County of Fairfax, Virginia

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

February 26, 2009

Jonathan P. Rak, Esquire
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, Virginia 22102

Re: Special Exception Application SE 2008-PR-035
(Concurrent with Special Exception Application SE 2008-MD-036)
(Concurrent with Special Exception Application SE 2008-HM-038)

Dear Mr. Rak:

At a regular meeting of the Board of Supervisors held on February 23, 2009, the Board approved Special Exception Application SE 2008-PR-035 in the name of Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority. The subject property in the northeast and northwest quadrants of the intersection of Tysons Boulevard and Chain Bridge Road on approximately 3.46 acres of land zoned PDC, HC, and SC in the Providence District [Tax Map 29-4 ((10)) 4A pt., 5A pt., 5B pt., and 5Cpt.]. The Board's action permits an electronically-powered regional rail transit facility and associated components pursuant to Sections 6-205 and 9-401 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.

2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.

3. A copy of these development conditions shall be included in all relevant plans, as determined by the Virginia Department of General Services (DGS), of each station.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903
Email: clerktothebos@fairfaxcounty.gov
http://www.fairfaxcounty.gov/bosclerk

4. Certification from DGS shall be provided to the Fairfax County Department of Transportation and the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance. As noted in the Memorandum of Understanding dated July 19, 2007, if the special exception development conditions are not addressed by DGS during its regulatory role for the Project, then Fairfax County shall be permitted access to all approved plans and shall be permitted to inspect the property facilities to verify that all special exception conditions were satisfactorily implemented by the Project. In such event, a schedule for such inspections shall be coordinated in writing by the Project with the Department of Planning and Zoning, Zoning Evaluation Division.

5. Noise attenuation measures shall be utilized in order to meet Federal criteria and State and Fairfax County Noise Ordinance regulations.

6. Vibration attenuation measures shall be utilized in order to meet WMATA standards and Federal criteria, and State and Fairfax County Zoning Ordinance regulations.

7. Stormwater management plans shall be implemented as determined by the Virginia Department of Conservation and Recreation (DCR) as based on the Memorandum of Understanding dated July 19, 2007 between Fairfax County and the Metropolitan Washington Airports Authority. As noted in the June 14, 2007 letter from the Office of the Governor to the Fairfax County Executive, the stricter of the state or Fairfax County standards shall be applied by the state reviewing authority.

8. Signs shall be regulated by Washington Metropolitan Transit Authority (WMATA) standards.

9. Advertising within the station shall be regulated by WMATA standards.

10. Lighting shall be in conformance with WMATA standards and safety practices, and the standards contained in the Fairfax County Zoning Ordinance. The symbolic standard WMATA globe sidewalk lighting shall be allowed along the sidewalks and areas leading to the stations within the boundaries of the Special Exception.

11. Erosion and Sediment control plans shall be implemented as determined by DCR. The stricter of the state or Fairfax County standards shall be applied by the state reviewing body.

12. In order to maximize the survivability of vegetation onsite and to encourage innovative landscaping techniques, development of the landscape plan, including the selection of plantings to be used, shall be coordinated with Urban Forest Management Division of Fairfax County Department of Public Works and Environmental Services (UFMD), and UFMD shall be contacted for input during its development. Upon its completion of a landscape plan, a copy of the landscape plan shall be submitted to the Department of General Services (DGS) and UFMD for comment. Comments from UFMD received by DGS, or their designee, within 15 working days shall be considered for implementation.

13. The project shall satisfy minimum planting area requirements for all proposed planting onsite unless modified and may include the use of soil cells, or other innovative techniques as recommended by UFMD. Planting details illustrating innovative techniques shall be included with landscape plans provided to UFMD for review.

14. Any future retail use at this station shall comply with the Zoning Ordinance in effect at that time and may require further action by DPZ and/or the Board of Supervisors.

15. Additional pedestrian connections to the station such as pedestrian bridges and walkways may be established subject to the submission of a detailed design proposal to the Department of Planning and Zoning for staff evaluation and Administrative review at the Planning Commission

16. The pedestrian bridges shall be a minimum of 16 feet wide from handrail to handrail.

17. Designs for significant changes to the architecture, landscaping and integration of the stations to the surrounding communities shall be submitted to the Chairman of the Board of Supervisors and the District Supervisor for review and comment.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty-six (36) months after the date of approval unless the use has been established or construction has commenced on the elevated

and/or at grade guideway as applicable. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

The Board also:

- Waived the transitional screening and barrier requirements along the property boundaries of the site.

Sincerely,

Nancy Vehrs

Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms

Cc: Chairman Sharon Bulova
Supervisor Linda Smyth, Providence District
Janet Coldsmith, Director, Real Estate Division. Dept. of Tax Administration
Regina Coyle, Director, Zoning Evaluation Division, DPZ
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning
Angela K. Rodeheaver, Section Chief, Transportation. Planning Division
Ellen Gallagher, Capital Projects and Operations Div., Dept. of Transportation
Ken Williams, Plans & Document Control, ESRD, DPWES
Department of Highways-VDOT
Sandy Stallman, Park Planning Branch Manager, FCPA
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division
District Planning Commissioner
Barbara J. Lippa, Executive Director, Planning Commission
Karyn Mooreland, Chief Capital Projects Sections, Dept. of Transportation

COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2008-PR-035
(Staff will assign)

APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	**NAME** Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority
	MAILING ADDRESS 1593 Springhill Road, Ste. 300, Vienna, VA 22182
	PHONE HOME ( ) **WORK (** 703 **)** 572-0500
	PHONE MOBILE ( )
PROPERTY INFORMATION	**PROPERTY ADDRESS** No known address; property near intersection of Rt. 123 and Tysons Blvd.
	TAX MAP NO. 29-4((10))4Apt, 5Apt, 5Bpt, 5Cpt and portions of ROW of Rt. 123/Tysons Blvd. **SIZE (ACRES/SQ FT)** ~~3.25~~ acres 3.46 ACRES HRG 10/1/08
	ZONING DISTRICT PDC ~~PDH~~ and HC, SC HRG 10/1/08 **MAGISTERIAL DISTRICT** Providence
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION:
SPECIAL EXCEPTION REQUEST INFORMATION	**ZONING ORDINANCE SECTION** Sect. 2-517
	PROPOSED USE Electrically-powered regional rail transit facility
AGENT/CONTACT INFORMATION	**NAME** Jonathan P/ Rak/Lori R. Greenlief, McGuireWoods LLP
	MAILING ADDRESS 1750 Tysons Blvd. Ste. 1800 McLean, VA 22102
	PHONE HOME ( ) **WORK (**703 **)** 712-5433 (Lori)
	PHONE MOBILE ( )
MAILING	**Send all correspondence to (check one):** ☐ **Applicant** –or- ☑ **Agent/Contact**

The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.

Charles S. Carnaggio, P. E. — Charles S Carnaggio

TYPE/PRINT NAME OF APPLICANT/AGENT — **SIGNATURE OF APPLICANT/AGENT**

DO NOT WRITE IN THIS SPACE — SE 2008-0066

Date Application accepted: 10/28/08 — Application Fee Paid: $ na