

January 27, 2023

Mr. Kenneth W. Wire
Wire Gill LLP
1818 Library Street, Suite 500
Reston, VA 20190

Re: **Zoning Administrator Decision ZAD #23-01**
13150 and 13100 Worldgate Drive Multifamily Residential
Fairfax County Tax Map Numbers 0161-02-0025 and 0163-02-0002A

Dear Mr. Wire:

This letter is in response to your request (attachment 1) for a zoning determination relating to the above-mentioned property. Your request is for a determination regarding if there is up to 610,151 gross square feet of residential floor area available on the property if a development plan and proffer condition amendment are submitted and approved.

The subject property is regulated by PD-W, Planned Development – Worldgate, and Zoning Map Amendment ZMA #04-105 and Ordinance 04-O-44, which were adopted by the Herndon Town Council on December 14, 2004. This ordinance incorporated by reference the Fairfax County proffers for the Worldgate development. This included PCA 86-D-093-13, 12, 11, 10, 8, and 5. PCA 86-D-093-10 proffers are applicable to the subject property.

The proffers limit overall site development to 0.7 FAR, Floor Area Ratio, including residential uses. Individual land bays may exceed a 0.7 FAR provided the overall development does not exceed 0.7 FAR. Proffer XIX allows residential uses. Based on the best available documents, I have determined the following to be true:

- The Worldgate development may have up to 2,869,874 gross floor area, based on a FAR of 0.7.
- A maximum of 50 percent of the total 0.7 FAR may be for residential uses, or 1,434,937.
- The Worldgate development currently contains 824,786 gross floor area of residential uses. These are in the form of 508 condominium units and 320 apartment units.
- A maximum of 610,151 gross floor area of potential residential area remains.

This determination letter does not grant residential use on any specific property within the Worldgate development. Any property owner desiring to develop all or a portion of the 610,151 gross floor area of residential must submit a proffer condition amendment and a GDP, Generalized Development Plan, pursuant to the Town of Herndon Zoning Ordinance.

Pursuant to Section 15.2-2299 of the Code of Virginia (1950), as amended, you have the right to appeal this decision to the Town Council of the Town of Herndon, Virginia, within thirty (30) days after receipt of this letter. The decision(s) set forth in this letter shall be final and not appealable if not appealed within the thirty-day period.

Zoning Administration Decision ZAD #23-01


Page 2

January 27, 2023

If you wish to appeal this decision you must do so in the specified time by submitting a written request specifying the grounds upon which you are aggrieved to the Zoning Administrator and Town Clerk, located in the Community Development Department at 777 Lynn Street Herndon, Virginia.

If you have questions about the application or process, please contact the Zoning Administrator's staff at 777 Lynn Street Herndon, Virginia, or call (703) 787-7380.

Sincerely,



David Stromberg, AICP
Zoning Administrator

Attachment: Determination Request by Wire Gill LLP, Dated January 11, 2023



Kenneth W. Wire
kwire@wiregill.com
703-677-3129

January 11, 2023

VIA EMAIL TO david.stromberg@herndon-va.gov

David Stromberg, Zoning Administrator
Community Development Department
777 Lynn Street, Herndon, VA 20170

RE: Zoning Determination Request for 13150 and 13100 Worldgate Drive
Tax Map 016-1 ((02)) 0025 and 016-3 ((02)) 0002A (collectively the "Property")

Dear Mr. Stormberg:

As you know our firm represents Boston Properties and the current ownership group for the Property. Boston Properties will be taking the lead on the redevelopment of the Property from an existing office building into a multifamily residential rental building on the west side of the Property with a for sale residential component on the east side. This redevelopment proposal is shown on a recently submitted Development Plan and Proffer Condition Amendment.

As part of Boston Properties and the ownership group's due diligence, I am respectfully requesting a zoning determination from you that under the provisions of the Planned Development – Worldgate Zone, Section 78-50.9(f)(4) there is up to 610,151 gross square feet of residential floor area available to be approved on the Property by the Town pursuant to the Development Plan and Proffer Condition Amendment.

We will hand delivered a check for \$600.00 (\$300 fee x 2 parcels = \$600.00) for this zoning determination request fee later this week.

Please let me know if you have any questions regarding this zoning determination request.

Sincerely,

A handwritten signature in blue ink that reads "Kenneth W. Wire". The signature is stylized and includes a horizontal line at the end.

Kenneth W. Wire
Wire Gill LLP