

## STATEMENT OF JUSTIFICATION



### **SCOTTS RUN STATION NORTH February 14, 2011**

**Revised May 10, 2011**

This statement of justification is submitted for a proposed rezoning of approximately 9.41 acres from the C-3 and H-C Districts to the Planned Development Tysons Corner Urban (PTC) and H-C Districts.

Cityline Partners LLC, the Applicant, is the managing agent of property identified among the Fairfax County tax assessment records as 29-4 ((5)) 9, 9A and 10A (the "Subject Property") that encompasses approximately 9.41 acres located on the north side of Route 123, between Scotts Crossing Road and the Dulles Airport Access Road. With the inclusion of land previously dedicated for public purposes with reserved density credits, the area of the Subject Property increases to 14.27 acres. A detailed description of these prior dedications has been submitted separately. The Subject Property is currently developed with an office building and surface parking. The Applicant proposes to redevelop the Subject Property with office use in a transit-oriented urban design in response to a specific proposal for a GSA tenant. In the alternative, the Applicant proposes an integrated mix of office, residential and retail uses also in a transit-oriented urban design. A rezoning of the Subject Property from the C-3 and H-C Districts to the PTC and H-C Districts will fulfill the vision of the recently adopted Comprehensive Plan for the Tysons Corner Urban Center.

#### **I. Subject Property Description**

The Subject Property, referred to as Scotts Run Station North, is located on the east side of the Tysons Corner Urban Center and will serve as the signature gateway for those entering Tysons Corner from the east. Located on the north side of Route 123, the Subject Property has extensive road frontage that results in high visibility. The Subject Property is located on the east side of the Scotts Run Stream Valley Park. This natural resource amenity will become the focal point of a transit-oriented development that will include office, and, in the alternative, residential, retail and support services. This gateway site also provides an opportunity for the integration of institutional and public uses, such as educational and recreational facilities. The Applicant's design meets the objective of creating a place where Fairfax County residents can live, work, shop and play.

The opportunity to create a pedestrian friendly urban environment is amplified by the proximity of the Tysons East Metro Station (the "Metro Station") that is under construction. Approximately 1.90 acres of the Subject Property are located within 1/8 of a mile of the Metro Station; approximately 7.06 acres of the Subject Property are located between 1/8 and 1/4 mile of the Metro Station, and the remaining approximately .45 acre is located between 1/4 and 1/3 mile of the Metro Station. The proximity of the Metro Station creates opportunities to encourage the use of mass transit as an alternative to private vehicles. The Applicant's proposal links the transit-oriented development to the Metro Station through a series of pedestrian-friendly

corridors and streetscapes that will encourage the use of transit, pedestrian walkways and bicycles, and further the goal of creating a multi-modal transportation network that is not dependent on automobiles.

The Applicant has carefully evaluated its development plan to ensure that the proposed use is coordinated with the surrounding area at appropriate heights to transition to adjacent development and respects the recommendations of the Comprehensive Plan. The Applicant is proposing uses up to 1,809,480 gross square feet. The primary development program consists of 1,274,000 gross square feet of office development (almost 100%) with 5,000 gross square feet of supporting retail uses, or an FAR of 2.06. This program was developed to meet the needs of a specific GSA tenant. While the Plan recommends approximately 65% office in proximity to Metro Stations, flexibility for a higher percentage of office is allowed when the resulting land use mix in the TOD District or Subdistrict satisfies the recommended percentage. As described herein, the proposed development, when combined with the Applicant's concurrent rezoning application located on the south side of Route 123, will meet the land use mix recommendations. The mixed-use alternative consists of 1,274,000 gross square feet of office development (70%); 510,000 gross square feet of residential development (28%), and 25,480 gross square feet of retail development (2%). The mixed-use alternative, with all uses combined, results in a 2.91 FAR.

## II. Zoning History

The Subject Property is part of an office park known as West\*Gate that originally contained over eighty (80) acres of industrially zoned property located at the edge of the suburbs of Washington, D.C. on both the north and south sides of Route 123. Initially zoned to the I-4 District, West\*Gate was developed in phases in accordance with the Fairfax County Zoning Ordinance that permitted office and industrial uses. Office buildings were constructed to primarily serve government contractors and other buildings were used for research, development and manufacturing facilities. As Tysons Corner evolved into the Urban Center of Fairfax County, West\*Gate evolved into a more traditional office park. Its strategic location on Route 123 between the Capital Beltway and the Dulles Airport Access Road provided visibility and accessibility. These conditions still exist today, and are enhanced by the presence of the Metro Station. A rezoning in the early 1990's resulted in the Subject Property's current C-3 District zoning designation and the adoption of proffers. The Subject Property is that portion of West\*Gate that is closest to Route 123 and the Metro Station and is proposed for a rezoning concurrently with a rezoning application on the south side of Route 123.

## III. Overall Vision

The Applicant proposes to transform a portion of an existing suburban office park in a manner consistent with its designation in the Comprehensive Plan. The Subject Property that comprises Scotts Run Station North is recommended for redevelopment as Transit Station Mixed Use. The vision is to redevelop the Subject Property into a transit-oriented, walkable, sustainable mixed-use development with Scotts Run Stream Valley Park as a focal point and a natural amenity. The Applicant has designed a street parallel to Route 123 that will connect the development physically and visually to the Metro Station. The street, referred to as Grover

Drive, is the east-west connector that provides access to all proposed uses on the Subject Property. A direct connection to the Dulles Airport Access Road is not proposed to be provided at this time in accordance with discussions and an agreement reached with FCDOT. A future connection may be considered if a) Fairfax County secures the local, state and federal approvals necessary for its construction, b) access to on-site buildings as shown on the CDP is not restricted to/from Grover Drive and, c) parking is permitted under the street. A local/service street, referred to as North Dartford Drive, extends on a north-south axis to Route 123 and further anchors the grid of streets envisioned in the Comprehensive Plan. These proposed streets will function with the existing arterial road network to facilitate pedestrian, vehicular and bicycle connectivity.

Grover Drive will be enhanced with street trees, landscaping, and first floor retail to bolster the pedestrian experience. Grover Drive will terminate at Scotts Crossing Road. The entire length of Grover Drive is within 1/4 mile of the Metro Station thereby encouraging pedestrian and cyclist usage. Subject to receipt of necessary approvals, the Applicant proposes to provide landscaping adjacent to Route 123 to enhance the appearance of this heavily travelled corridor.

Buildings under both development options have been appropriately sited to ensure compliance with Section 2-414 of the Zoning Ordinance. Section 2-414 establishes a minimum distance of 200 feet for residential buildings and 75 feet for commercial buildings between principal buildings and right(s)-of-way of interstate highways and the Dulles Airport Access Road. By interpretation issued by the Zoning Administration Division dated December 21, 2000, the setback measurement is taken from the projection or extended line of the travel lanes at interchanges. A copy of this determination is attached for convenient reference. As demonstrated on the CDP, these setbacks have been met with each proposal.

Scotts Run Stream Valley Park is the focal point of the Scotts Run Crossing Subdistrict. Consequently, the park is an important component of the Scotts Run Station North development. It is intended that Scotts Run Stream Valley Park will become a major linear urban park on both sides of Route 123 with a trail system that will benefit not only the future residents and office employees of Scotts Run Station North, but also serve the existing stable residential communities and employment centers located in proximity to the Subject Property, and thereby providing connectivity to other parts of Tysons Corner. This natural amenity should be enhanced so that it may provide passive and active recreational opportunities that will benefit all Tysons Corner residents and workers. A range of outdoor experiences, such as performances, nature programs, appreciation of scenery and recreation, could result from improvements to the park. The Applicant intends to take a leadership role in participating with other Tysons Corner land owners to revitalize and enhance Scotts Run Stream Valley Park in a manner that will implement the Comprehensive Plan vision. The Scotts Run Station North development plan maximizes its proximity to Scotts Run Stream Valley Park and the views and accessibility that will be afforded to office workers, as well as potential residents under the mixed-use alternative.

The primary goals of the Scotts Run Station North Conceptual Development Plan (CDP) are as follows:

- Utilize density and intensity appropriately through a diverse mix of uses that encourages the use of alternate transportation modes, including mass transit, and creates an environment where people can live, work, shop and play at a gateway to Tysons Corner.
- Design a grid of streets enhanced with sidewalks and retail uses consistent with the Comprehensive Plan that will facilitate pedestrian, vehicular and bicycle connectivity, and create a sense of place.
- Incorporate a variety of building heights and orientations to ensure greater intensity in proximity to Route 123 and the Metro Station, while tapering appropriately to surrounding areas.
- Incorporate various design elements such as visually appealing streetscapes and ground floor retail to elevate the pedestrian experience.
- Improve Scotts Run Stream Valley Park to create a central focal point and a natural amenity in Tysons Corner that is complemented by open space.
- Integrate sustainable design elements such as innovative stormwater management techniques, environmentally sensitive selection of building locations, energy efficient building design and promotion of transit use through design and use mix.
- Incorporate public facilities into the development plan.
- Develop a phasing plan that allows for the timely construction of buildings in phases or individually in response to market conditions to implement the objectives of the Comprehensive Plan with appropriate supporting facilities.

A. Gateway

The Tysons East District as defined by the Comprehensive Plan is the signature gateway for those coming to Tysons from the east. Scotts Run Station North is a transit oriented development (TOD) given its proximity to the planned Metro Station. Office buildings are planned in proximity to Route 123 to create an urban employment center that will utilize mass transit. The westernmost office building is designed to meet the needs of a specific GSA tenant. It creates an urban edge adjacent to Route 123 with highly efficient floor plates to meet the tenant's programmatic requirements. A main through lobby is incorporated in the design to accommodate a significant number of anticipated visitors. While maintaining a continuous street edge at the ground level, the building's shape and orientation provides a sense of individual identity. A second, smaller office building is located to the east. Under the mixed-use alternative, office buildings will remain located in proximity to Route 123. Residential buildings are located further from Route 123 and in proximity to Scotts Run Stream Valley Park to ensure a pleasant living environment. The incorporation of residential use in the development plan provides the benefit of a twenty-four hour presence in Scotts Run Station North. In both designs

all buildings are located within easy walking distance to the Metro Station. Building heights under each option range from 273 feet adjacent to Route 123 down to 206 feet at the perimeter of the Subject Property in accordance with the height recommendations of the Comprehensive Plan. Retail stores and eating establishments to serve the proposed development will be located at the street level. Parking is primarily provided in a structured garage to serve the office development. Structured parking is necessary to address the security concerns of the anticipated tenant. The garage is located in proximity to the Dulles Airport and Access Road and is screened by the proposed office buildings that are adjacent to Route 123. This layout maintains the desired urban design features as further described in the Plan. Parking for the mixed use development option is located beneath the office and residential buildings. Given soil conditions in this area, the depth of underground parking garages may be limited. Retail uses for the mixed-use development option will potentially be incorporated into the parking structures to limit their visibility and ensure that the parking structures do not detract from the overall appearance of the development.

#### B. Connectivity

Grover Drive, which is parallel to Route 123, will be the primary local connector road in Scotts Run Station North. This new street, together with a new street shown on the CDP as North Dartford Drive, creates an enhanced grid of streets as envisioned by the Comprehensive Plan at a human scale to ensure use and thereby connectivity with the existing arterial street system. All streets will include sidewalks, street trees and landscaping in conformance with the Comprehensive Plan. Hardscape incorporated into the street design will provide opportunities for outdoor seating and gathering areas. While the CDP does not explicitly provide for the Plan recommended ramp from the Dulles Airport Access Road, the CDP does not preclude such a future connection if the conditions outlined herein are met with regard to jurisdictional approvals, parking and building access.

#### C. Urban Parks and Open Space

The focal point of the Tysons East District is intended to be the Scotts Run Stream Valley Park. Stormwater runoff has eroded the stream bank of Scotts Run, and the existing channel is steep and not accessible. The stream bank requires stabilization to ensure that the stream remains a viable resource. In conjunction with stream bank stabilization, an accurate delineation of the floodplain will be submitted and the floodplain will be relocated. As shown on the CDP, the office development option includes an encroachment into the floodplain by the parking garage. The amount of disturbance in the floodplain does not exceed 5,000 square feet and, therefore, in accordance with Paragraph 5 of Section 2-903 of the Zoning Ordinance, a special exception is not required. Given the topography of the area, and mature existing vegetation, creative solutions will be needed to make a majority of the stream valley accessible. A possible approach is the construction of an elevated walkway that would protect the most sensitive areas of the stream valley while allowing Tysons Corner residents and office workers an opportunity to enjoy this parkland. Such a walkway could connect to the overall trail system in Tysons Corner and benefit pedestrian, cyclists and runners. Where permitted by topography, grassy areas may be maintained as useable public open space that may be used for outdoor performances, nature programs and recreation. Scotts Run Stream Valley Park is an oasis within a rapidly developing area that should be preserved, enhanced and protected. A significant

portion of the Scott Run Stream Valley Park located north of Route 123 is owned by the multi-family development known as the Gates of McLean. Working closely with the Gates of McLean and other Tysons Corner land owners, the Applicant intends to take a leadership role in improving Scotts Run Stream Valley Park. A series of open space areas that will be a combination of public urban parks and private open spaces will provide recreation opportunities to residents and office workers of Scotts Run Station North. The total amount of open space provided with the proposed development is 4.90 acres.

D. Sustainability/Urban Stewardship

A number of sustainable design elements have been incorporated into the development plan to ensure energy efficiency and minimal impacts on natural resources. Proposed office buildings on the Subject Property have been oriented to maximize energy efficiency. The office buildings are generally located with their long axis facing north and south to reduce energy usage for heating and cooling. Under the mixed-use development option, the residential buildings are generally located with their long axis facing east and west so all units receive at least a half day of sunlight. In addition, building footprints have been shaped to minimize the shadows that are cast during the shorter days of winter. Lastly, the office buildings under both options will be designed to a minimum of Silver LEED certification or equivalent standards. Stormwater management techniques will be installed to retain the first inch of rainfall as recommended by the Comprehensive Plan. Techniques will include the use of permeable pavers on portions of roadways and hardscapes throughout the development. In addition, infiltration basins are planned to be installed beneath trees boxes used in the streetscape, and rooftop gardens may be incorporated into building designs. Other possible measures to improve water quality and reduce stormwater run off may include incorporation of bioswales, rain gardens, and vegetated buffer strips.

E. Public Facilities

The Comprehensive Plan identifies Tysons East as a good location for institutional and public uses, such as educational and recreational facilities. The Applicant has identified a possible educational facility within one of the office buildings shown on the CDP. The location is easily accessible to the Metro Station and the use will have synergy with the planned office buildings at Scotts Run Station North.

IV. Program of Development

Scotts Run Station North, given its proximity to the Metro Station, has a tremendous redevelopment potential. Existing conditions on the Subject Property consist of an office building that is served by surface parking, which is a tremendous underutilization of the Subject Property. These existing improvements will be removed and replaced by the Applicant's proposed development.

The CDP proposes up to 1,809,480 gross square feet of development on the Subject Property. The office option is comprised of 1,274,000 gross square feet of office and 5,000 gross square feet of support retail uses, or a 2.06 floor area ratio (FAR). While the Plan generally

recommends approximately 65% office, the text does allow individual developments to have the flexibility to build a higher percentage of office as the anticipated land use mix will vary by TOD District or Subdistrict. When the Applicant’s proposed development is combined with its concurrent rezoning application located on the south side of Route 123, the percentages change significantly. The overall combined land use mix is 61% office, 33% residential, 5% hotel and 1% retail. This land use mix results in 20% or more of the total development as a residential component, and the planned development meets the recommendations for Transit Station Mixed Use as defined by the Comprehensive Plan.

The mixed-use development alternative is comprised of 1,274,000 gross square feet of office, 510,000 gross square feet of residential and 25,480 gross square feet of retail. The overall land use mix is 70% office, 28% residential, and 2% retail, which independently meets the recommendations for Transit Station Mixed Use as defined by the Comprehensive Plan. The FAR on the Subject Property is 2.91 under the mixed-use development option. The maximum gross floor areas for the various uses are as follows:

**Land Use Mix and FAR**

Use	GSF	GSF Under Mixed-Use Alternative	Percentage of Total	Percentage of Total Under Mixed-Use Alternative	FAR	FAR Under Mixed-Use Alternative
<u>Master Plan</u>						
- Office	1,274,000	1,274,000	99%	70%	2.05	2.05
- Residential	0	510,000	0%	28%	0	0.82
Retail	<u>5,000</u>	<u>25,480</u>	<u>1%</u>	<u>2%</u>	<u>0.01</u>	<u>0.04</u>
Total	1,279,000	1,809,480	100%	100%	2.06	2.91

Calculation of FAR and FAR under the mixed-use alternative is based on land area and density credit totaling 621,603 square feet.

Scotts Run Station North is located on the north side of Route 123 between Scotts Crossing Road and the Dulles Airport Access Road. Currently developed with a single office building, the Applicant proposes two (2) office buildings and a mixed-use development alternative comprised of three (3) office buildings and two (2) residential buildings. All of these uses, under the option with the maximum proposed development, will yield approximately 1.8 million square feet of development. Vehicular and pedestrian circulation will be achieved with the construction of a new central street, referred to as Grover Drive that is parallel to Route 123. In addition, North Dartford Drive will be constructed to connect Grover Drive with Route 123. Parking will be provided either in an above grade structured garage or in structures located beneath each building in the mixed-use alternative. Retail development will be located on the first floor to activate the street and also screen portions of the parking that may be located above grade. Building heights range from 206 feet to 273 feet with the greater heights located in

proximity to Route 123 and the Metro Station. Specific details of each development are provided on the CDP. In addition, site sections for each proposed building, including the mixed-use alternative, are included in the CDP.

#### V. Phasing of Development

Scotts Run Station North is located on the north side of Route 123 and is currently referred to as the Cleveland site. The development of two (2) office buildings on the Subject Property and potentially five (5) buildings in the mixed-use alternative may take some years to complete. Phasing of development to planned infrastructure (vehicular, pedestrian, bicycle and transit facilities) and transportation demand management programs are critical to ensure a well-balanced, interlinked, multi-modal transportation network in Tysons Corner. In addition, the Applicant must retain the flexibility to respond to changing market conditions and, therefore, has designed the Subject Property with buildings, including associated parking, that may be constructed individually or in groups. Generally, development may occur for Scotts Run Station North as shown on the CDP.

The Cleveland site will be redeveloped with two (2) office buildings identified on the CDP as Buildings A1 and B1. Building A1 will consist of 864,000 gross square feet and Building B1 will consist of 410,000 gross square feet. The Cleveland site will also include 5,000 gross square feet of support retail uses. The buildings will be served by an above-grade parking garage located behind the buildings. In the mixed-use alternative, the Cleveland site will be redeveloped with three (3) office buildings, identified on the CDP as Buildings A1, B1 and C1, and two (2) residential buildings, identified on the CDP as D1 and E1. Building A1 will consist of 494,000 gross square feet; Buildings B1 and C1 will each consist of 390,000 gross square feet; and Buildings D1 and E1 will each consist of 255,000 gross square feet. Under the alternative, the Cleveland site will also include 25,480 gross square feet of retail uses that may be distributed among the buildings. All buildings will be served by structure parking located beneath the buildings and underneath the street that will be constructed concurrently with each building. Under both development options, access to the buildings will be from Grover Drive and North Dartford Street. Road improvements shall be constructed concurrently with development of the Subject Property.

The Subject Property has sufficient existing and proposed street frontage for adequate access so that a specific development sequence is not necessary. Extensive landscaping, streetscapes and open spaces are detailed on the CDP and will be installed concurrently with each development site. A detailed pedestrian circulation plan consisting of sidewalks and trails will also be installed concurrently with the development of each building site. In addition, utilities will be installed sequentially with each segment of development. On an interim basis, surface parking on any or all of the undeveloped building sites may be provided to support proposed and existing uses.

#### VI. Comprehensive Plan Guidelines

The Subject Property is located in the Tysons East District of the Tysons Corner Urban Center and recommendations for its use and development are guided by the newly approved

Comprehensive Plan Amendment for *Transforming Tysons* (the “Plan”). Guidance is provided in both the Areawide Recommendations and the District Recommendations, specifically the Scotts Run Crossing Subdistrict. The Plan recommends that the Subject Property be redeveloped with a mix of uses with office as the predominate use. The Scotts Run Crossing Subdistrict is envisioned to be a mixed-use area with increased intensity and diversity of land use including office, hotel, residential, support retail and/or public and institutional uses. A key feature in the subdistrict is Scotts Run Stream Valley Park. Scotts Run Stream Valley Park is identified as an accessible urban park and areawide amenity. Redevelopment is encouraged to contribute to stream and riparian buffer restoration efforts for Scotts Run Stream Valley Park. Planned intensity recommendations are based on a tiered approach. The highest intensities in Tysons Corner should be built in those areas closest to the Metro Station entrance. Approximately 35% of the Subject Property is located in Tier 1 within 1/8 mile of the Metro Station entrance. Approximately 62% of the Subject Property is located in Tier 2 within 1/4 mile of the Metro Station. Sites within Tiers 1 and 2 are not subject to a maximum FAR. Approximately 3% of the Subject Property is located in Tier 3, specifically between 1/4 and 1/3 mile of the Metro Station entrance. The Plan recommends that projects within 1/4 and 1/3 mile may develop up to a 2.0 FAR, excluding bonuses, however, sites that do not include any office space or other high trip generating uses should be allowed intensities of 2.5 FAR, plus any bonuses achieved. The Plan also allows flexibility to include areas immediately adjacent to the 1/4 mile ring as areas not subject to a maximum FAR. Below is a table outlining the land areas and development proposed within Tiers 1, 2 and 3.

**Intensity Tiers and FAR**

<b>Intensity Tiers</b>	<b>Land Area and Density Credits</b>	<b>GFA</b>	<b>GFA Under Mixed-Use Alternative</b>	<b>FAR</b>	<b>FAR Under Mixed-Use Alternative</b>
1 0 to 1/8 mile	219,494 SF	542,092	494,000	2.47	2.25
2 1/8 - 1/4 mile	382,391 SF	736,908	1,315,480	1.93	3.44
3 1/4 - 1/3 mile	19, 718 SF	0	0	0	0
<b>Total</b>	<b>621,603 SF</b>	<b>1,279,000</b>	<b>1,809,480</b>	<b>2.06</b>	<b>2.91</b>

The Applicant’s proposal as shown on the CDP is in keeping with the intensity recommendations of the Plan. The Subject Property’s maximum overall FAR is 2.91 for the mixed-use alternative, with an FAR of 2.06 for the office proposal. While the Subject Property does include floodplain, the uses are evaluated in terms of intensity and not subject to density penalties as described in the Zoning Ordinance. Additionally, no high-trip generating uses are proposed within the Subject Property’s limits, and therefore, a concurrent special exception is not required.

The Plan also provides guidance on consolidation, street grid, urban design, urban park standards and other topics. Below is a description of how the proposed rezoning and CDP for the Subject 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	Applicant’s Proposal
<b>Major Elements of the Plan</b>	
<ul style="list-style-type: none"> <li>• Mix and arrangement of uses</li> </ul>	<p>The proposed mix of uses is in keeping with the overall guidance in the Land Use section and the Scotts Run Crossing Subdistrict description. The Plan calls for development of the Subject Property with a mix of uses, with office as the predominate use. Further, the Plan text allows individual developments to have the flexibility to build a higher percentage of office as the anticipated land use mix will vary by TOD District or Subdistrict. When combined with the Applicant’s concurrent rezoning on the south side of Route 123, the use percentages meet the recommendations for Transit Station Mixed Use. In addition, the mixed-use development alternative includes a mix of office, residential, and retail uses in accordance with Plan recommendations. In keeping with the Plan and Subdistrict recommendations, the greatest intensity will be concentrated closest to the Metro Station. As detailed on the CDP, development will be phased to the construction of transportation and public facilities.</p>
<ul style="list-style-type: none"> <li>• Affordable and workforce housing</li> </ul>	<p>The proposed residential buildings under the mixed-use development alternative are a construction type that does not generate a requirement for Affordable Dwelling Units in accordance with Article 2 of the Zoning Ordinance. Twenty percent (20%) of the proposed residential units, or approximately 93 units, will be provided as workforce housing in accordance with the guidance in the Plan.</p>
<ul style="list-style-type: none"> <li>• Green building expectations</li> </ul>	<p>The office structures will be designed and constructed to meet Silver LEED certification or equivalent standards. The design of residential structures will be guided by the Policy Plan objectives on Resource Conservation and Green Building Practices.</p>

•Stormwater Management

The goal of stormwater management measures for the Subject Property is to protect the downstream receiving waters in the Tysons Corner area from further degradation while providing sufficient controls to proportionally improve the condition of said receiving waters. Through the use of aggressive and innovative stormwater management planning and techniques, the proposed development will provide both water quantity and water quality controls to achieve the above stated goal.

While historical water quantity controls have been focused on reducing the peak flow rates from post-developed sites to levels equal to or less than the peak flow rates for pre-developed sites, this tactic accounts for only part of the impact development has on storm water runoff. That is to say, development will affect not only peak runoff rates, but also total runoff volume. Although this historical peak shaving methodology ensures the downstream receiving channels are capable of conveying the post-developed peak flows, it does not account for the increased volume of runoff that will be generated as a result of development.

Because both the peak flow rate and the overall runoff volume introduced into the downstream receiving waters impact the condition of the streams, it is the intent of this rezoning application to commit to a stormwater management plan which not only attempts to mimic the pre-developed peak release rates, but also the pre-developed runoff volumes. In order to both control the post-developed peak flow rates and reduce the post-developed runoff volumes, it is the intent of the proposed stormwater management plan to make use of certain low impact development (LID) techniques that will aid in water runoff reduction and re-use.

In general, techniques such as green roofs, tree box filters, pervious hardscapes/streetscapes, and stormwater reuse will be integrated into the development as shown on the CDP. These techniques will both reduce the total runoff release from the development area and control the peak runoff rate. More specifically:

- **Green roofs** will allow for a portion of the

	<p>runoff volume to be decreased through the uptake by plantings on the green roof.</p> <ul style="list-style-type: none"> <li>• <b>Tree box filters</b> 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.</li> <li>• <b>Pervious hardscapes/streetscapes</b> will allow for infiltration of portions of runoff volume through the pervious surface into storage below where it will be held for infiltration into the ground, depending on the characteristics of the insitu soils.</li> <li>• <b>Cisterns/Stormwater reuse</b> 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. Instead of merely holding runoff to reduce its peak flow rate, retention vaults will 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.</li> <li>• <b>Structural BMPs</b></li> <li>• <b>Integrated Management Practices (IMPs)</b> Beyond reducing the volume of runoff from a post-developed site, the above LID techniques will help to reduce the peak flow rates released from a post-developed site. By reducing the overall imperviousness of the site, as well as “disconnecting” impervious areas, these techniques will reduce the peak runoff rate. This is due to the fact that times of concentration for sub areas of the site will increase for certain LID techniques, thus avoiding coincident peaks for all of the site sub areas, some using LID techniques and some not.</li> </ul> <p>Regarding water quality, the use of green roofs and tree box filters will have a significant impact on water quality, as nutrient uptake will greatly reduce the pollutants in the site runoff. Furthermore, infiltration (pending the characteristics of the insitu soils) in both tree box filters and pervious</p>
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	<p>hardscape/streetscape will greatly improve the quality of the runoff from the post-developed site. Thus, these techniques will be used to meet the established phosphorus removal requirements for the Subject Property, as determined during the rezoning process.</p>
<p>•Consolidation performance objectives</p>	<p>The Scotts Run Crossing Subdistrict guidance suggests a consolidation goal of 20 acres. The Subject Property encompasses less than 20 acres but includes all available land that is bounded by Scotts Crossing Road, the Dulles Airport Access Road and Scotts Run Stream Valley Park. The land area includes property in Tiers 1, 2 and 3. As recommended by the Subdistrict, the consolidated area includes land in both the first and second intensity tier to ensure connectivity to the Metro Station. The size, shape and location of the Subject Property will foster achievement of the performance objectives resulting in a coordinated development plan that includes a grid of streets, provides a comprehensive public open space system that incorporates Scotts Run Stream Valley Park, demonstrates how adjacent land may be developed in keeping with the Plan, and provides for the phasing of redevelopment.</p>
<p>•Transportation</p>	
<p>°Grid of streets on and off-site</p>	<p>The Applicant has worked with the other Tysons East District property owners to identify a network of streets to provide accessibility and connectivity for all modes: vehicular, pedestrian and bicycle. The goal was to create a street grid that is effective, practical and implementable. The grid includes construction of two (2) new streets: Grover Drive and North Dartford Drive (both local/service streets). Improvements in accordance with Plan recommendations will be made to existing Scotts Crossing Road that will be incorporated into the street grid. The proposed street grid was presented to and discussed with FCDOT representatives on February 3 and May 3, 2011. The Applicant’s commitment to the grid of streets will provide major improvements in connectivity and set the framework for a new urban design.</p>
<p>°Vehicle trip reduction objectives</p>	<p>The Traffic Impact Statement (“TIA”), to be submitted by Wells + Associates, Inc., on or about</p>

	<p>May 23, 2011, will include a Transportation Demand Management (“TDM”) vehicle trip reduction goal generally consistent with the Plan (i.e., within 5% of those recommended). These reduction goals were agreed upon with FCDOT and VDOT during the scoping of the TIA. Future proffers will further detail the objectives and include a comprehensive TDM program and strategic implementation plan.</p>
<p>°Parking management</p>	<p>Parking management is critical to the success of a TDM program. The amount of parking proposed for the Subject Property is consistent with the parking recommendations in the Plan and the PTC District regulations. The CDP provides details as to the location, access and number of spaces. These details and the cost of parking will be described in the Applicant’s TDM program and strategic implementation plan.</p>
<p>°Phasing to transportation improvements and programs</p>	<p>The proposed development will be phased to planned transportation improvements/enhancements, particularly the grid of streets. The Applicant’s 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 will provide an evaluation of existing and future conditions with and without the proposed redevelopment plan as required by VDOT’s Chapter 527 regulations and as coordinated and agreed to by FCDOT.</p>
<p>●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>SmithGroup, the project architect, has studied the Subject Property, its physical characteristics and identified both design opportunities and challenges. It has also reviewed in depth the urban aesthetic vision for Tysons as set forth in the Plan. The CDP creates a new sustainable urban design from the existing suburban office park configuration. Working with JJR, landscape architects, SmithGroup has provided details of building forms, massing, streetscapes and the pedestrian realm, open park areas, and private amenity spaces with particular attention to the guidance in the Urban Design section of the Plan.</p>
<p>°A variety of buildings heights with the tallest buildings in the ranges specified by the Building Height Map.</p>	<p>Two (2) new office buildings or, alternatively, three (3) new office buildings and two (2) new residential buildings, are proposed to be developed on the Subject Property. The buildings range in height from 206 feet to 273 feet. The tallest building, at 19</p>

	<p>stories, is located closest to the Metro Station. The height recommendations of the Comprehensive Plan are provided in an attached graphic prepared by VIKA. The proposed heights are all in keeping with the Building Height Map in the Plan.</p>
<p>°Shadow and wind studies demonstrating that the design creates an inviting environment and does not cause a canyon effect.</p>	<p>Office and residential buildings have been sited to avoid canyon effects, especially adjacent to Route 123. Shadow studies have been provided as shown on the CDP.</p>
<p>•Urban park standards</p>	<p>Development of a usable and varied park and open space system is a principal objective of the Plan. A preliminary analysis of the urban park standards and the needs of the future office tenants, residents and visitors to the Subject Property has been prepared. The urban park standard recommended for Tysons Urban Center is 1.5 acres for each 1,000 residents and 1.0 acre for each 10,000 employees. The proposed office development comprised of 1,274,000 gross square feet is estimated to generate 3,822 employees. If the mixed-use development alternative is utilized, the proposed 464 dwelling units are estimated to generate 812 residents. Based on these estimates, the recommended park area for office development on the Subject Property is .38 acre. This area is increased to 1.60 acres with the mixed-use alternative. A comprehensive park and open space plan has been developed for the provision of appropriately scaled urban parks, both public and private. Overall, 4.90 acres of public park area and private park space are provided as shown on the CDP. The private park space will consist of rooftop terraces. In the mixed-use development alternative, the rooftop terraces will be exterior social space for residents with landscaping and outdoor seating areas. The Applicant also proposes to improve Scotts Run Stream Valley Park as a part of this development. Improvements may include stream stabilization, land restoration, at grade pathways, elevated walkways, nature overlooks and underbrush and invasive plant removal. Scotts Run Stream Valley Park, as restored, will benefit the office tenants, as well as residents in the mixed-use development alternative, and serve as an amenity to all of Tysons Corner.</p>

<ul style="list-style-type: none"> <li>•Active recreation facilities</li> </ul>	<p>The Applicant will include active recreational facilities, private open space areas and the public parks as described above.</p>
<ul style="list-style-type: none"> <li>•Public Facilities</li> </ul>	<p>In addition to providing improvements to Scotts Run Stream Valley Park that will benefit Tysons Corner as a whole, the Applicant is accommodating potential public facilities as shown on the CDP. Public facilities include the provision of locations to accommodate possible educational facilities for George Mason University, or other institutions of higher learning. The Applicant's proffers will elaborate on these commitments.</p>
<ul style="list-style-type: none"> <li>•Demonstrating how other properties in the subdistrict and in the general vicinity of the proposal can develop in conformance with the Plan.</li> </ul>	<p>The Applicant has worked with Tysons East District land owners to develop a proposed grid of streets for the Scotts Run Crossing District resulting in appropriately-sized, walkable blocks. Property owners to the south and west have filed, or are in the process of filing, rezoning applications on their properties. As the Subject Property is located at the eastern edge of Tysons, properties to the east are not planned for increases in intensity and remain in conformance with the Plan.</p>
<p><b>Scotts Run Crossing Subdistrict - Redevelopment Option Guidance Development proposals should provide for the following:</b></p>	
<ul style="list-style-type: none"> <li>•The vision for the Scotts Run Crossing and Subdistrict is to redevelop with a mix of uses with office as the predominate use. Highest intensity should be oriented to the Metro Station. This subdistrict should become more diverse in land uses, to include hotel, residential and support retail uses. The intensities and land use mix should be consistent with the Areawide Land Use Recommendations.</li> </ul>	<p>As previously described in Major Elements of the Plan, the Applicant proposes office development and a potential integrated mix of office, residential, and retail development. The highest intensity buildings are concentrated on that portion of the Subject Property closest to the Metro Station. The proposed FAR for that portion of the Subject Property within 1/8 mile of the Metro Station is 2.47. Between 1/8 and 1/4 mile, the proposed FAR is 1.93, and between 1/4 to 1/3 mile the proposed FAR is 0. Under the mix-use development alternative, the proposed FAR for that portion of the Subject Property with 1/8 mile of the Metro Station is 2.25. Between 1/8 and 1/4 mile, the proposed FAR is 3.44, with no development proposed between 1/4 to 1/3 mile.</p>
<ul style="list-style-type: none"> <li>•Logical and substantial parcel consolidation should be provided that results in well-designed projects that function</li> </ul>	<p>The Subject Property is large enough and with sufficient road frontage on Route 123 to provide for a grid of streets. The street grid includes two (2)</p>

<p>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>new street connections to complement the existing road network that includes Scotts Crossing Road. This existing street will be redesigned in accordance with the Plan and serve as part of the street grid. A comprehensive park and open space system has been developed to not only meet the needs of office tenants and visitors to the area, but also to draw pedestrians and cyclists to the Metro Station along pleasant and varied walking and biking routes. A detailed pedestrian circulation plan is included with the CDP. Green building practices and workforce housing are being provided in conformance with Plan guidance. The proposed development will be phased so that the streets, open spaces, parking, streetscapes and amenities can be developed systematically over time with building development.</p>
<p>○ In these subdistricts, the goal for assembling parcels for consolidation or coordinated proffered development plans is at least 20 acres. A consolidation of less than 20 acres should be considered if the performance objectives for consolidation in the Land Use section of the Areawide Recommendations are met.</p>	<p>The proposed development is less than 20 acres but the proposed development meets the performance objectives for consolidation.</p>
<p>○ When a consolidation includes land located in the first intensity tier (within 1/8 mile of a Metro station), it should also include land in the second intensity tier (between 1/8 and 1/4 mile of a station), in order to ensure connectivity to the Metro Station.</p>	<p>The Applicant's proposed development plan includes land area in both the first and second intensity tiers. Connectivity to the Metro Station is ensured with a series of sidewalks and trails as detailed on the CDP.</p>
<p>● 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 and how it will connect to the abutting districts/subdistricts through the provision of the grid of streets.</p>	<p>The Applicant proposes to construct key sections of a grid of streets on the Subject Property, including two (2) new streets referred to as Grover Drive and North Dartford Drive. Improvements will also be made to existing Scotts Crossing Road that will be incorporated into the street grid. A comprehensive network of sidewalks, trails and/or bike lanes along the streets and through the community will invite pedestrians and cyclists to walk and bike to Metro, as well as to the uses on the properties adjacent to the Subject Property. The Applicant has worked with its neighbors to coordinate a complementary street grid.</p>

<p>○ In the Scotts Run Crossing Subdistrict, two circulation improvements are planned -- a new ramp from the DAAR and the extension of Scotts Run Road over the Beltway. The location and configuration of Scotts Run Road may be adjusted at the time of development approval so as to preserve and make use of the existing right-of-way. Redevelopment along these alignments should provide right-of-way or otherwise accommodate these improvements, and should make appropriate contributions toward their construction costs.</p>	<p>While the CDP does not explicitly provide for a new ramp from the Dulles Airport Access Road, a future connection is not precluded if the conditions outlined herein are met with regard to jurisdictional approvals, parking and building access. The Applicant has coordinated with FCDOT staff and consultants regarding the preliminary design of Scotts Crossing Road and its construction by others. The proposed street grid that includes Scotts Crossing Road will accommodate these two (2) circulation improvements and necessary right-of-way will be provided. Future proffers will address a possible contribution to construction.</p>
<p>● Other connecting local streets (creating urban blocks) as well as other pedestrian and bike circulation improvements should be provided. The ability to realize planned intensities will depend on the degree to which access and circulation improvements are implemented consistent with guidance in the Urban Design and Transportation recommendations.</p>	<p>The Applicant proposes to construct key sections of a grid of streets on the Subject Property, including two (2) new streets identified on the CDP as Grover Drive and North Dartford Drive. Improvements by others will also be made to existing Scotts Crossing Road that will be incorporated into the street grid and have been coordinated specifically in the context of this application. A comprehensive network of sidewalks, trails and/or on-road bike lanes along the streets and through the community will invite pedestrians and cyclists to walk and bike to Metro, as well as to the uses on the properties adjacent to the Subject Property. The Applicant has worked with Tysons East District land owners to coordinate a complementary street grid.</p>
<p>● 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 Areawide Environmental Stewardship Recommendations.</p>	<p>See response to “Urban Park Standards” above.</p>
<p>● When redevelopment includes a residential component, it should include recreational facilities and other amenities for the residents, and provide for affordable/workforce housing as indicated under the Land Use guidelines.</p>	<p>In addition to the public recreational opportunities that are provided, with the residential development private recreational amenities will be provided for each residential building. These amenities could include a private roof deck, plazas and landscaped open spaces. These amenities will be detailed in future Final Development Plans. Under the mixed-use alternative, twenty percent (20%), or approximately 93 units, will be provided on-site as</p>

	affordable/workforce housing in compliance with the Plan recommendations.
<p>●Public facility, transportation and infrastructure analyses should be performed in conjunction with any development application. The results of these analyses should identify necessary 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”) to be prepared and submitted by Wells + Associates, Inc. on or about May 23, 2011, will detail the impacts of the proposed development on the transportation infrastructure and identify appropriate mitigation measures. The Applicant has worked with FCDOT and VDOT staff on an acceptable scope of work for the TIA. A scope of work meeting was held with both agencies in accordance with 24 VAC 30-155 on September 28, 2010. To date, this scope has been finalized/executed by the County, and Wells &amp; Associates is waiting for VDOT sign-off.</p>
<p>●Building heights in these subdistricts range from 105 feet to 400 feet, depending upon location as described below, and conceptually shown on the Building Height Map in the Areawide Urban Design Recommendations.</p>	<p>The Building Height Map in the Comprehensive Plan shows the Subject Property falling into two different height tiers. The height recommendations of the Comprehensive Plan are provided in an attached graphic prepared by VIKA. The southern portion of the Subject Property closest to the Metro Station is located in Tier 1 with a maximum building height of 225 – 400 feet. The remainder of the Subject Property is within Tier 2 with a maximum building height of 175 to 225 feet.</p> <p>The proposed buildings range in height from 273 feet closest to the Metro Station to 206 feet furthest from the Metro Station. All proposed building heights are in accordance with Plan recommendation.</p>
<p>○ The Scotts Run Crossing Subdistrict is separated from suburban neighborhoods by the extensive right-of-way of the DAAR and Route 123. It is positioned along the Capital Beltway, and has an average grade 25 to 35 feet below the Beltway, the planned extension of Scotts Run Road over the Beltway, and the elevated Metro station. As a result, this subdistrict’s building heights are between 175 and 400 feet. Building heights should be highest closest to the Metro station or along the Capital Beltway.</p>	<p>In consideration of average grades and the elevated Metro Station, the tallest buildings are located closest to the Metro Station and the Capital Beltway.</p>

<p>•A potential circulator alignment extends through these subdistricts, as described in the Areawide Transportation Recommendations. In addition to the above guidance for this area, redevelopment proposals along the alignment 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 conceptual route for the potential circulator is located on Scotts Crossing Road and has no impact on the Subject Property. Future proffers will address a possible contribution to construction cost.</p>
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VII. Requested Waivers and Modifications

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

A. Zoning Ordinance Modifications

1. A 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.
2. A modification of the interior parking lot landscaping requirements of Section 13-202 Paragraph (6) of the Zoning Ordinance on all parking structures, above grade, to that shown with the CDP application.
3. Modification of the Tyson’s Corner Urban Center Streetscape Design in favor of that shown with the CDP application.
4. A waiver and/or modification of all trails and bike trails in favor of the streetscape and on-road bike trail system shown with the CDP application.
5. Pursuant to Section 11-201, Paragraph (4) and Section 11-203 of the Zoning Ordinance, a modification of the loading space requirements for multi-family dwelling units and office/commercial use in favor of that which is shown on the CDP/FDP.
6. Waiver of service road along Route 123 (Dolley Madison Boulevard).

7. 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 feet in length.
8. A waiver of Section 17-201 Paragraph (3) of the Zoning Ordinance to provide additional inter-parcel connection to adjoining parcels other than those specifically identified on the CDP.
9. Waiver and/or modification of Zoning Ordinance Section 17-201 Paragraph (4) of the Zoning Ordinance to not require any further dedication, construction or widening of 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 and/or modification of Zoning Ordinance, 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.

**B. Public Facilities Manual Waivers**

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 with the CDP application and as provided in the proffers. Structural soils will be implemented to enhance survivability of the trees subject to the 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), may count toward required parking specified in the Zoning Ordinance.

4. A waiver to allow storm water 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 Area Wide and District Recommendations pertaining to Urban Design Guidelines as it relates to streetscape design. These guidelines lay out the intent of trees, landscaping and streetscapes in Tysons Corner and area specified with the CDP application.
6. A modification from the tree preservation target. This modification is permitted based upon two (2) allowable deviations in the Fairfax County Public Facilities Manual. The first is §12-507.3A(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 with the CDP application.

The modifications and waivers listed above are proposed to further the urban design recommendations of the Plan, specifically landscaping and streetscape. Waiver of transportation standards such as the length of service roads, maximum length of private streets, and interparcel connections will assist with implementation of the grid of streets. In addition, the modifications and waivers encourage efficient design that is necessary in an urban setting. Such efficiencies will result from minimizing loading spaces, use of tandem parking spaces and modification of parking stall dimensions. Lastly, the modifications and waivers are consistent with sustainable design elements including larger rooftop structures to meet LEED certification and underground SWM and BMP facilities for proposed residential development.

The proposed rezoning of a portion of the former West\*Gate office park and its transformation into Scotts Run Station North will implement the vision for the new Comprehensive Plan for the Tysons East District. The proposed development consolidates approximately ten (10) acres adjacent to the Metro Station and results in a transit-oriented urban design that may be implemented in two (2) ways. Connectivity is achieved with a street grid that facilitates pedestrian and vehicular access. The street grid will be enhanced with street trees, landscaping, sidewalks, and first floor retail and eating establishments. The creation of Scotts Run Stream Valley Park as a focal point of the development that is interconnected with landscaping and open space elevates the overall living and working environment in Tysons Corner. The development will be characterized by innovative stormwater management

techniques, sustainable design and, in the mixed-use alternative, workforce housing opportunities.

I appreciate your consideration of this application.



Thomas D. Fleury, Executive Vice President  
Cityline Partners LLC

**PREPARED BY:**

Lynne J. Strobel, attorney/agent  
Walsh, Colucci, Lubeley, Emrich & Walsh, P.C.  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

LJS/kae

**Attachments**

cc:	Keith Turner	Merrill St. Leger-Demian
	Tasso Flocos	Robin Antonucci
	John Amatetti	Will Johnson
	Bob Cochran	Tim Belcher
	Sven Shockey	Martin D. Walsh



# FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING  
Zoning Administration Division  
Ordinance Administration Branch  
12055 Government Center Parkway, Suite 807  
Fairfax, Virginia 22035-5505

V I R G I N I A

(703) 324-1314

Fax (703) 803-6372

December 21, 2000

Philip G. Yates  
Dewberry & Davis, LLC  
8401 Arlington Boulevard  
Fairfax, Virginia 22031-4666

RE: Sect. 2-414 of the Fairfax County Zoning Ordinance

Dear Mr. Yates:

This is in response to your letters to Jane W. Gwinn, dated November 17 and 20, 2000, requesting an interpretation as to how the minimum distances to principal buildings specified in Par. 1 of Sect. 2-414 of the Zoning Ordinance are established in the vicinity of interchanges of interstate highways and the Dulles Airport Access Road and whether such distances are measured from the existing or proposed right-of-way (R-O-W) line.

With regard to your first question, for the purpose of determining the point at which such measurement is taken at an interchange of an interstate highway, the R-O-W line of the limited access travel lanes of the interstate on either side of the interchange is projected or extended through the interchange and it is that projected or extended line from which the measurement is taken. With regard to your second question, the issue of whether such distances are measured from the existing or proposed R-O-W line is still under consideration and I will inform you of the determination once it has been made.

I hope this adequately responds to your request. Should you have any additional questions or require clarification, please do not hesitate to contact me at 703-324-1314.

Sincerely,

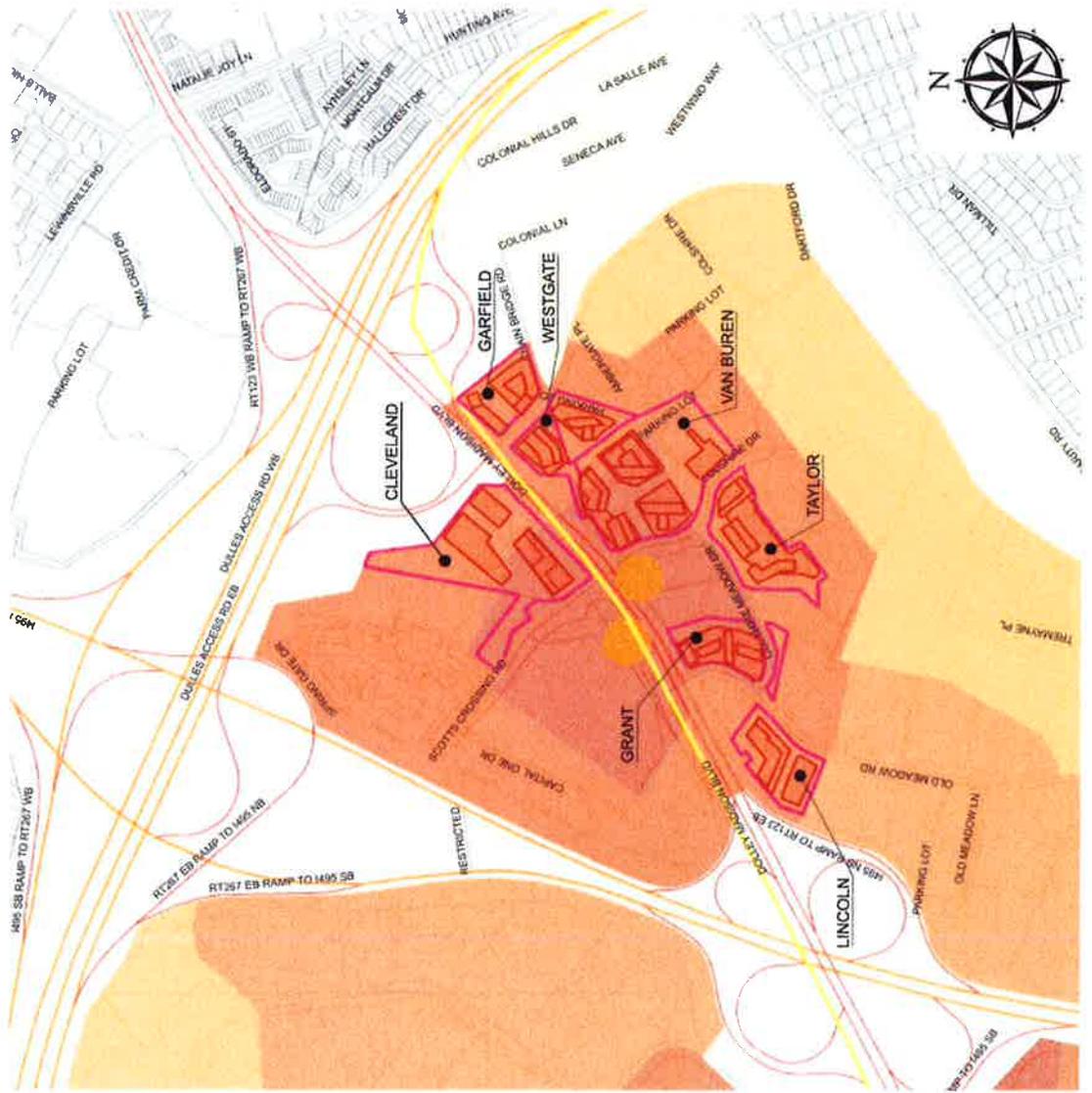
Donna Pesto

Senior Assistant to the Zoning Administrator

cc: Jane W. Gwinn, Zoning Administrator  
Eileen M. McLane, Deputy Zoning Administrator  
for Ordinance Administration Branch

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**SCOTT'S RUN  
BUILDING HEIGHT**



**Legend**

- Metro Station Entrances
- Tier 1: 225' - 400'
- Tier 2: 175' - 225'
- Tier 3: 130' - 175'
- Tier 4: 75' - 130'
- Tier 5: 50' - 75'
- Tier 6: 35' - 50'