



# CITY OF FAIRFAX

## Department of Community Development & Planning

### Special Use Permit SU-16030046

#### PUBLIC HEARING DATE

May 3, 2016

#### APPLICANT

GLIC Real Estate Holding, LLC

#### AGENT

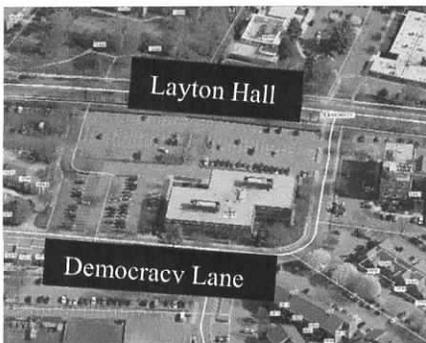
Lynne J. Strobel  
Agent for Applicant

#### PARCEL DATA

*Tax Map ID*  
57-2-((20))-4E-001

*Street Addresses*  
10340 Democracy Lane, Suites 300 & 306

*Zoning District*  
C-2 Retail Commercial District



#### APPLICATION SUMMARY

Request by GLIC Real Estate Holding LLC, Lynne J. Strobel, Agent, pursuant to City Code Section 110-782(b)(1), 110-762(b)(5), and 110-366 for renewal of a special use permit to allow a school of general instruction (George Mason University classrooms and offices) in the C-2 Retail Commercial District on the property located at 10340 Democracy Lane and more particularly described as Tax Map Parcel 57-2-((20))-4E-001.

#### STAFF RECOMMENDATION:

Staff recommends approval of the applicant's special use permit request, subject to the following conditions:

1. There shall be no more than 253 students on the property daily Monday through Friday and the class size shall be limited to 25 students;
2. The applicant shall maintain a vacancy of 3,500 square feet of gross floor area in the office building in order to accommodate required parking for a period of one year from the date of approval of the special use permit and until the applicant and a GMU representative shall meet with City staff to review the parking demand and the adequacy of the on-site parking. If the parking is found to be sufficient to accommodate the GMU use and other tenants that would fully occupy the office building, the 3,500 square-foot occupancy limitation may be removed.

**BACKGROUND INFORMATION**

On June 7, 2011, the Board of Zoning Appeals held a meeting where the applicant requested and the BZA approved, with conditions, a special use permit to allow a school of general instruction (George Mason University classrooms and office) on the premises known as 10340 Democracy Lane. Approved with the Special Use Permit was Suite 301, Suite 306 with classroom 344 with capacity of 25 seats and 627 square feet and Suite 300 with classroom 322 with capacity of 23 seats and 339 square feet and classroom 301 with capacity of 21 seats and 402 square feet. In addition to the classrooms in Suite 301 there were 2,023 square feet of office, conference and work areas, in Suite 306 there were 4,156 square feet and in Suite 300 there were 5,636 square feet of similar space. The approval was for both the classrooms and the office, conference and work areas since faculty, staff and graduate students used the space to aid in the classroom functions. George Mason University continues to occupy other office space within the building.

Staff's report supported the request because the use was to help stimulate the commercial downtown business climate by increasing the pedestrian presence in the downtown Fairfax area. Students were projected to aid the economy with their spending patterns.

The conditions approved with the application limited the maximum student on the property to 253 total on any given day; set a 3,500 square feet of gross floor area vacancy rate for one year period to re-evaluate the parking demand and adequacy of on-site parking; interior construction and modifications were to be completed in substantial conformance with the plan entitled "GMU Expansion Plan" prepared by Miller Architects and dated March 29, 2011; and the Special Use Permit was to be valid for five years with the option of renewal.

The previously approved Special Use Permit staff report stated that the graduate level classes were being held between Monday and Thursday from 7:30 a.m. to 10 p.m. w/15 minutes separation. The class schedule is provided in the Attachment 3 of the original staff report. At the time of the Special Use permit there were no scheduled classes on Friday. There was a development condition limiting the number of students to a maximum of 253 to match the Monday class schedule.

Year	Room/Department Use of space	Seating capacity Faculty/Staff/grad. assistants	Square Footage (SF)
2011 Approved w/ SUP	Classroom 301 Classroom 322 Classroom 344 Suites 301, 306 and 300 Office, conference & work area	21 seating capacity 23 seating capacity 25 seating capacity 45 faculty/staff & 6 grad.	402 SF 339 SF 627 SF 11,815 SF
2016 Proposed	Classroom 301 Classroom 322 Classroom 344 Suite 300 & 306 Office, conference & work area (no proposed activity in Suite 301)	21 seating capacity 23 seating capacity 25 seating capacity 45 faculty/staff & 6 grad.	402 SF 339 SF 627 SF 9,792 SF

This current request by the applicant as presented verbally to City Zoning staff is different than the statement of support found in Attachment 1 of this report. The verbal proposal is to operate the school of general instruction with the three classrooms and a reduced office, conference and work area of 2,023 square feet, found in Suite 301. The applicant may use the three classrooms with schedules similar to what was approved with the previous Special Use Permit (SUP). The classroom sizes continue to be 402 square feet in Classroom 301, 339 square feet in Classroom 322 and 627 square feet in Classroom 344. The number of possible students in each room is also remaining the same from the Special Use Permit with 21 seats in Classroom 301, 23 seats in Classroom 322 and 25 seats in Classroom 344. This is a total of potentially 69 seats. The current class schedule, provided by the applicant, shows that the current classroom attendance is between 4 and 14 students or an average of 9 students per class session. At this time on average there are 27 students attending each classroom per day or a total of 54 students per day. The classes are being held Monday through Friday between the hours of 8 am and 6:50 pm. While the class schedule currently does not include the third classroom the applicant has stated verbally that George Mason University would like the opportunity to fill that classroom when classes can be scheduled in that room. No physical changes are proposed to Suites 300 and 306 or the three classrooms.

The following table shows there were 11,815 SF approved with the SUP in 2011 with a total of 1,368 square feet for classroom space. In 2011 there was 12,255 SF vacant in the building which exceeded the 3,500 required to meet the parking requirements and stated in the development condition. The applicant is proposing to occupy a total of 9,792 SF, a reduction of 2,023 square feet of office, conference and work area previously included in the SUP. Based on the tenant list, provided by the agent for the applicant, there currently is 13,773 SF of vacant space in the building or an additional 1,518 square feet from 2011.

Year	Building	Square Footage
2011	Occupied in Building	48,096
	GMU Approved with SUP (1,368 SF in classrooms)	11,815
	Vacant	12,255
2016	Occupied in Building	46,578
	GMU proposed w/ SUP Renewal (1,368 SF in classrooms)	9,792
	Vacant	13,773

**ANALYSIS**

Staff has evaluated the proposed reduction of square footage and the impact on parking demands. Staff is evaluating the application as the same as was approved in 2011 due to the three classrooms and the possibility that the class schedules could resume to the level of 253 students per day as was the case in 2011. The following items relate to the continuing use of the property for a school of general education and are provided for your consideration.

**Class size**

The approved SUP stated the class size was not to exceed the limit set in the “Social Work Fall 2011” class schedule submitted with the 2011 SUP application. This was a total of 253 students for the classes held each day Monday through Thursday. The Friday classes were “to be announced” and were not to exceed the total number of 253 students. The current class schedule, provided by the agent for the applicant, and in Attachment 1, shows there are a total maximum of 54 students attending each day. The class sizes are

usually not full and as the attendance record shows between 4 and 14 students or on average 9 students attend a class. There have been no complaints regarding the existing class sizes, even when they were larger, or the use in the past five years. Staff is recommending that the class size of a maximum of 25 students daily Monday through Friday and a total of 253 students per day be continued.

### **Vacancy and Parking**

There was a deficit of 14 parking spaces with the 2011 SUP. As a consequence, the approved SUP approved development condition required that there be 3,500 square feet of gross floor area vacancy within the building in order to accommodate the required parking for one year from the date of approval of the special use permit and until a George Mason University representative met with City staff to review the parking demand and adequacy of on-site parking. There is no documentation, from the agent representing GMU or staff that such a meeting occurred. There are 1,518 square feet of additional office space vacant today than there were in 2011 when the Special Use Permit was initially approved. The required parking provision is not changing with the reduced office space and therefore there continues to be a deficit of required parking by 14 parking spaces. Because the current request is to continue to offer three classrooms City Zoning staff is recommending that the development condition regarding vacancy space continue until such time as the applicant can provide a parking study which when evaluated by staff may allow the vacancy rate provision to be reduced.

It should be noted that the Zoning Ordinance re-write in its current draft form would change the parking requirement for office use such that instead of 1 parking space required for each 250 square feet of office space the new requirement would be 1 parking space for each 400 square feet of office space. Currently 241 parking spaces are required for the 60,351 square foot office building. The re-write would require 150 parking spaces for the office building making 91 parking spaces excess parking and available for the university and classrooms. The current requirement for classrooms is based on one parking space for every three students and one parking space for each instructor. In the Zoning Ordinance re-write each classroom would be required to have 10 parking spaces. The net result, with the Zoning Ordinance re-write in its current draft form, would be an excess of 61 parking spaces after the 30 parking spaces needed for the three classrooms are included with the 150 parking spaces required for the office use.

### **Interior Construction**

No additional interior work is proposed with this reduction in office space. There are no issues related to this and therefore there is no need to continue the development condition.

### **Timing**

The approved SUP included a five year expiration. This renewal application request is for an unlimited time period. Given that there have been no complaints regarding parking or this use with the City of Fairfax and that the Zoning Ordinance re-write, as it is currently drafted, reduce the parking requirement resulting in excess parking on the property the City Zoning staff believes an unlimited time period for this use in this location is reasonable.

### **CONCLUSION**

The applicant is proposing to operate three classrooms and a reduced office, conference and work space with the potential that the class schedules could resume to the extent previously approved five days a week. The applicant is proposing to change the duration of the special use permit from five years to an unlimited time period. Due to the Zoning Ordinance re-write proposing a reduction in the requirement of parking, there being no complaints from other tenants in the building, there being a reduction in the office

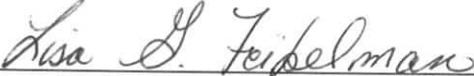
space of over 2,000 square feet and that the students provide pedestrian traffic in this area of the downtown of the City of Fairfax staff is in support of the Special Use Renewal.

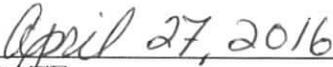
**RECOMMENDATION**

Staff recommends approval of the applicant's request to renew the Special Use Permit to allow a school of general instruction at 10340 Democracy Lane, in Suites 300 and 306, subject to the following conditions:

1. There shall be no more than 253 students on the property daily Monday through Friday and the class size shall be limited to 25 students;
2. The applicant shall maintain a vacancy of 3,500 square feet of gross floor area in the office building in order to accommodate required parking for a period of one year from the date of approval of the special use permit and until the applicant and a GMU representative shall meet with City staff to review the parking demand and the adequacy of the on-site parking. If the parking is found to be sufficient to accommodate the GMU use and other tenants that would fully occupy the office building, the 3,500 square-foot occupancy limitation may be removed.

**PREPARED BY:**

  
\_\_\_\_\_  
Lisa G. Feibelman, AICP, LEED Green Associate  
Deputy Zoning Administrator

  
\_\_\_\_\_  
DATE

**REVIEWED AND APPROVED:**

  
\_\_\_\_\_  
Michelle D. Coleman  
Zoning Administrator

  
\_\_\_\_\_  
DATE

**REVIEWED AND APPROVED:**

\_\_\_\_\_  
Brooke Hardin, AICP  
Director, Community Development & Planning

\_\_\_\_\_  
DATE

**ATTACHMENTS**

1. Applicant's Statement of Support, Renewal Application, Vicinity Map, Floorplan, Class Schedule, Tenant Occupancy
2. Clerk's letter of approval
3. Previous Staff Report of June 7, 2011
4. Sample Motions

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MAR 07 2016

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Application No. 16030046

LAND USE APPLICATION  
CITY OF FAIRFAX

I/We GLIC Real Estate Holding LLC by Lynne J. Strobel, Attorney/Agent  
(name of applicant) limited liability company (authorized agent's name and relationship to applicant)  
a corporation / general partnership / limited partnership / sole proprietorship/individual (circle one) which is the  
property owner / contract purchaser / lessee (circle one)  
of 10340 Democracy Lane, Fairfax, VA 22030 / Tax Map# 057-2-20-4E-001  
(address and tax map # of subject property)

hereby apply for a Special Use Permit / Special Exception / Variance (circle one) pursuant to  
Section 110-762(B)(5) of the City Code to allow (describe request) Renewal of Special Use Permit  
SU-11030063  
City Code References: 110-782(B)(1) and 110-762(B)(5)

Lynne J. Strobel Attorney/Agent  
(signature of applicant or authorized agent) (title or relationship)  
Walsh, Colucci, Lubeley & Walsh, P.C.  
Address 2200 Clarendon Boulevard, Suite 1300, Arlington, VA 22201 Phone: (703) 528-4700

**THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER**

I/We GLIC Real Estate Holding LLC by Lynne J. Strobel hereby certify that the applicant  
named above has the authority vested by me to make this application.

Lynne J. Strobel Attorney/Agent  
(signature of owner or authorized agent) (title or relationship)  
Address Walsh, Colucci, Lubeley & Walsh, P.C., 2200 Clarendon Blvd., Ste. 1300, Arlington, VA 22201 Phone: (703) 528-4700

**FOR OFFICE USE ONLY**

Proposal filed: March 7, 2016 Received by: Annie Pechezey  
Fee Paid: \$1,000.00 Receipt No. 37086  
Previous Cases: \_\_\_\_\_

Current status of business license and fees:  
Treasurer: GLIC Real Estate has paid RE taxes for above address. Received 3-24-16  
Commissioner of Revenue: GLIC Estate Holding LLC has not met the filing requirements of this office. Lined up by 3-24-16

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**AFFIDAVIT  
CITY OF FAIRFAX**

I, GLIC Real Estate Holding LLC, by Lynne J. Strobel, attorney-in-fact do hereby make oath or affirmation that  
(name of applicant or agent)

I am an applicant in Application Number \_\_\_\_\_ and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

See Attachment A

Name	Address	Relationship

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

See Attachment B

Corporation Name: \_\_\_\_\_

Name	Address	Relationship

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

None

Partnership Name: \_\_\_\_\_

Name	Address	Relationship

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2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GLIC Real Estate Holding LLC by Lynne J. Strobel, Attorney-in-Fact

WITNESS the following signature: \_\_\_\_\_

*Lynne J. Strobel*

Applicant or Agent

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 7 day of March, 2016, in the State of Virginia, County of Arlington

My commission expires: 11/30/2019

*Kimberly K. Follin*  
Notary Public/ Registration #

KIMBERLY K. FOLLIN  
Registration # 283945  
Notary Public  
COMMONWEALTH OF VIRGINIA

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ATTACHMENT A

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GLIC Real Estate Holding, LLC  
3001 Summer Street  
Stamford, CT 06905  
Agents: J. Phillip Hart  
Margery Ann Longstreet

Applicant/Title Owner of Tax Map 057-2-20-4E-001

Commonwealth of Virginia  
By the Rector and Visitors of George  
Mason University  
Office of University Counsel  
George Mason University  
4400 University Drive, MSN 2A3  
Fairfax, VA 22030  
Agent: Peter M. Rosen

Tenant/Lessee of Tax Map 057-2-20-4E-001

Walsh, Colucci, Lubeley & Walsh, P.C.  
2200 Clarendon Boulevard, Suite 1300  
Arlington, Virginia 22201

Attorneys/Planners/Agent

Agents: Martin D. Walsh  
M. Catharine Puskar  
G. Evan Pritchard  
Andrew A. Painter  
Elizabeth D. Baker

Lynne J. Strobel  
Sara V. Mariska  
Matthew J. Allman  
Jeffrey R. Sunderland\*  
Inda E. Stagg

\*Admitted in New York and California. Admission to  
Virginia Bar pending.

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**ATTACHMENT B**

**GLIC Real Estate Holding, LLC**

GLIC Real Estate Holding, LLC is an indirectly wholly-owned subsidiary of Genworth Financial, Inc., a NYSE-listed public company.

**Commonwealth of Virginia**

**By the Rector and Visitors of George**

**Mason University**

**Office of University Counsel**

**George Mason University**

A public institution with no shareholders

**Walsh, Colucci, Lubeley & Walsh, P.C.**

Shareholders:

Wendy A. Alexander, David J. Bomgardner, E. Andrew Burcher, Thomas J. Colucci, Michael J. Coughlin, Peter M. Dolan, Jr., Jay du Von, William A. Fogarty, John H. Foote, H. Mark Goetzman, Bryan H. Guidash, Michael J. Kalish, J. Randall Minchew, Andrew A. Painter, G. Evan Pritchard, M. Catharine Puskar, John E. Rinaldi, Kathleen H. Smith, Lynne J. Strobel, Garth M. Wainman, Nan E. Walsh

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STATEMENT OF SUPPORT

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RENEWAL OF SPECIAL USE PERMIT SU-11030063

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The application property is identified among the Fairfax City tax map records as 57-2-20-4E 001 (the "Subject Property"). The Subject Property is also identified as 10340 Democracy Lane and improved with an office building containing approximately 55,667 rentable square feet located on three (3) floors. George Mason University currently leases several suites in the building located on the Subject Property. George Mason University's lease includes two (2) suites which each have one classroom together with offices used for other purposes. These classrooms, along with two others, were the subject of a special use permit referenced as SU-11030063 that was approved by the Fairfax City Board of Zoning Appeals on June 7, 2011. The approval was granted subject to a period of five (5) years and may be renewed. Please accept this statement and the associated application materials as a request for renewal.

George Mason University plans to continue to operate two (2) classrooms used by its Department of Social Services and referred to as Suite 300 and Suite 306 within the existing office building located on the Subject Property. Suite 300 is part of the Social Work Department and Suite 306 is used by both the Social Work and the Nutrition Departments. Consistent with the prior approval, these classrooms are used for graduate level classes, which are typically smaller than undergraduate classes. It is anticipated that the average class sizes will be approximately 20 to 25 students. The time of classes may vary, but will likely include daytime and evening hours. Students typically utilize an existing bus service or carpool to attend classes on the Subject Property.

As the Subject Property is located in the C-2 District, a special use permit is required to be issued by the Board of Zoning Appeals for a school of general instruction pursuant to City of Fairfax County Code Section 110-782(B)(1) and 110-762(B)(5). The proposal complies with all applicable City of Fairfax County code provisions. The proposal was previously deemed to be compatible and consistent with other uses in the building, the surrounding area and the City's Comprehensive Plan. With the exception of two fewer classrooms, no modifications are proposed to the use which has been successfully operating on the Subject Property for the last five (5) years.

The prior special use permit approval included a requirement that 3,500 square feet of gross floor area within the office building remain vacant to accommodate required parking for a period of one year from the date of the approval. During that time, a George Mason University representative was required to meet with the City staff to review the parking demand and adequacy of on-site parking. To date, evidence has not been produced verifying that such a meeting took place; however, parking is adequate and has not been an issue during the time that classrooms have been operating in the building located on the Subject Property. This is a result of the small class sizes, the limited number of classrooms, and the students' use of existing bus service. None of these factors will change with the renewal request. Therefore, the Applicant

requests that this limitation be removed and not included for consideration with the special use permit renewal.

Please accept the following information in accordance with the requirements of City of Fairfax Code Section 110-366(3):

- The proposed use is consistent with the City's Comprehensive Plan and economic objectives. Allowing a portion of the existing building to be used as classrooms provided opportunities for George Mason University students and faculty to utilize the City's downtown area, which is proximate to the Subject Property. Allowing individuals to easily access and thereby patronize the City's downtown is critical to its continued vitality.
- The leased premises have been modified to accommodate the proposed use without changing the character of the building. There are no changes proposed to the interior of the building and a floor plan is attached to illustrate the classroom locations. No changes are proposed to the exterior of the existing building and, therefore, there is no adverse impact on adjacent properties or surrounding development.
- Vehicular traffic in and around the Subject Property will not be impacted by the requested special use permit renewal. At least half of the students currently arrive at the Subject Property by public transit and this is not anticipated to change. Therefore, the renewal will not impact the surrounding road network. The Subject Property's current access on Layton Hall Drive and University Drive will be maintained without the need for improvements.
- The safety and welfare of persons working in the area will be enhanced by the proposed use. The continued occupancy of the existing office building is important to the local economy.
- The proposed use is appropriate in the C-2 District. It is harmonious with and will enhance existing uses.

The proposal to renew a previously approved special use permit to allow the operation of classrooms on the Subject Property will not result in any adverse impacts and will, in fact, contribute to the economic vitality of the City.

{A0700373.DOCX / 1 Statement of Support 009174 000002}

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10322 LAYTON HALL DR

10310 LAYTON HALL DR

10320 LAYTON HALL DR

174

173

172

3750 OLD LEE HWY

007

10390 DEMOCRACY LN

10372 DEMOCRACY LN

06 A 10368 DEMOCRACY LN

10366 DEMOCRACY LN

10386 DEMOCRACY LN

10378 DEMOCRACY LN

10389 DEMOCRACY LN

10383 DEMOCRACY LN

10373 DEMOCRACY LN

10369 DEMOCRACY LN

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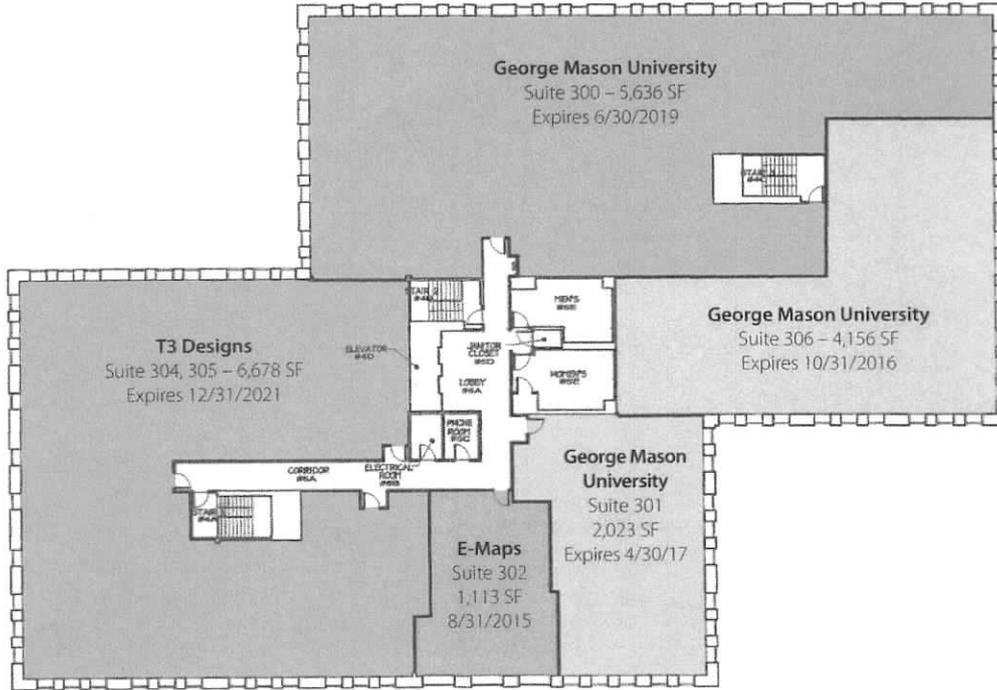
10337 DEMOCRACY LN

10335 DEMOCRACY LN

Floor Plans

Community Dev & Planning

Third Floor



ROOM	WEEKDAY	COURSE	TIME	# OF STUDENTS	# OF FACULTY
DL 203B	Mondays	PSYC 751-002	1000-1150	7	2
	Tuesdays	PSYC 811-202	1630-1800	6	1
	Tuesdays/Thursdays	PSYC 881-001	0900-1015	5	2
	Thursdays	PSYC 617-001	1330-1610	14	1
		PSYC 830-002	1100-1340	9	1
	Fridays	PSYC 862-001	1300-1540	9	1
DL 203N	Mondays	PSYC 790-001	1700-1850	4	1
		PSYC 811-001	1030-1310	6	1
	Wednesdays	PSYC 710-001	1030-1310	10	1
		PSYC 710-201	1330-1500	10	1
		PSYC 750-001	1700-1750	10	1
	Fridays	PSYC 461-025	0800-0900	14	1
		PSYC 861-002	1300-1540	9	2

Building Name	Floor	Space	SpaceRSF	Tenant Name	Lease ID	Lease Start Date	Lease End Date
Democracy Square Professional Center	1	101	3234	Vectare Inc.	005108	7/20/2012	10/31/2016
Democracy Square Professional Center	1	102	4498	Inova Health Care Services	005097	4/16/2012	6/30/2019
Democracy Square Professional Center	1	102B	2452	Vacant			
Democracy Square Professional Center	1	103	1654	Vacant			
Democracy Square Professional Center	1	104	1972	Vacant			
Democracy Square Professional Center	1	105	1352	Vectare Inc.	005273	6/17/2015	10/31/2016
Democracy Square Professional Center	1	106	1748	Farouk Elkassed	005096	12/15/2008	2/28/2017
Democracy Square Professional Center	2	200	637	Resources for Independence of Virginia	005100	9/15/2014	11/30/2020
Democracy Square Professional Center	2	201	2627	Resources for Independence of Virginia	005098	12/1/2011	11/30/2020
Democracy Square Professional Center	2	201B	4614	Vacant			
Democracy Square Professional Center	2	202	6259	The Comm of VA By R and V of GMU	005090	1/17/2002	12/31/2016
Democracy Square Professional Center	2	203	3084	Care Plus Chiropractic and Rehab	005114	5/10/2015	5/31/2020
Democracy Square Professional Center	2	204	1968	Vacant			
Democracy Square Professional Center	3	300	5636	The Comm of VA By R and V of GMU	005091	7/1/2009	6/30/2019
Democracy Square Professional Center	3	301	2023	The Comm of VA By R and V of GMU	005092	8/18/2011	4/30/2017
Democracy Square Professional Center	3	302	1113	Vacant			
Democracy Square Professional Center	3	304	3339	T3 Design Corporation	005102	7/30/2013	12/31/2021
Democracy Square Professional Center	3	305	3339	T3 Design Corporation	005103	7/30/2013	12/31/2021
Democracy Square Professional Center	3	306	4156	The Comm of VA By R and V of GMU	005093	8/18/2011	10/31/2016
Democracy Square Professional Center	3		0	Condo Management Trash	005107	1/1/2004	12/31/2050

FIRST FLOOR AREA SUMMARY		
NO.	DESCRIPTION	AREA (SQ FT)
1	VACANT SUITE	2733.02
2	NORTHWEST MUTUAL	5916.69
3	A. L. GILBERT ASSOCIATES	1365.50
4	PILOT RESEARCH & CAMEL USA	2710.69
5	CARE PLUS WEALTH E WELLNESS	1706.67
MAJOR VERTICAL PENETRATION		
6A	STAIR 1	168.31
6B	STAIR 2	123.23
6C	STAIR 3	186.12
6D	ELEVATOR	276.55
BUILDING COMMON AREA		
7A	LOBBY / CORRIDOR	2284.82
7B	EXIT CORRIDOR	271.57
7C	PUMP ROOM	136.87
7D	JANITORIAL WORK ROOM	362.82
7E	MAIN ELECTRICAL ROOM	232.88
7F	FIRE PUMP ROOM	139.80
7G	RG MANAGEMENT ENG OFFICE	219.15
FLOOR COMMON AREA		
8A	RESTROOMS	543.96
8B	JANITOR CLOSET	22.88
8C	PHONE ROOM	83.48
8D	ELECTRICAL ROOM	75.46
Total		19560.44

NO.	DESCRIPTION	AREA (SQ FT)
1	AMERICAN LUNG ASSOCIATION	2660.42
2	GEORGE MASON UNIVERSITY	5796.33
3	REYNOLDS & REYNOLDS	1344.03
4	CORSEC	6883.55
MAJOR VERTICAL PENETRATION		
5A	STAIR 1	209.48
5B	STAIR 2	150.51
5C	STAIR 3	224.12
5D	ELEVATOR	113.24
FLOOR COMMON AREA		
6A	LOBBY / CORRIDOR	1319.78
6B	ELECTRICAL ROOM 1	63.72
6C	PHONE ROOM 1	64.38
6D	JANITOR CLOSET	21.46
6E	RESTROOMS	525.35
6F	PHONE ROOM 2	84.42
6G	ELECTRICAL ROOM 2	78.77
Total		19539.58

project title:  
Democracy Square  
10340 Democracy Lane  
Fairfax, VA 22030

project number:  
05052

drawing title:  
Building Demising Plans  
and Area Calculations

THIRD FLOOR AREA SUMMARY		
NO.	DESCRIPTION	AREA (SQ FT)
1	E-MAPS	931.99
2	SETTY & ASSOCIATES	5699.21
3	CAPITAL RECOVERY SERVICE	10482.69
MAJOR VERTICAL PENETRATION		
4A	STAIR 1	208.56
4B	STAIR 2	147.93
4C	STAIR 3	223.69
4D	ELEVATOR	102.20
FLOOR COMMON AREA		
5A	LOBBY / CORRIDOR	919.46
5B	ELECTRICAL ROOM	65.83
5C	PHONE ROOM	64.66
5D	JANITOR CLOSET	23.52
5E	RESTROOMS	514.51
Total		19384.24

scale:  
AS NOTED

drawing number:



## City of Fairfax

10455 Armstrong Street  
Fairfax, Virginia 22030-3630

June 10, 2011

Democracy Square Investors LLC  
c/o Glen Rosenthal  
2726 Gallows Road #1309  
Vienna, VA 22180

RE: 10340 Democracy Lane / SU-11030063

Dear Mr. Rosenthal:

This letter is to confirm that the Board of Zoning Appeals, at its April 5, 2011 meeting, approved your request for a special use permit pursuant to City Code Sections 110-782(b)(1), 110-762(b)(5), and 110-366, for a special use permit to allow a school of general instruction (George Mason University classrooms and offices) in the C-2 Retail Commercial District on the property located at 10340 Democracy Lane and more particularly described as Tax Map Parcel 57-2-((20))- (4E)-001, with the following conditions:

1. The class size for each instructional period shall not exceed the student limit set forth on the "Social Work Fall 2011" class schedule submitted as part of this application. Classes that remain "to be announced" for Fridays shall not exceed the maximum student limit of those proposed for Mondays (253 total students).
2. The applicant shall maintain a vacancy of 3,500 square feet of gross floor area in the office building in order to accommodate required parking for a period of one year from the date of approval of the special use permit and until the applicant and a GMU representative shall meet with City staff to review the parking demand and the adequacy of the on-site parking. If the parking is found to be sufficient to accommodate the GMU use and other tenants that would fully occupy the office building, the 3,500 square foot occupancy limitation may be removed.
3. Interior construction and modifications to the GMU tenant space shall be done in substantial conformance with the "GMU Expansion Plan" prepared by Miller Architects and dated March 29, 2011; and
4. The Special Use Permit shall be valid for a period of five years and may be subject for renewal.

Should you have any questions pertaining to this matter, you can contact me at 703-385-7820.

Sincerely,

*Alexis El-Hage*

Alexis El-Hage  
BZA Secretary

Cc: GMU Office of University Counsel

Printed on recycled paper





# CITY OF FAIRFAX

## Department of Community Development & Planning

### Special Use Permit SU-11030063

#### PUBLIC HEARING DATE

June 7, 2011

#### APPLICANT

Democracy Square Investors, LLC

#### AGENT

Glenn Rosenthal,  
Democracy Square Investors, LLC

#### PARCEL DATA

*Tax Map ID*  
57-2-((20))-4E-001

*Street Addresses*  
10340 Democracy Lane

*Zoning District*  
C-2 Retail Commercial District

#### APPLICATION SUMMARY

Request by Democracy Square Investors, LLC, by Glenn Rosenthal, Agent, pursuant to City Code Sections 110-782(b)(1), 110-762(b)(5), and 110-366, for a special use permit to allow a school of general instruction (George Mason University classrooms and offices) in the C-2 Retail Commercial District on the property located at 10340 Democracy Lane and more particularly described as Tax Map Parcel 57-2-((20))-4E-001.

#### STAFF RECOMMENDATION:

Based on the analysis of the criteria outlined in City Code section 110-366, staff recommends approval of the applicant's special use permit request, subject to the following conditions:

1. The class size for each instructional period shall not exceed the student limit set forth on the "Social Work Fall 2011" class schedule submitted as part of this application. Classes that remain "to be announced" for Fridays shall not exceed the maximum student limit of those proposed for Mondays (253 total students);
2. The applicant shall maintain a vacancy of 3,500 square feet of gross floor area in the office building in order to accommodate required parking for a period of one year from the date of approval of the special use permit and until the applicant and a GMU representative shall meet with City staff to review the parking demand and the adequacy of the on-site parking. If the parking is found to be sufficient to accommodate the GMU use and other tenants that would fully occupy the office building, the 3,500 square-foot occupancy limitation may be removed;
3. Interior construction and modifications to the GMU tenant space shall be done in substantial conformance with the "GMU Expansion Plan" prepared by Miller Architects and dated March 29, 2011; and
4. The Special Use Permit shall be valid for a period of five years and may be subject to renewal.

**PROPERTY DESCRIPTION**

The subject property consists of a three-story commercial office building containing 60,351 square feet located at 10340 Democracy Lane in the C-2 Retail Commercial District. Adjacent properties to the south, east, and west are developed with commercial office uses and are also located within the C-2 Retail Commercial District. To the north of the site across Layton Hall Drive is the Fairfax County Health Department at the former Belle Willard elementary school, which is located within the R-3 District.

**Adjacent Properties**

Direction	Existing Zoning	Current Use	Comprehensive Plan Future Land Use Designation
North	R-3 Residential District	Governmental use (health department)	Institutional
South	C-2 Retail Commercial District	Commercial offices	Business-Commercial
East	C-2 Retail Commercial District	Commercial offices	Business-Commercial
West	C-2 Retail Commercial District	Commercial offices	Business-Commercial

According to the leasing agent for the subject property, approximately 12,255 square feet of the 60,351 square-foot office building is vacant. George Mason University (GMU) currently leases 11,895 square feet in the building and intends to lease an additional 6,179 square feet for a total of 18,074 square feet for a five-year lease term pending approval of this land use request.

**BUSINESS DESCRIPTION**

George Mason University has been leasing office space at the subject property since 2002 that has primarily been used for offices on both the second and third floors of the building. These offices have been occupied by approximately 36 faculty and staff members from GMU's Department of Psychology and Department of Social Services. Beginning in the fall of 2009, however, the Department of Social Services began to offer graduate level classes in two classrooms located on the third floor (rooms 301 and 322).

With the planned expansion of an additional 6,179 square feet on the third floor of the office building for additional offices, work rooms, a conference area, and a third classroom (room 344), it is anticipated that an additional nine faculty/staff members and six graduate students will occupy the space. In total, there will be approximately 45 GMU faculty/staff members and six graduate assistants occupying the space in addition to students attending classes in the three classrooms located on the third floor.

The combined seating occupancy for students in the three classrooms is 69 at any given time. Beginning in the fall of 2011, the Department of Social Work would offer graduate level classes in these three classrooms Mondays through Thursdays as early as 7:30 a.m. and continue until ten p.m. with class sizes ranging from 12 to 23 students (see Attachment 5). The class schedule for Fridays remains "to be announced." As presently scheduled, the majority of classes will run back-to-back with only 15 minutes separating the class start/stop times.

**ANALYSIS OF CRITERIA**

The staff recommendation for the proposal to allow a school of general instruction requiring a Special Use Permit is based on analysis of the applicable standards provided in City Code Section 110-366:

Section 110-366 Zoning map amendments and special use permits

(3) Special Use Permit.

The Board of Zoning Appeals may grant special use permits only after considering:

- a. Consistency with the comprehensive plan and other adopted city goals and policies;
  - b. The size and shape of the lot on which the use is proposed;
  - c. Vehicular and pedestrian traffic;
  - d. Trip generation characteristics of the proposed use;
  - e. Site design;
  - f. Lighting, noise, traffic, sight, smoke, dust, odor, vibration and other factors that may affect the serenity of the neighborhood;
  - g. The safety and movement of vehicular traffic upon adjacent streets;
  - h. The safety and welfare of residents living in the area;
  - i. The location, height and design of buildings, walls, fences and landscaping proposed;
  - j. Overall impact of the proposed use upon the development and use of adjacent land;
  - k. Safety and welfare of persons working in the neighborhood;
  - l. Harmony of the proposal with the general purpose and intent of the applicable article of this chapter;
- and
- m. The purpose of the zoning ordinance set forth in the Code of Virginia §15.2-2283

Comprehensive Plan

The Comprehensive Plan's Future Land Use map indicates the subject site is planned for "Business-Commercial" development. The text of the approved Comprehensive Plan that was adopted in 2004 states,

*Business-Commercial*

"Retail, office and hotel uses are appropriate in this category. The broad nature of this category allows for a mixture of non-residential uses in addition to the typical single-use shopping center or office park developments commonly found along a commercial strip."

The "business-commercial" land use designation, therefore, allows for a broad mix of business, retail, office and service uses. Uses permitted with approval of a special use permit can further broaden that mix provided that the potential for negative impacts is minimized. The applicant's proposal to utilize a portion of the existing office building for a school of general instruction to accommodate GMU office space and classrooms at the subject property is consistent with the "business-commercial" land use designation of the Comprehensive Plan because the majority of the leased area is primarily used for office space. Furthermore, the applicant's proposal is consistent with several land use and economic development polices found within the Comprehensive Plan (see Attachment 4). For instance, as indicated on the proposed class schedule, approximately 771 GMU students and additional faculty and staff could travel to and from the subject property throughout the weekday business and evening hours and their presence would not only bring vitality to downtown Fairfax, but could also be a financial asset with respect to goods and services that they may purchase while in the vicinity.

*Staff believes the proposed school of general instruction is consistent with objectives found in the Comprehensive Plan to improve public/private partnerships, to stimulate the downtown business climate, and to maximize economic development opportunities created by George Mason University.*

Design and Compatibility

There are no proposed exterior changes to the subject property. Interior changes will consist of converting vacant space for additional offices, work rooms, a conference area, and a classroom.

*Staff believes the subject property is adequate to accommodate the proposed school of general instruction with respect to the existing size, shape and design of the site. Staff does not anticipate any negative impact on the serenity of the surrounding neighborhood.*

Trip Generation and Parking

*Trip Generation*

Based on the information provided by the Institute of Transportation Engineers (ITE) *Trip Generation Report* (8<sup>th</sup> Edition), use of the subject property for a 60,351-square foot commercial office building would generate an average of 664 vehicle trip ends on a weekday. As proposed, however, approximately 70 percent of the building would be dedicated to by-right office uses, which would generate approximately 465 weekday vehicle trip ends while the remaining 30 percent of the building would be used as a school of general instruction. Although the ITE report does not provide trip generation numbers for schools of general instruction, the report does provide rates for a college/university use and these rates indicate that an average of approximately 459 weekday vehicle trip ends would be generated by a school use of the proposed size. The applicant's Statement of Support estimates, however, that approximately one-third (1/3) of GMU students would commute to the subject property via the CUE bus system or carpool thereby reducing the estimated trip generation. Staff estimates that when compared to the average weekday vehicle trip ends generated by an office-only building, the proposed use would increase weekday vehicle trip ends at the site by approximately 16 percent.

*Parking*

According to the City's parking ordinance, the subject office building is required to have a minimum of 241 parking spaces. There are currently 244 parking spaces provided on-site; however, the parking lot layout and landscaping are nonconforming. Since there is no parking ratio designated for "schools of general instruction," the Zoning Administrator has interpreted that the required parking for this use similar to that of a "place of assembly" use, thereby requiring one parking space per three seats. In addition, the Zoning Administrator has also required that one parking space be provided per faculty and staff member (as typically required for elementary, intermediate, and high school uses). In calculating the parking demand for the proposed use, the seating capacity for the three classrooms would necessitate 22 parking spaces and the back-to-back scheduling of many of the classes would create a parking overlap that would require an additional 22 spaces. Factoring in the required parking for the 45 GMU faculty and staff members, the total parking demand for the proposed school of general instruction would be 89 spaces.

The remainder of the by-right office uses in the building would require 169 parking spaces. Combined then with the 89 required spaces for the school of general instruction, a total of 258 parking spaces would be necessary for the subject property where 244 spaces are provided. The parking deficit, therefore, would be 14 spaces.

Due to the ten percent vacancy rate in the office building that currently exists (excluding the additional 6,179 square feet to be leased by GMU), there would in effect be no actual shortage of spaces. The applicant has indicated in their Statement of Support that they agree "to maintain vacancy of 3,500 square feet in the building provided that the issue of parking is reviewed by staff within one (1) year, and if

parking is found sufficient to accommodate the use by George Mason and the other tenants of a fully occupied building, the 3,500 square foot limitation will be removed and the owner will be free to lease that space." The parking required for 3,500 square feet of office space would be 14 spaces. Restricting the leasable amount of tenant space would remove the parking deficit since only 244 parking spaces would be required and 244 spaces would be provided.

Staff also notes that the applicant's Statement of Support indicates that approximately one-third (1/3) of GMU students would travel to and from the subject site via the CUE bus system or carpool. This assessment helps support the requirement for one space per three seats (1/3) as an appropriate parking ratio to accommodate the proposed classroom use, similar to an "assembly" use. Understanding that the Zoning Administrator has also required that one parking space be provided per faculty and staff member, the applicant mentions in their Statement of Support that it is unlikely all 45 GMU faculty and staff would be present on-site at any given time and assert that the number is more likely to be between 12 and 15 faculty/staff members.

In looking to the ITE *Parking Generation Report* (3<sup>rd</sup> Edition) for estimates on parking generated by a suburban office building with 60,351 square feet, it appears that the average peak parking demand on a weekday is 171 parking spaces, compared to the required 241 set forth in the City's parking ordinance. With approximately 70 percent of the subject building being parked at a by-right office rate, approximately 120 spaces would be needed for the office use of the building. The remaining 30 percent of the building to be used as a school of general instruction would be parked at a different rate. Although there is no study provided in the ITE report for an office building that also contains a school of general instruction, parking demand for a suburban college/university is estimated to generate an average weekday parking demand of 78 spaces for the size of school the applicant is proposing. In total then, 198 parking spaces would be needed to accommodate the by-right office use and the proposed school and 244 spaces are provided. Staff notes, however, that the ITE estimates and parking demand rates fall considerably lower than those set forth in the City's parking ordinance.

*Based on the staff's analysis of both the projected trip generation and the parking demand generation for the proposed use, staff recommends a development condition restricting the amount of remaining leasable area in the building and a parking review of the use within one year of approval of the application.*

#### Safety and Welfare

The safety and welfare of persons living in the area and working in the neighborhood will not be negatively impacted by the school of general instruction use as proposed by the applicant. The proposed use is anticipated to have a positive impact on the surrounding area by increasing the pedestrian presence in downtown Fairfax, economically enhancing nearby businesses, and utilizing an additional 6,179 square feet of commercial office space that would otherwise remain vacant.

*Staff believes the proposed use will not have any adverse impact on the safety and welfare of surrounding residents and business.*

#### Harmony with Applicable Articles

Section 15.2-2283 of the Code of Virginia states that "zoning ordinances shall be for the general purpose of promoting the health, safety or general welfare of the public..." The Code of Virginia allows the City to establish zoning regulations to protect the health, safety, and welfare of the public. In turn, the City's zoning regulations include criteria established for the review of the proposed development that serves to

promote the public welfare. The applicant's proposed use is harmonious with the general purpose and intent of the applicable article of the code.

*Staff believes that pursuant to the purpose of the zoning ordinance, the applicant's request for a special use permit meets the criteria for approval as established in City Code Section 110-366.*

**FINDINGS**

The Special Use Permit request to allow a school of general instruction (George Mason University classrooms and offices), as conditioned, meets the standards of City Code Section 110-366 because:

- 1) The use is consistent with the Comprehensive Plan objectives to improve public/private partnerships, to stimulate the downtown business climate, and to maximize economic development opportunities created by George Mason University;
- 2) The existing size, shape and site design of the site are adequate to accommodate the proposed use;
- 3) The proposed use, subject to the recommended conditions, can be accommodated by the existing parking at the subject property and will not affect the safety and movement of vehicular traffic on adjacent streets; and
- 4) The use will not have any adverse impact on the safety and welfare of surrounding residents and business.

**RECOMMENDATION**

Staff recommends the Board of Zoning Appeals approve the requested Special Use Permit to allow a school of general instruction at 10340 Democracy Lane, subject to the following conditions:

1. The class size for each instructional period shall not exceed the student limit set forth on the "Social Work Fall 2011" class schedule submitted as part of this application. Classes that remain "to be announced" for Fridays shall not exceed the maximum student limit of those proposed for Mondays (253 total students);
2. The applicant shall maintain a vacancy of 3,500 square feet of gross floor area in the office building in order to accommodate required parking for a period of one year from the date of approval of the special use permit and until the applicant and a GMU representative shall meet with City staff to review the parking demand and the adequacy of the on-site parking. If the parking is found to be sufficient to accommodate the GMU use and other tenants that would fully occupy the office building, the 3,500 square-foot occupancy limitation may be removed;
3. Interior construction and modifications to the George Mason University tenant space shall be done in substantial conformance with the "GMU Expansion Plan" prepared by Miller Architects and dated March 29, 2011; and
4. The Special Use Permit shall be valid for a period of five years and may be subject to renewal.

**PREPARED BY:**

*Heidi M. Waugh*

Heidi M. Waugh

*6/1/11*

DATE

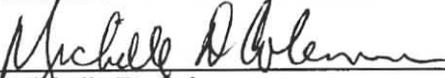
**Special Use Permit - SU-11030063**

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Page 7

Planner II

**REVIEWED AND APPROVED:**



Michelle D. Coleman  
Zoning Administrator

6-3-11  
DATE

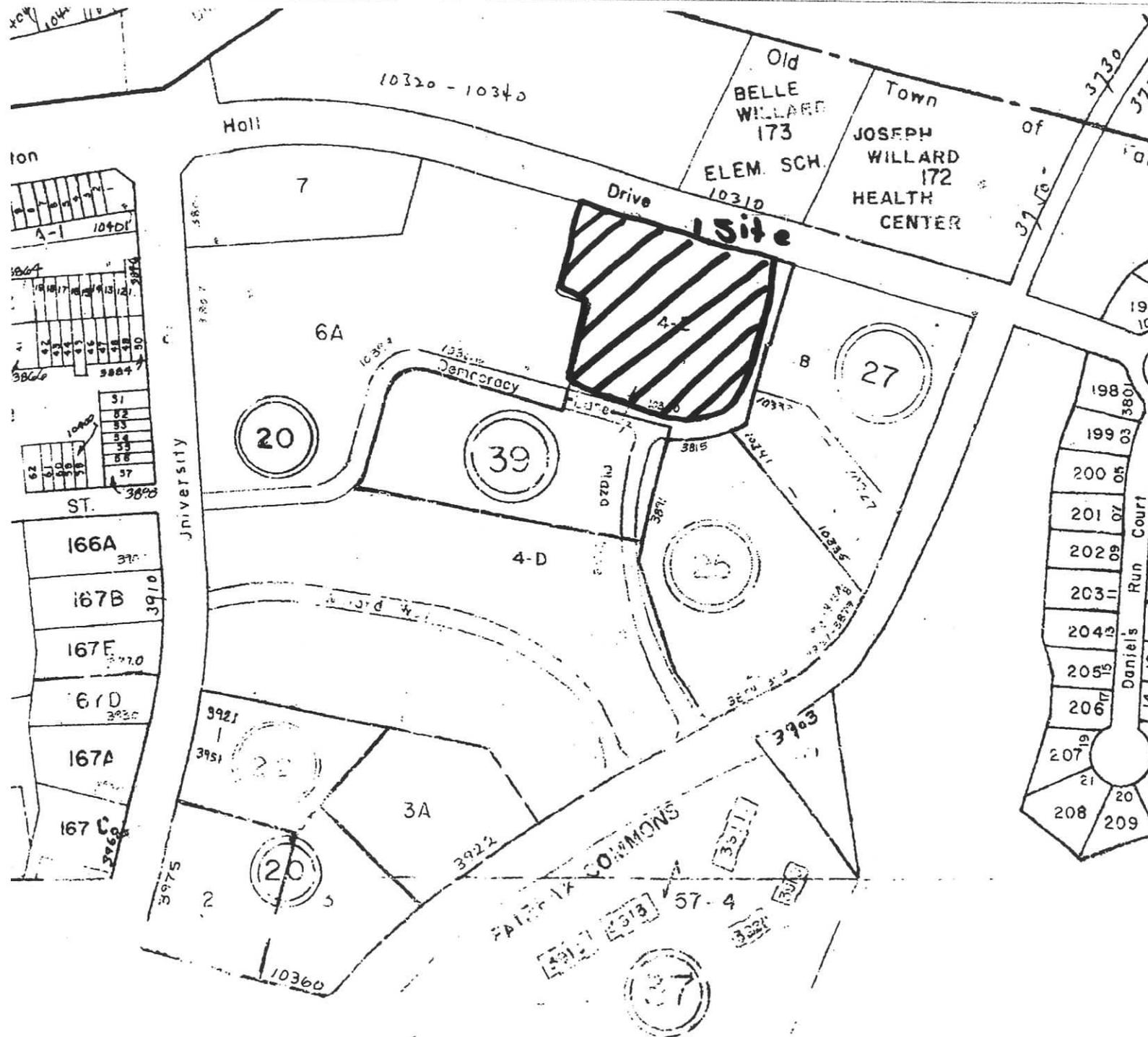
**REVIEWED AND APPROVED:**

\_\_\_\_\_  
David B. Hudson, AICP  
Director, Community Development & Planning

\_\_\_\_\_  
DATE

**ATTACHMENTS**

1. Vicinity Map
2. Application
3. Applicant's Statement of Support
4. Related Comprehensive Plan Objectives
5. Proposed Class Schedule (Social Work/Fall 2011)
6. GMU Expansion Plan
7. Alta Survey
8. Sample Motions



RECEIVED

ATTACHMENT 2

MAR 11 2011

Dept. of Community Development & Planning

Application No. 34-11030063

LAND USE APPLICATION  
CITY OF FAIRFAX

I/We Democracy Square Investors, LLC by Glenn Rosenthal  
(name of applicant) Liability Company (authorized agent's name and relationship to applicant)  
a corporation / general partnership / limited partnership / sole proprietorship / individual (circle one) which is the  
property owner / contract purchaser / lessee (circle one)  
of 10340 Democracy Lane, Fairfax, VA 22030 / Tax Map# 572204E001  
( address and tax map # of subject property)

hereby apply for a Special Use Permit / Special Exception / Variance (circle one) pursuant to  
Section 110-366 of the City Code to allow (describe request) to allow classrooms for GMU  
in accordance w/school of general instruction  
City Code References: Sections 110-366; 110-762(5); 110-782(1); 110-4

Glenn Rosenthal  
(signature of applicant or authorized agent)

Authorized Signatory  
(title or relationship)

Address 8391 Old Courthouse Road, Suite 320 Phone: (703) 893-5141  
Vienna, VA 22182

**THE FOLLOWING MUST BE COMPLETED BY THE PROPERTY OWNER**

I/We Democracy Square Investors, LLC by Glenn Rosenthal hereby certify that the applicant  
named above has the authority vested by me to make this application.

Glenn Rosenthal  
(signature of owner or authorized agent)

Authorized Signatory  
(title or relationship)

Address 8391 Old Courthouse Rd #320, Vienna, VA 22182 Phone: (703) 893-5141

**FOR OFFICE USE ONLY**

Proposal filed: 3/11/11 Received by: ade  
Fee Paid: \$ 4,800.00 Receipt No. 33724

Previous Cases: \_\_\_\_\_  
Current status of business license and fees: \_\_\_\_\_  
Treasurer: All Payments Current with Treas. Ofc. J. Bal 4/22/11  
Commissioner of Revenue: Democracy Square Investors LLC has met  
the filing requirements of this office. Andrea Deighan  
4-21-11 7

RECEIVED

MAY 16 2011

Dept. of Community  
Development & Planning

AFFIDAVIT  
CITY OF FAIRFAX

I, Democracy Square Investors, LLC, by Maury L. DeFreitas do hereby make oath or affirmation that  
(name of applicant or agent)

I am an applicant in Application Number SU-11030063 and that to the best of my knowledge and belief, the following information is true:

1. (a) That the following is a list of names and addresses of all applicants, title owners, contract purchasers, and lessees of the property described in the application, and if any of the foregoing is a trustee, each beneficiary having an interest in such land, and all attorneys, real estate brokers, architects, engineers, planners, surveyors, and all other agents who have acted on behalf of any of the foregoing with respect to the application (attach additional pages if necessary):

Name	Address	Relationship
<u>See attached document for this section</u>		

(b) That the following is a list of the stockholders of all corporations of the foregoing who own ten (10) percent or more of any class of stock issued by said corporation, and where such corporation has ten (10) or less stockholders, a listing of all the stockholders (attach additional pages if necessary):

Corporation Name: Democracy Square Investors, LLC

Name	Address	Relationship
<u>Robert Herzstein</u>	<u>4710 Woodway Lane, NW, Washington, DC 20016</u>	<u>Manager</u>

(c) That the following is a list of all partners, both general and limited, in any partnership of the foregoing (attach additional pages if necessary):

Partnership Name: Roeder, Cochran & Haight, PLLC

Limited Liability Company

Name	Address	Relationship
<u>William F. Roeder, Jr.</u>	<u>8280 Greensboro Dr., Suite 601, McLean, VA 22102</u>	<u>Member</u>
<u>Stephen G. Cochran</u>	<u>8280 Greensboro Dr., Suite 601, McLean, VA 22102</u>	<u>Member</u>

2. That no member of the City Council, Planning Commission, BZA, or BAR has any interest in the outcome of the decision. EXCEPT AS FOLLOWS: (If none, so state.)

None  
\_\_\_\_\_  
\_\_\_\_\_

3. That within five (5) years prior to the filing of this application, no member of the City Council, Planning Commission, BZA, or BAR or any member of his or her immediate household and family, either directly or by way of a corporation or a partnership in which anyone of them is an officer, director, employee, agent, attorney, or investor has received any gift or political contribution in excess of \$100 from any person or entity listed in paragraph one. EXCEPT AS FOLLOWS: (If none, so state.)

None  
\_\_\_\_\_  
\_\_\_\_\_

WITNESS the following signature: *Mandy DeHester*  
Applicant or Agent Vice President  
General Counsel

ALL APPLICANTS MUST SIGN AND HAVE THEIR SIGNATURES NOTARIZED.

The above affidavit was subscribed and confirmed by oath or affirmation before me on this 13<sup>th</sup> day of May, 2011, in the State of Virginia

My commission expires: *[Signature]*



Notary Public/Registration # 7154252

**RECEIVED**  
MAY 16 2011  
Dept. of Community  
Development & Planning

Land Use Application City of Fairfax – Section 1 (a)

**LANDLORD/OWNER**

Democracy Square Investors, LLC  
c/o RG Management, LLC  
8391 Old Courthouse Road, Suite 320  
Vienna, Virginia 22182

**TENANT/LESSEE:**

Commonwealth of Virginia  
By the Rector and Visitors of George Mason University  
Office of University Counsel  
George Mason University  
4400 University Drive, MSN 2A3  
Fairfax, Virginia 22030

**BROKER**

Rosenthal Realty  
8391 Old Courthouse Road, Suite 320  
Vienna, Virginia 22182

**BROKER**

Mr. Brad Davis  
CBRE  
8270 Greensboro Drive, Suite 1000  
McLean, Virginia 22102

**ARCHITECT**

Mr. Mike Miller  
Miller Architects  
P.O. Box 2444  
Reston, Virginia 20195

**ATTORNEYS**

Roeder, Cochran & Haight, PLLC  
8280 Greensboro Drive, Suite 601  
McLean, Virginia 22102

**RECEIVED**  
MAY 16 2011  
Dept. of Community  
Development & Planning



Sent Via Email:

[Heidi.MeyersWaugh@fairfaxva.gov](mailto:Heidi.MeyersWaugh@fairfaxva.gov)

May 12, 2011

**To:** Heidi Waugh  
Senior Planner, Department of Community Development & Planning,  
City of Fairfax

**From:** Carol Murphy  
Director of Leasing, Rosenthal Realty

**Re:** Special Use Permit Request SU-11030063  
Project: School of General Instruction (GMU classrooms)  
Project Address: 10340 Democracy Lane

- 
1. Please see attached Statement of Support
  2. Please see attached current rent roll for the property.
  3. The College of Health and Human Services currently leases space on the third floor of the 10340 Democracy Lane building for its Department of Social Work at a square footage of 5,636, shown as "existing" on the space plan attached, which includes offices for 14 faculty and 2 staff persons and two small classrooms that have a capacity of 21 and 23 seats, respectively.

The Dept. is planning an expansion of this space at 4,156 square feet to include offices for a new unit for the Department of Nutrition and Food Studies, which will include offices for 6 faculty and one staff person, and an additional classroom that is planned to seat a maximum of 25 students.

The attached chart shows GMU class schedule for the Fall 2011, semester. As you can see from the space plan, the maximum number of students who might be attending class at any one time is 69 (21 + 23 + 25). However, the planned class maximum is 65. Each class normally does not reach the maximum number of students. We estimate that 52 students will be the maximum number of students attending classes at any one

time. The GMU Transportation dept. estimates that 1/3 of the students will take the CUE bus (35 possible parking spaces needed for classes).

However several students will car pool reducing the number to approximately 29 parking spaces needed. All of these classes are graduate classes in the same program and many of the students will be attending more than one class consecutively. Out of the 29 parking spaces, we estimate that 50% will be attending more than one class. We therefore estimate that the number of spaces needed for students throughout the day will vary from 15 to 23 spaces between classes as students come and leave for classes.

Each class will be taught by one instructor (All instructors are included in the Faculty Office count). While the maximum number of faculty and staff employees who could normally be present at any time throughout the week is 23, many faculty teach on the main campus and have research and clinical duties elsewhere, so we estimate that no more than 12-15 faculty and staff will be present in the building at one time. Significantly fewer will be present in the early morning and late afternoon. Typically only the course instructors are present after 5:00.

A recent observation on May 10, 2011, found 8 Faculty/Staff members and one classroom in session which confirms the estimate of 40 – 50% of Faculty/Staff will be on site at one time.

Please note that several members of the faculty walk to work or take the CUE Bus from the Vienna Metro which further reduces the parking spaces required for the faculty. While the college encourages professors to keep office hours, many prefer to work from a home office and spend very little time in their official offices each week.

The Department of Psychology is planning to lease contiguous space of 2,023 square feet and has 3 offices and a graduate student workroom that will include 6 desks for graduate assistants. The daily faculty/staff count will be 1 staff member on a full-time basis and 2 professors spending half-time in the offices and the 6 graduate assistant desks will be used for special projects as funding is available. GMU anticipates needing 2 to 3 parking spaces on a daily basis.

Please note the GMU Psychology Department has been located on the second floor in 6,259 square feet since 2002 and have approximately 20 Faculty/Administrative staff that maintains offices with as little as 3 – 20 staff members present throughout the week. Some staff take the CUE bus from the University, and others carpool. Therefore, we estimate that an average of 13 parking spaces is needed throughout the day.

4. Please see attached class schedule for all classes planned for Fall 2011.

5. GMU does not anticipate any Nutrition Classes being held in the near future at Democracy.
6. Dept of Psychology – 20 Faculty/ Staff Second Floor (Occupied since 2002)  
Dept of Psychology – 2 Faculty/Staff Third Floor (New Expansion Space)  
Dept of Social Services - 16 Faculty/Staff Third Floor, Existing  
Dept of Social Services/Dept of Nutrition, Expansion, 7 Faculty/Staff
7. The GMU's Dept of Transportation estimates that at least one third of all the students will take the CUE Bus. A lesser number of faculty/staff will take the CUE Bus. Some Faculty live close and walk to the building. Some students will also car pool because they would prefer to not give up their parking space on campus. Most students in the evening will likely drive but the parking lot is completely open in the evening.
8. No exterior modifications are planned to the building. The interior modifications are shown on the space plan provided as an attachment.
9. The Social Services graduate level classes have been held in the two existing classrooms since the fall of 2009. The planned fall class schedule shows 42 graduate level classes and 13 of these are new classes for the fall 2011 semester.

**STATEMENT OF SUPPORT  
APPLICATION OF DEMOCRACY SQUARE INVESTORS, LLC  
For Special Use Permit for a School of General Instruction at  
10340 Democracy Lane  
SU-11030063**

10340 Democracy Lane is an office building containing 55,667 rental square feet on three floors. Presently, George Mason University is a tenant in the building and has agreed to increase their occupied space to a total of 18,074 square feet. The term is for 5 years. The intent is to locate the Department of Psychology (solely for office use) and the Department of Nutrition (initially only for office use) in the expansion leased premises.

The Department of Nutrition will have one (1) classroom, 344, shown on the plan, which classroom will be used by the Department of Social Work for the immediate future. The Department of Nutrition will hold all of their classes at the former Metro Diner site in the Old Town Plaza building for the immediate future. In addition, there are two (2) existing classrooms used by the Department of Social Services shown as classroom 301, and classroom 322 on the plan. Classes are presently scheduled to meet Mondays and Thursdays beginning at 7:30 a.m. and on Tuesdays and Wednesdays beginning at 10:30 a.m. The classes will continue until 10:00 p.m. These classes are all graduate level classes, which typically are smaller classes than undergraduate classes.

This use is compatible with the other uses in the building and the area around the building and consistent with the Comprehensive Plan. The students will commute to the classes by the CUE bus system, by car or by carpool. Presently, the parking is more than adequate and usually the lot is approximately half (1/2) full on typically weekdays.

The Board of Zoning Appeals in February 2011 approved the SUP for the Department of Nutrition to occupy the diner space in the Old Town Village and the proximity of the offices of the Department of Nutrition at this location will allow students and faculty to walk between this facility and the facility at Old Town Village.

Because the premises are located in the C-2 District, a Special Use Permit is required to be issued by the Board of Zoning Appeals for a school of general instruction pursuant to City of Fairfax Code Sections 110-782(b)(1) and 110-762(b)(5). This Application complies with all applicable City of Fairfax Code provisions.

The following addresses the criteria provided in City of Fairfax Code Section 110-366 (3):

(a). The proposed use is consistent with the Comprehensive Plan and the City's goals. Having classes in this building will bring GMU students, faculty and staff to downtown Fairfax, thereby increasing the vitality of this area. Dr. Stephen S. Fuller, the Director of GMU's Center for Regional Analysis, estimates that undergraduate students in this area spend between \$603.00 and \$923.00 per month for a wide range of goods and services and graduate students will possibly spend as much or more. The students who would attend classes on these premises and

the additional faculty and staff would constitute a welcome boost to nearby businesses. The impact of the proposed use on the adjacent properties would be positive.

(b), (e), (f) and (i). The space is suited to the proposed use. Interior changes would be made as indicated on the proposed floor plan and there will be no exterior changes. Nothing about the use would adversely affect adjacent land and the serenity of the area. The site is well suited for this use.

(c), (d), and (g). Vehicular and pedestrian traffic would be easily accommodated. It is estimated that one-third (1/3) of GMU students would take the CUE bus to the space or would carpool. Neither the safety nor movement of vehicular traffic on adjacent streets would be adversely affected. Access to and from Layton Hall Drive and University Drive on Democracy Lane is easy and direct.

(h) and (k). The safety and welfare of persons working in the area would be enhanced by the proposed use. Vacant space is not conducive to a safe and vibrant area.

(l) and (m). The proposed use is suitable for this C-2 development. It would be in harmony with and would enhance the existing uses.

Because of the concerns of the staff regarding parking, the Applicant agrees to maintain vacancy of 3,500 gross square feet in the building provided that, the issue of parking is reviewed by staff within one (1) year, and if parking is found sufficient to accommodate the use by George Mason and the other tenants of a fully occupied building, the 3,500 square foot limitation will be removed and the owner will be free to lease that space.

The Applicant respectfully requests that this Special Use Permit be granted.

10340 Democracy Lane

Tenant List

Unit	Tenant	Unit SF
103	A.L. Gilbert & Associates	1,352
104	Care Plus Chiropractic Diagnostics	1,972
201	Corsec Security	6,609
302	Electronic Mapping Systems	1,113
106	Farouk Elkassed	1,748
304, 203	Jacer Corporation	9,740
102	Michael Hincewicz (Northern Mutual)	6,993
204	Schargorodski & Associate	1,990
202	The Comm. Of Va /George Mason	6,259
300	The Comm. Of Va /George Mason	5,636
101	Vacant	3,035
103	Vacant	1,560
301	Vacant - Future GMU	2,023
306	Vacant - Future GMU	4,156
201B	Vacant	1,481
	<b>Total</b>	<b>56,867</b>

## Related Comprehensive Plan Objectives

### Objective LU-4

**Promote Old Town Fairfax as the City's historic core and downtown cultural activity center**

#### LU 4.2 Encourage a mix of uses in projects located in Old Town Fairfax

"A compatible mix of office, retail residential and cultural/entertainment uses contributes to a more stimulating environment, extending the period of activity past 5:00 p.m."

#### LU 4.3 Attract and retain cultural facilities and activities in the Old Town and establish a unique niche to draw people to Old Town, particularly during evening hours.

The City should reinforce the identity of the downtown as its focal point and center of activity by holding major civic events and by encouraging the establishment of cultural facilities in the Old Town. "Nightlife is essential to Old Town Fairfax. The City should support and encourage private sector efforts to establish cultural and entertainment uses to provide an effective draw, supporting existing and additional restaurants, inns and retail establishments."

#### LU 4.4 Promote appropriate retail, restaurant and lodging facilities to enhance the economic base of Old Town Fairfax.

"A "critical mass" of these uses is essential to the economic vitality of the Old Town. To achieve enhanced vitality in that area, a continuous pattern of retail shops and restaurants along Old Town street fronts should be developed."

### Objective LU-5

**Utilize the Economic Development Authority to effectively participate in public/private partnerships for development initiatives**

#### LU 5.3 Participate with other local jurisdictions, agencies, institutions, and the private sector in cooperative ventures to create opportunities for development and redevelopment in areas that span jurisdictional boundaries.

"The City should actively promote and support cooperation with Fairfax County, George Mason University, and private developers to fulfill local market demand, relate to surrounding land uses, and meet economic development objectives articulated in the Comprehensive Plan."

**Objective EC-1**

**Provide entrepreneurial leadership to stimulate a climate of businesses complementary to the economic, residential and aesthetic interests of the City.**

**EC 1.5 Establish and reinforce Old Town Fairfax as an economic and cultural focal point.**

"In addition to capturing university-oriented business, a more intense local market within walking distance of Old Town must be cultivated to assure continuous activity—especially during evenings and weekends."

**Objective EC-2**

**Maximize economic development opportunities created by the proximity of George Mason university (GMU)**

**EC 2.1 Facilitate enhanced land use and transportation between GMU and adjacent portions of the City.**

"...the City should ensure that the redevelopment that will occur in the City adjacent to GMU capitalizes on the market created by the University and is accomplished in a manner sensitive to the nearby residential areas."

**EC 2.3 Make the City of Fairfax a positive element in the GMU experience and campus environment**

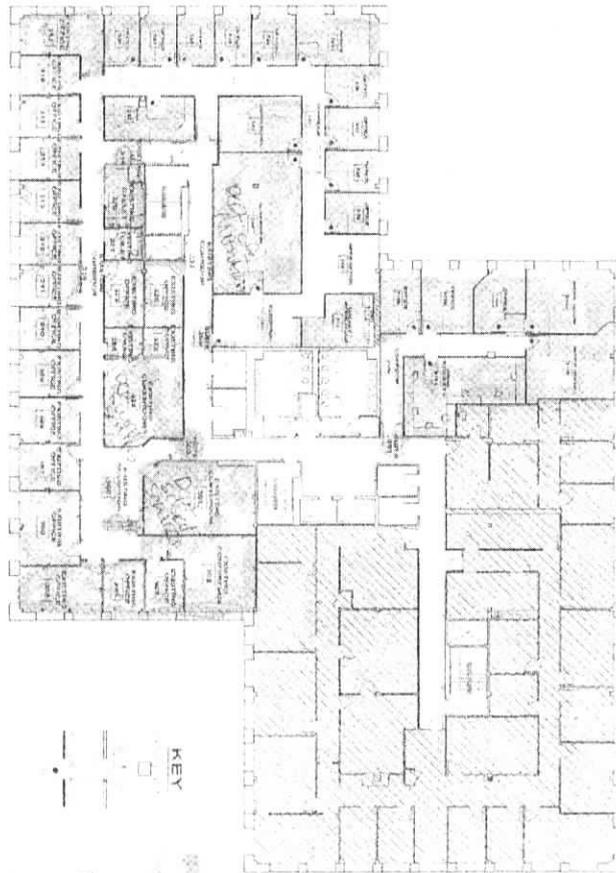
"The ongoing expansion of enrollment and residential living at GMU presents an opportunity for the expansion of the local economy as well. Using well-planned additions of retail space, pedestrian amenities and cultural facilities, Old Town Fairfax can capture the spending power of local college students while enhancing the environment that City residents already enjoy."



JARY FLOOR PLAN

PROLIFERATION OF ASSISTANCE  
PROGRAMS  
Kilmer Hall

GMU Expansion



RECEIVED

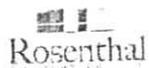
Mar 4 10 1111  
Office of Government  
Development & Planning

MARCH 29 2011

1000 G Street, NW  
Washington, DC 20004

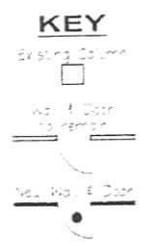


PRELIMINARY FLOOR PLAN  
scale: nts



# GMU Expansion

10340 Democracy Lane, Third Floor, Fairfax, Virginia 22030



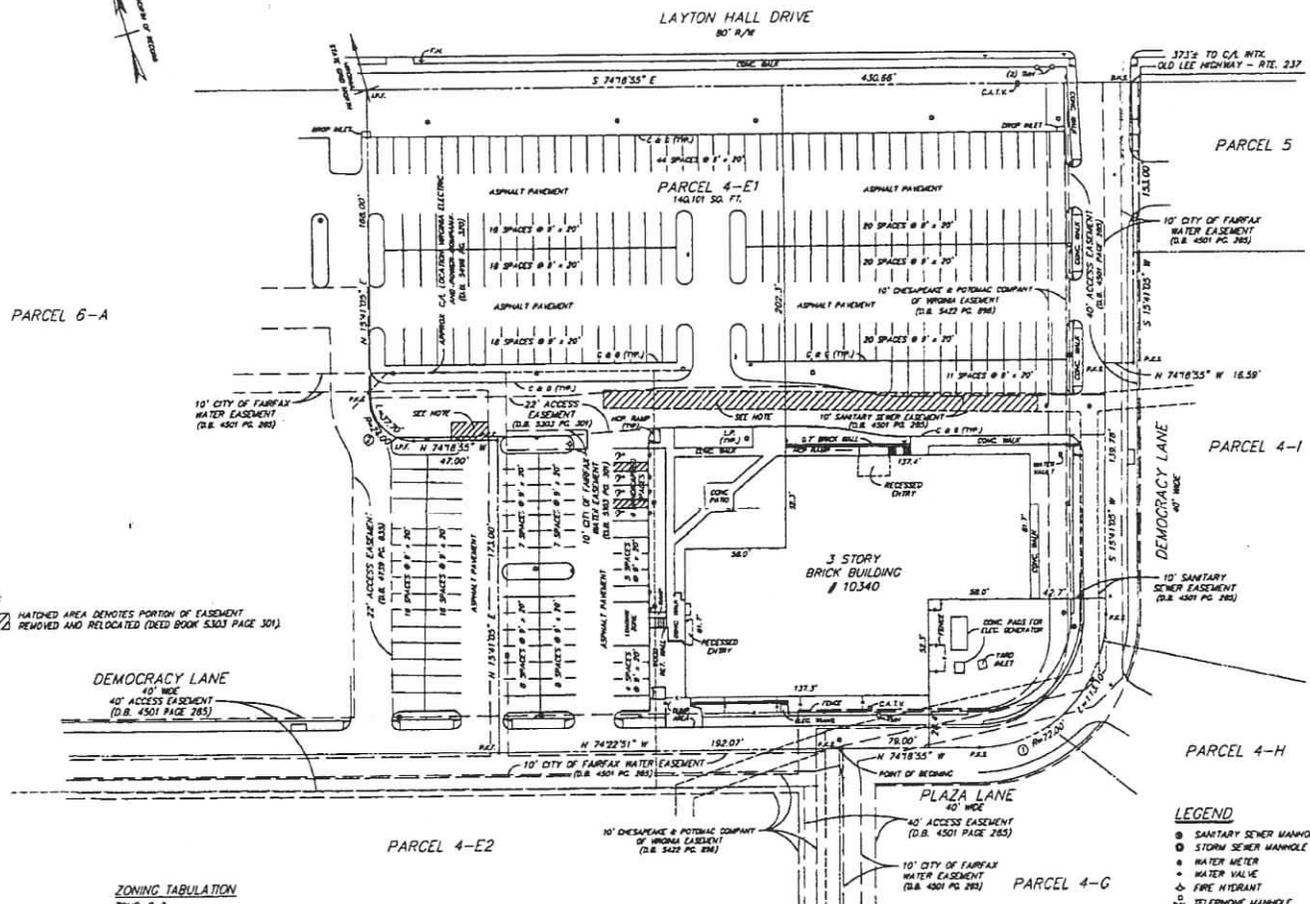
RECEIVED

MAR 30 2011

Dept. of Community  
Development & Planning

March 29, 2011

millerarchitects



**NOTE:**  
 HATCHED AREA DENOTES PORTION OF EASEMENT REMOVED AND RELOCATED (DEED BOOK 5303 PAGE 301).

**DEMOCRACY LANE**  
 10' WIDE  
 40' ACCESS EASEMENT  
 (D.B. 4501 PAGE 265)

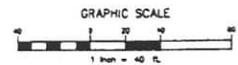
**ZONING TABULATION**  
 ZONE: C-2  
 USE: OFFICE  
 MAXIMUM BUILDING HEIGHT < 80'  
 ALLOWABLE BUILDING AREA = 70,030 SF  
 GROSS BUILDING AREA = 60,331 SF  
 PARKING REQUIRED = 241 SPACES  
 PARKING PROVIDED = 244 SPACES  
 HANDICAP PARKING PROVIDED = 4 SPACES

**SETBACK REQUIREMENT**  
 FRONT: THE MINIMUM ANGLE OF INLET FLARE SHALL BE (30) DEGREES AND FRONT YARD SHALL NOT BE LESS THAN 35'  
 SIDE: NO YARD REQUIRED  
 REAR: NO YARD REQUIRED

**CURVE TABLE**

CHORD	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
1	73.00'	174.00'	73.00'	101.80'	S 40°41'05" W	80°00'00"
2	24.00'	17.70'	42.00'	33.82'	S 29°18'35" E	80°00'00"

- LEGEND**
- ⊙ SANITARY SEWER MANHOLE
  - ⊙ STORM SEWER MANHOLE
  - ⊙ WATER METER
  - ⊙ WATER VALVE
  - ⊙ FIRE HYDRANT
  - ⊙ TELEPHONE MANHOLE
  - ⊙ CABLE TELEVISION PEDESTAL
  - ⊙ LIGHT POST
  - ⊙ HANDICAPPED RAMP
  - P.A.K. P.K. NAIL FOUND
  - U.A. IRON PIPE FOUND
  - P.A.K. P.K. NAIL SET
  - B.A.S. DRILL HOLE SET
  - ⊙ SIGN



REVISIONS:

PARCEL 4-E1  
 COURTHOUSE PLAZA  
 A RESUBDIVISION OF PARCEL 4-C  
 CITY OF FAIRFAX, VIRGINIA

5078 BRANWICK DRIVE  
 WINCHESTER, VIRGINIA 22601  
 703-487-1103

**DOVE**  
 & ASSOCIATES  
 ARCHITECTS  
 PLANNERS  
 SURVEYORS

ALTA SURVEY

SCALE: 1" = 40'  
 DATE: JULY 8, 2002  
 DRAWN: G.R.S.  
 FILE: 7-02, 022930  
 SHEET: 2 OF 2

**DENY**

I MOVE THAT THE BOARD OF ZONING APPEALS DENY THE REQUEST OF DEMOCRACY SQUARE INVESTORS, LLC, BY GLENN ROSENTHAL, AGENT, PURSUANT TO CITY CODE SECTIONS 110-782(b)(1), 110-762(b)(5), AND 110-366, FOR A SPEICAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION (GEORGE MASON UNIVERSITY CLASSROOMS AND OFFICES) IN THE C-2 RETIAL COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 10340 DEMOCRACY LANE AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((20))-(4E)-001, FOR THE FOLLOWING REASONS:

(Reasons to be provided by the Board of Zoning Appeals)

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**APPROVAL WITH CONDITIONS****(Recommended by Staff)**

I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF DEMOCRACY SQUARE INVESTORS, LLC, BY GLENN ROSENTHAL, AGENT, PURSUANT TO CITY CODE SECTIONS 110-782(b)(1), 110-762(b)(5), AND 110-366, FOR A SPEICAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION (GEORGE MASON UNIVERSITY CLASSROOMS AND OFFICES) IN THE C-2 RETIAL COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 10340 DEMOCRACY LANE AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((20))-(4E)-001, SUBJECT TO THE FOLLOWING CONDITIONS:

1. The class size for each instructional period shall not exceed the student limit set forth on the "Social Work Fall 2011" class schedule submitted as part of this application. Classes that remain "to be announced" for Fridays shall not exceed the maximum student limit of those proposed for Mondays (253 total students);
2. The applicant shall maintain a vacancy of 3,500 square feet of gross floor area in the office building in order to accommodate required parking for a period of one year from the date of approval of the special use permit and until the applicant and a GMU representative shall meet with City staff to review the parking demand and the adequacy of the on-site parking. If the parking is found to be sufficient to accommodate the GMU use and other tenants that would fully occupy the office building, the 3,500 square-foot occupancy limitation may be removed;
3. Interior construction and modifications to the George Mason University tenant space shall be done in substantial conformance with the "GMU Expansion Plan" prepared by Miller Architects and dated March 29, 2011; and
4. The Special Use Permit shall be valid for a period of five years and may be subject to renewal.

**APPROVAL WITH CONDITIONS****(Recommended by Staff)**

I MOVE THAT THE BOARD OF ZONING APPEALS APPROVE THE REQUEST OF GLIC REAL ESTATE HOLDING, LLC, BY LYNNE J. STROBEL, AGENT, PURSUANT TO CITY CODE SECTIONS 110-782(b)(1), 110-762(b)(5), AND 110-366, FOR A SPEICAL USE PERMIT RENEWAL TO ALLOW A SCHOOL OF GENERAL INSTRUCTION (GEORGE MASON UNIVERSITY CLASSROOMS AND OFFICES) IN THE C-2 RETIAL COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 10340 DEMOCRACY LANE AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((20))-(4E)-001, SUBJECT TO THE FOLLOWING CONDITIONS:

1. There shall be no more than 253 students on the property daily Monday through Friday and the class size shall be limited to 25 students;
2. The applicant shall maintain a vacancy of 3,500 square feet of gross floor area in the office building in order to accommodate required parking for a period of one year from the date of approval of the special use permit and until the applicant and a GMU representative shall meet with City staff to review the parking demand and the adequacy of the on-site parking. If the parking is found to be sufficient to accommodate the GMU use and other tenants that would fully occupy the office building, the 3,500 square-foot occupancy limitation may be removed.

**DENY**

I MOVE THAT THE BOARD OF ZONING APPEALS DENY THE REQUEST OF GLIC REAL ESTATE HOLDING, LLC, BY LYNNE J. STROBEL, AGENT, PURSUANT TO CITY CODE SECTIONS 110-782(b)(1), 110-762(b)(5), AND 110-366, FOR A SPEICAL USE PERMIT TO ALLOW A SCHOOL OF GENERAL INSTRUCTION (GEORGE MASON UNIVERSITY CLASSROOMS AND OFFICES) IN THE C-2 RETIAL COMMERCIAL DISTRICT ON THE PROPERTY LOCATED AT 10340 DEMOCRACY LANE AND MORE PARTICULARLY DESCRIBED AS TAX MAP PARCEL 57-2-((20))-(4E)-001, FOR THE FOLLOWING REASONS:

(Reasons to be provided by the Board of Zoning Appeals)