprising 20% or more of the total development throughout all Transit Station Mixed-Use areas. Planned intensity recommendations are based on a tiered approach. The majority of the Application Property, 94%, is located in within 1/8 mile of a proposed Metro Station entrance and the remaining 6% is

located within ¼ mile of the Metro Station entrance. Sites within ¼ mile of a Metro station are not subject to a maximum FAR, however, office use within ¼ mile in excess of 2.5 FAR requires approval of a special exception or granting of bonus intensity.

Intensity Tiers and FAR

| Intensity Tiers | Land Area and Density Credits | GFA | FAR |
|------------------------|--------------------------------------|---------------------|--------------|
| < ¼ mile | 196,750 SF | 1,291,900 SF | 6.566 |
| ¼ - ¼ mile | 11,261 SF | 15,600 SF | 1.385 |
| TOTAL | 208,111 SF | 1,307,500 SF | 6.286 |

The proposed rezoning and CDP are in keeping with the intensity recommendations of the Plan. Tysons Central’s maximum overall FAR of 6.28 includes an office FAR of 2.45. The mix set forth in the tabulations on the CDP is approximately 39% office, 47% residential, 12% hotel, and 2% retail and service, which provides a full complement of uses to ensure that there will be activity both day and night.

The Plan also provides guidance on consolidation, street grid, urban design, urban park standards and a host of other topics. Below is a description of how the proposed rezoning and CDP for the Application Property meets the major elements of the Plan and the specific subdistrict recommendations. Where the description of compliance with the major elements also satisfies the subdistrict recommendations, it is so noted and not repeated.

| Plan Guidance | Applicants’ Proposal |
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| Major Elements of the Plan | |
| <input type="checkbox"/> Mix and arrangement of uses | The proposed mix of uses is in keeping with overall guidance in the Land Use section and the North Subdistrict description. The Conceptual Land Use Map identifies the Application Property as appropriate for Transit Mixed Use, allowing office, hotel, residential and retail uses. Office use accounts for 39% of the total GFA; residential uses account for 47%, hotel accounts for 12% and retail/services are proposed at 2%. Retail, service and eating establishments are proposed along Metro Promenade and potentially fronting on the proposed esplanade. These uses will help create a lively pedestrian environment. |

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| <input type="checkbox"/> Affordable and workforce housing | <p>Twenty percent of the residential units will be provided as workforce housing in keeping with the Plan guidance. Contributions to workforce housing by the commercial components will be detailed in the proffers.</p> |
| <input type="checkbox"/> Green building expectations | <p>Residential structures will be designed and constructed to meet a minimum of LEED (NC) certification or an equivalent. The office and hotel buildings will be designed and constructed to meet a minimum of LEED Silver certification.</p> |
| <input type="checkbox"/> Stormwater Management | <p>With the use of innovative stormwater management techniques and facilities, the Applicants will work to protect the downstream receiving waters in the Tysons Corner area from further degradation and provide sufficient controls to proportionally improve the condition of the receiving waters.</p> <p>It is the intent of this application to commit to a stormwater management plan which not only attempts to mimic the pre-developed peak release rates for the 1-, 2- and 10-year storms, but also the pre-developed runoff volumes for the 1- and 2-year storms. In order to control both the post-developed peak flow rates and reduce the post-developed runoff volumes (similar to LEED), it is the intent of the stormwater management plan to make use of certain low impact development (LID) techniques that will aid in water runoff reduction and reuse, below is a list of possible alternative to provide water quality and quantity:</p> <ul style="list-style-type: none"> • Green roofs will allow for a portion of the runoff volume to be decreased through the uptake by plantings on the green roof. • Tree box filters will also allow for a degree of plant uptake, and can also be designed to infiltrate portions of the runoff volume, depending on the characteristics of the insitu soils. • Pervious hardscapes/streetscapes will allow for infiltration of portions of the runoff volume through the pervious surface into storage below where it will be held for infiltration into the ground, depending on the |

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| | <p>characteristics of the insitu soils.</p> <ul style="list-style-type: none"> • Stormwater reuse will allow for runoff volume to be recycled into the water supply of the new buildings for allowable purposes such as grey water, landscape irrigation, and air conditioning unit cooling. So, instead of merely holding runoff to reduce its peak flow rate, detention vaults on a site which as stormwater reuse can hold runoff until it is reused in the buildings. This reuse has the added benefit of reducing the demand on the domestic water supply, while infiltration techniques will have the added benefit of recharging the surrounding water table. |
| <p><input type="checkbox"/> Consolidation performance objectives</p> | <p>The assemblage of six parcels that comprise the Application Property is a logical consolidation, given the uses that currently exist on the Application Property and the more intense uses that are currently located on its periphery. The Applicants have worked for several years in assembling the six parcels which are owned by five different entities. The shape and location of the Application Property will assist in achieving many of the performance objectives for developing an efficiently functioning community, with a grid of streets, a comprehensive public open space system and pedestrian network.</p> |
| <p><input type="checkbox"/> Transportation</p> | |
| <p><input type="checkbox"/> Grid of streets on and off-site</p> | <p>The Applicants have worked with many of the property owners in the area bounded by Greensboro Drive, Westpark Drive, Leesburg Pike, Route 123 and Pinnacle Drive to prepare a network of streets to provide accessibility and connectivity. The goal was to create a grid that is both effective and practical. The proposed street network was shared with Fairfax County Department of Transportation (FCDOT) during the Tysons planning process. The grid includes a significant new east-west road connecting Westpark Drive with Pinnacle Drive, identified as Center Street. Station Place, a new local street immediately adjacent to the Metro Station will also add to the intended connected grid for Tysons Central 7 North.</p> |

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| <p>°Vehicle trip reduction objectives</p> | <p>The Traffic Impact Statement (“TIA”), prepared by Wells + Associates, Inc. and submitted with the application includes a Transportation Demand Management (“TDM”) vehicle trip reduction goal of 40% for residential and commercial uses. These reduction goals were agreed upon with FCDOT and VDOT during the scoping of the TIA. Future proffers will further detail the objectives and comprehensive TDM program.</p> |
| <p>°Parking management</p> | <p>Parking management is critical to the success of a TDM program. The Applicants propose to develop parking in phases with the first phases potentially providing more parking than that recommended in the Plan and the PTC District regulations. With later phases, less parking will be constructed so that with completion of the proposed development, the total parking provided is at or below the maximum rates permitted on the Zoning Ordinance. Details of the parking management plan will be provided in the TDM program.</p> |
| <p>°Phasing to transportation improvements and programs</p> | <p>The CDP provides several sheets setting forth the potential phasing of development to planned transportation improvements. At each phase, critical links within the street grid and pedestrian network will be provided. The Applicants' proffers will elaborate on the phasing commitments.</p> |
| <p>°Traffic impact analysis evaluating three time periods; first phase, interim phase and plan build-out</p> | <p>The TIA referenced above provides the evaluation over three phases.</p> |
| <p><input type="checkbox"/> Urban Design</p> | |
| <p>°Achievement of the building, site design, and public realm design guidelines to achieve the urban aesthetic vision for Tysons.</p> | <p>Davis Carter Scott, the project’s architect, has studied the physical characteristics of the Application Property and has identified design opportunities and challenges. It has also reviewed in the vision and design guidelines for Tysons as set forth in the Plan. The proposed site design creates a new urban center with an iconic mixed use building at the foot of the metro escalator and a variety of exciting public spaces. Together, the landscape architect and architect have recommended building forms, massing, streetscapes, pedestrian connections, public plazas, open park areas, and private amenity spaces -- all designed with the Urban Design section of the Plan in mind.</p> |

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| <p>°A variety of buildings heights with the tallest buildings in the ranges specified by the building height map.</p> | <p>Five new buildings are proposed, with heights ranging from 125 feet for Building C to 370 feet for Building B, the iconic hotel residential signature tower. All proposed heights are in keeping with the Plan's building height map.</p> |
| <p>°Shadow and wind studies demonstrating that the design creates an inviting environment and does not cause a canyon effect.</p> | <p>The architects have sited the buildings to avoid canyon effects and to ensure sufficient natural light, particularly in public spaces. Shadow studies have been provided in the CDP.</p> |
| <p><input type="checkbox"/> Urban park standards</p> | <p>A preliminary analysis of the urban park standards and the needs of the future residents, employees and visitors of the Application Property has been prepared. The urban park standard recommended for Tysons Urban Center is 1.5 acres for each 1000 residents and 1.0 acre for each 10,000 employees. The 612 dwelling units proposed are estimated to generate 918 residents and the proposed office development will generate 1700 employees. Based on these estimates, the recommended park area for the Application Property is 67,387 square feet or 1.55 acres. A park and open space system has been designed for Tysons Central providing a variety of public urban parks, which are key to attracting residents and employees. Overall 94,092 square feet or 2.16 acres of park area are provided, of which 83,969 square feet or 1.92 acres will be publically accessible. As part of the park system, a significant enhancement to the Metro Station entrance area is proposed. Transforming this area from a mundane and not overly functional space to a vibrant and bustling promenade activated with water features, public art and ground level uses, will provide a highly utilized public park space that will be enjoyed daily. The Applicants also propose an interconnected series of park spaces on the top of the parking plinth. The key feature is a European styled esplanade, reached by a grand staircase from the Metro Promenade. This esplanade will be brought to life by people coming to and from the Metro Station and the large number of office workers and residents in the area. It will include a mixture of hardscaping and landscaping along with specialty paving, a variety of outdoor seating, public art, and space for</p> |

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| | <p>performances, open-air markets and similar activities. An additional area of green open space is provided further east and is intended for informal gathering and recreation and is connected to Tysons Central Street. Additional other public and private park areas are proposed on the roofs of the residential and hotel buildings and throughout the development.</p> |
| <p><input type="checkbox"/> Active recreation facilities</p> | <p>Active recreational facilities such as swimming pools, play areas, lawn games, fitness centers, are proposed within the buildings, private open space and park areas. Any contributions to athletic fields in the Tysons area will be detailed in the proffers.</p> |
| <p><input type="checkbox"/> Public Facilities</p> | <p>In addition to extending of the grid of streets and providing of parks and open spaces, the Applicants plan to work with Dulles Rail Partners to provide extensive enhancements to the Metro Promenade. This is an important feature to implementing the Tysons vision where transit facilities are attractive, convenient and lively spaces that encourage the use of transit and become one of the focal points in the urban neighborhood. The Applicants will also work with the County to identify other public facility needs.</p> |
| <p><input type="checkbox"/> Demonstrating how other properties in the subdistrict and in the general vicinity of the proposal can develop in conformance with the Plan</p> | <p>The Applicants have worked with their neighbors to develop a proposed grid of streets for the subdistrict resulting in appropriately sized, walkable blocks. Plans showing how these new blocks that are not a part of the Application Property can develop with a variety of buildings, heights and uses in conformance with the Plan will be provided.</p> |
| <p>Tysons Central 7 North Subdistrict - Redevelopment Option Guidance 1. Development proposals should provide for the following:</p> | |
| <p><input type="checkbox"/> The vision for this subdistrict is to remain one of Tysons greatest concentrations of office space, with the provision of more office buildings with highest intensities near the Metro Station. However, to become a vibrant 24-hour area, the area's diversity of land use including hotel, residential and retail uses should be provided at intensities and land use mixes consistent with the Areawide Land Use Recommendations.</p> | <p>As previously described in Major Elements of the Plan, Tysons Central proposes a mixture of uses, including office (39%), residential (47%), hotel (12%) and retail (2%). An office building is situated closest to the Metro Station, with other buildings being mixed in this compact development immediately adjacent to the Metro Station.</p> |

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| <p>□ Logical and substantial parcel consolidation should be provided that results in well-designed projects that function efficiently on their own, include a grid of streets and public open space system, and integrate with and facilitate the redevelopment of other parcels in conformance with the Plan. In most cases, consolidation should be sufficient in size to permit redevelopment in several phases that are linked to the provision of public facilities and infrastructure and demonstrate attainment of critical Plan objectives such as TDM mode splits, green buildings and affordable/workforce housing. If consolidation cannot be achieved, as an alternative, coordinated proffered development plans may be provided as indicated in the Areawide Land Use Recommendations.</p> | <p>A logical area has been assembled for this application. The area is comprised of six small and odd shaped parcels which have been brought together to form a sizeable redevelopment opportunity. It is substantial enough to provide for a extensions of the grid of streets, a well thought out park and open space system, a well connected pedestrian system and a mix of uses to ensure 24 hour activity. Green building practices and workforce housing are being provided in conformance with Plan guidance. Detailed phasing plans have been included in the CDP indicating how streets, park space, parking, streetscapes and amenities can be developed with the construction of each building.</p> |
| <p>° For the area developed with freestanding retail uses that is east of the Metro Station (adjacent to the Route 7/Route 123 interchange) and west of the existing water tower, full consolidation should be provided in order to address circulation and access needs associated with a significant increase in intensity for this area. If full consolidation cannot be achieved, coordinated proffered development plans encompassing most of this area may be an appropriate alternative if critical vehicular circulation improvements which connect Pinnacle Drive to both Solutions Drive and Route 7 can be provided and if it can be demonstrated that any unconsolidated property can be developed in accordance with the Plan. Under both circumstances, this area will also need to coordinate access and circulation with the abutting portion of this subdistrict.</p> | <p>The proposed development has consolidated all but one parcel (Parcel 76) located east of the Metro Station and west of the water tower. The Applicants have had discussions with the owner of Parcel 76, but have not been successful in obtaining full consolidation. However, the assemblage as currently proposed on 4.78 acres does satisfy the consolidation criteria and results in a well designed transit-oriented development. The property assembled can provide the critical vehicular connection between Pinnacle Drive and Solutions Drive. This is accomplished by constructing the new street along the Application Property's northern boundary to the eastern corner and then utilizing committed right-of way dedication on adjacent property to provide a one-way connection to Pinnacle Drive.</p> <p>The Applicants have worked and will continue to work with many of the property owners in the area bounded by Greensboro Drive, Westpark Drive, Leesburg Pike, Route 123 and Pinnacle Drive to coordinate accessibility and connectivity.</p> |

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| <p><input type="checkbox"/> Redevelopment should occur in a manner that fosters vehicular and pedestrian access and circulation. Development proposals should show how the proposed development will be integrated within the subdistrict as well as the abutting districts/subdistricts through the provision of the grid of streets.</p> | <p>The Applicants propose to construct a key section of Center Street on the Application Property. The Applicants have worked with its neighbors to coordinate a grid that will work for all.</p> |
| <p>The major circulation improvement for this subdistrict is a new street connecting Westpark Drive to Pinnacle Drive and potentially extending to International Drive, where the new street would align with Tysons Boulevard. Redevelopment along the planned new street alignment should provide the right-of-way and construct the street, in phases if necessary. In addition, other streets (creating urban blocks) as well as other pedestrian and bike circulation improvements should be provided to improve connectivity. The ability to realize planned intensities will depend on the degree to which access and circulation improvements are implemented consistent with the Area-wide Urban Design and Transportation Recommendations.</p> | <p>As described above, the Applicants are planning to construct Center Street from its western boundary to Pinnacle Drive. Utilizing right-of-way on adjacent property, Center Street would extend to Pinnacle Drive, initially as a one-way street, but ultimately with the redevelopment of adjacent parcels as a fully functioning local street.</p> |
| <p><input type="checkbox"/> Publicly accessible open space and urban design amenities should be provided consistent with the Areawide Urban Design Recommendations and the urban park and open space standards in the Environmental Stewardship recommendations.</p> | <p>The 612 dwelling units proposed are estimated to generate 918 residents and the proposed office development will generate 1700 employees. Based on these estimates, the recommended park area for the Application Property is 1.55 acres. A park and open space system has been designed for Tysons Central providing a variety of public urban parks, which are key to attracting residents and employees. Overall 94,092 square feet or 2.16 acres of park area are provided, of which 83,969 square feet or 1.92 acres will be publically accessible, as detailed previously in this chart.</p> |
| <p><input type="checkbox"/> When redevelopment includes a residential component, it should include recreational facilities and other amenities for the residents, as well as affordable/workforce housing as indicated</p> | <p>The proposed residential towers will include a comprehensive package of recreational amenities, including indoor and outdoor leisure facilities. It is anticipated these will include swimming pools, fitness gyms, sport courts, clubrooms and exercise</p> |

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| <p>under the Areawide Land Use Recommendations.</p> | <p>areas. The specific amenities for each building will be formulated at the time of Final Development Plan approval. Twenty percent of all residential units will be provided as workforce units.</p> |
| <p><input type="checkbox"/> Public facility, transportation and infrastructure analyses should be performed in conjunction with any development application. The results of these analyses should identify needed improvements, the phasing of these improvements with new development, and appropriate measures to mitigate other impacts. Also, commitments should be provided for needed improvements and for the mitigation of impacts identified in the public facility, transportation and infrastructure analyses, as well as improvements and mitigation measures identified in the Areawide Recommendations.</p> | <p>The Traffic Impact Statement (“TIA”) prepared by Wells + Associates, Inc. details the impacts of the proposed development on the transportation infrastructure and identifies appropriate mitigation measures.</p> |
| <p><input type="checkbox"/> This subdistrict contains the highest natural elevation in the County, and its skyline is visible from great distances. This subdistrict has some of the tallest buildings in Tysons, and new buildings are expected to contribute to its distinctive skyline. Maximum building heights range from 175 feet to 400 feet, depending on location, as conceptually shown on the Building Height Map in the Areawide Urban Design Recommendations. The tallest buildings should be closest to the Metro Station with a maximum height of 400 feet.</p> | <p>Five new buildings are proposed, with heights ranging from 125 feet for Building C to 370 feet for Building B, the iconic hotel residential signature tower. All proposed heights are in keeping with the Plan’s building height map.</p> |
| <p><input type="checkbox"/> A potential circulator alignment extends through this subdistrict as described in the Areawide Transportation Recommendations. In addition to the above guidance for this area, redevelopment proposals along the circulator route should provide right-of-way or otherwise accommodate the circulator and should make appropriate contributions toward its construction cost. See the Intensity section of the Areawide Land Use Recommendations.</p> | <p>The circulator map included in the Comprehensive Plan shows a conceptual circulator routes along the Application Property’s Center Street frontage, but notes that a Circulator System Study will study and refine the alignments. The Applicants propose that the circulator operate within the proposed local street in mixed traffic. In the absence of an adopted circulator study with specific routes and circulator stops, it is premature to dedicate additional right-of-way for this potential circulator system.</p> |

Waivers and Modifications

To the best of our knowledge, there are no known hazardous or toxic materials on the Application Property nor are there any planned with the proposed use. Furthermore, to the best of our knowledge and belief, the proposed use will be in conformance with all applicable ordinances, regulations and adopted standards with the following exceptions requested below:

Zoning Ordinance Modifications

1. Waiver of the required minimum 10 acre district size in the PTC District pursuant to Section 6-506 Paragraph 1 of the Zoning Ordinance. In this specific case the Comprehensive Plan envisions that full consolidation would be less than 10 acres due to the Application Property's situation at the Leesburg Pike/Chain Bridge Road as well as surrounding public facilities and substantially developed properties nearby.
2. Modification of the peripheral landscaping requirements of the Zoning Ordinance pursuant to Section 13-203 Paragraph 3 for above grade parking structures. Due to the urban nature of the site, and the adjacency of parking structure to the streetscapes, it is not possible, nor is it appropriate, to provide the typical peripheral landscaping requirements.
3. Modification of the interior parking lot landscaping requirements of the Zoning Ordinance pursuant to Section 13-202 Paragraph 6 on all parking structures and surface parking areas to that shown on the CDP. The Applicants propose public and amenities on the top level of the parking structure. Interior parking lot landscaping should not be required and thus a modification is sought.
4. Modification of the Tyson's Corner Urban Center streetscape design in favor of that shown on the CDP. The landscape architect will establish design programs for each of the streets in, and adjacent to, Tysons Central. These designs closely follow the streetscape sections set forth in the Comprehensive Plan, but the unique circumstances of certain areas will minor modifications as depicted on the GDP.
5. Waiver and/or modification of all trails and bike trails in favor of the streetscape shown on the CDP. The Applicants propose that bikes travel on the streets in mixed traffic, due to the activity level anticipated.
6. Waiver of the maximum length of private streets as provided in Paragraph 2 of Section 11-302 of the Zoning Ordinance to allow private streets in excess of 600 ft. in length. Private streets are proposed to help create the urban ambiance envisioned in the Plan and which is difficult to achieve if current public street standards and VDOT requirements are imposed.
7. Waiver of Section 17-201 Paragraph 3A of the Zoning Ordinance requesting construction of the service road along Route 7. While the approved Comprehensive Plan recommends

elimination of the service drives along Route 7 and the creation of a “boulevard”, the Zoning Ordinance still requires construction of a service drive along Route 7. This would negatively impact the prospect of pedestrian activity on Route 7 and thus a waiver is sought.

8. Waiver of Section 17-201 Paragraph 13B of the Zoning Ordinance to provide additional inter-parcel connection to adjoining parcels other than those specifically identified on the CDP. The proposed grid of streets will provide the appropriate connections to adjacent parcels.
9. Waiver of Section 17-201 Paragraph 4 of Zoning Ordinance requiring any further dedication and construction of widening for existing roads beyond that which is indicated on the CDP. Dedication and improvements shown on the CDP shall be deemed to meet all Comprehensive Plan Policy Plan requirements.
10. Waiver of transitional screen yard and barrier requirements along the Application Property’s northeastern boundary adjacent to all areas zoned R-1 and used as public facilities. A City of Falls Church water storage tower and a U.S. Government telecommunications tower are located along the site’s northeast boundary. Thus screening typical of R-1 zoning is not necessary. The architects have sited the buildings along this boundary so as to minimize exposure to these public facilities.
11. A waiver and/or modification of Section 2-506 1(A) and (C) of the Zoning Ordinance to allow structures located on the building roof to occupy an area greater than 25% of the total roof and to exclude air conditioning units and cooling towers, located outside the penthouse or screened area, from being included in the maximum building height if said structure, air conditioner or cooling tower is for the purpose of providing building infrastructure to meet LEED certification.

Modifications to the Public Facilities Manual (PFM)

1. In keeping with the urban concept of this development, a modification of PFM standard 12-0702 1B (2) is requested to permit the reduction of the minimum planting area for trees planted to satisfy the tree cover requirement to reduce the width from eight (8) feet to a minimum of five (5) feet as shown on the CDP and as provided in the proffers. Structural soils will be implemented to enhance survivability of the trees subject to this modification request. Refer to the typical street sections for the graphic planting plan.
2. A modification of Section 7-0802.2 of the PFM and Section 11.102.12 of the Zoning Ordinance to allow for the projection, by no more than 4%, of the stall area of structural columns into parking stalls in parking structures. Such parking spaces shall count toward the number of parking spaces required by the Zoning Ordinance.
3. A modification of Public Facilities Manual (PFM) Section 7-0800 and Zoning Ordinance Section 11-102 Paragraph 12 to allow tandem spaces with valet services for non-

residential uses. Such stacked parking spaces, in accordance with Section 11-101 Paragraph 1, shall count toward required parking specified in the Zoning Ordinance.

4. A waiver to allow stormwater management (SWM) and Best Management Practices (BMPs) to be satisfied by underground systems for the proposed residential development, as referenced in Section 6-0303.8 of the PFM.
5. A waiver of the 10-year Tree Canopy requirements as set out in PFM Section 12-0509 due to the overall urban nature and intensities in this area. The waiver is requested in favor of the Tysons Corner Urban Center Areawide and District Recommendations pertaining to urban design guidelines as it relates to streetscape design. These guidelines layout the intent of trees, landscaping and streetscapes in Tysons Corner and are specified on the CDP.
6. A modification from the Tree Preservation Target. This modification is permitted based on two (2) allowable deviations in the Fairfax County Public Facilities Manual. The first is § 12-0507.3A(1), which states, "Meeting the Tree Preservation Target would preclude the development of uses or densities otherwise allowed by the Zoning Ordinance." The second is § 12-0507.3A(3), which states, "construction activities could be reasonably expected to impact existing trees or forested areas used to meet the tree preservation target to the extent they would not likely survive in a healthy and structurally sound manner for a minimum of 10-years in accordance with the post-development standards for trees and forested areas provided in § 12-0403." Specific trees to be preserved are identified on the CDP.

Implementing the Tysons Vision

Approval and construction of the proposed development will create an exciting urban experience that is anticipated when exiting the Metro Station. The proposed development will further the vision of the Comprehensive Plan by creating an attractive, vibrant and urban mixed-use development that is active both day and night. It will transform an underdeveloped and aging land mass into a pedestrian friendly, transit- oriented mixed use community. The Metro Promenade, extensive esplanade, pocket parks and sidewalks will invite pedestrians to explore this new neighborhood. New residential opportunities will help address the current imbalance between those who work and live in Tysons. The provision of on-site workforce housing will allow for diversity and the construction of sustainable buildings will promote environmental awareness. It will be a significant and welcome change to this critical area of Tysons.

As always, I appreciate the time and attention that you and your staff give to the review of these applications. If you have any questions or require further information, please do not hesitate to contact me, Inda Stagg or Art Walsh.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

A handwritten signature in black ink, reading "Elizabeth D. Baker". The signature is written in a cursive style with a large initial "E".

Elizabeth D. Baker
Senior Land Use Planner