

PROPOSED DEVELOPMENT CONDITIONS

SEA 85-D-033-02

February 23, 2010

If it is the intent of the Board of Supervisors to approve SEA 85-D-033-02 located at Tax Map 40-1 ((1)) 25B and 40-3 ((1)) 85, 86, 91A and 93B previously approved for WMATA facilities (now known as electrically-powered regional rail transit facilities) to permit site improvements pursuant to Sect. 3-104 and 3-204 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions (those conditions carried forward from previous approval are marked with an asterisk*).

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment 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. Any plan submitted pursuant to the special exception amendment shall be in substantial conformance with Special Exception Amendment (SEA) Plat entitled "West Falls Church Yard, Dulles Corridor Metrorail Project", prepared by Dewberry & Davis, LLC with sheets 1 through 10 dated July 15, 2008 as revised through April 2, 2009 and sheet 11 dated September 30, 2009, and these conditions. Minor modifications to the approved special exception amendment may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. Landscaping of the parking lot and around the building that is being built shall be provided and maintained as submitted with SE 85-D-033.*
5. Landscaping to soften the visual impact of the acoustical barrier shall be provided and maintained. The applicant shall coordinate with the Urban Forest Management Division (UFMD) to provide a landscape plan and to replace any vegetation shown on the landscape plan that dies.*
6. The ingress/egress access point to the subject property at the west end of McKay Street shall be closed to traffic except for emergency and maintenance access. Landscaping shall be provided and maintained in this location.
7. The installation of a track cover box as shown on the SEA Plat and as required by the Federal Transit Administration Record of Decision, as amended, shall be completed prior to the issuance of a new Non-Residential Use Permit for the West Falls Church rail yard. A noise study shall be submitted to the Zoning Administrator prior to the issuance of the new Non-RUP-for the West Falls Church rail yard to demonstrate that wheel squeal from the rail yard at the property lines of abutting residential uses

does not exceed a noise level of 55 dBA Lmax.

8. The maximum stationary noise level generated by the rail yard at the property lines of abutting residential property shall be in accordance with the Noise Ordinance, except as may be permitted in accordance with Article 6 of the Noise Ordinance. A noise study for the rail yard shall be performed by MWAA and submitted by the applicant to the Zoning Administrator prior to the issuance of the new Non-RUP to demonstrate compliance with the Noise Ordinance, and also when deemed necessary by the Zoning Administrator as evidenced by the receipt of noise complaints associated with the site. If a noise study does not demonstrate compliance with the Noise Ordinance additional noise attenuation and mitigation measures shall be implemented in order to achieve compliance with the Noise Ordinance as determined by the Zoning Administrator.
9. To ensure that there is a forum for on-going discussion with the adjacent residential community, the applicant shall meet with a Communications Committee comprised of representatives of nearby homeowners and/or civic associations at the discretion of the Communications Committee but not more than twice a year. In addition, a dedicated telephone contact number for the West Falls Church rail yard shall be established and provided to the Dranesville District Supervisor's office, to the members of the Communications Committee to report concerns regarding the operation of the West Falls Church rail yard. The dedicated telephone contact number shall be provided by the applicant prior to the issuance of a Non-Residential Use Permit for the West Falls Church rail yard and updated as necessary. Monitoring of the telephone contact line shall be performed on a daily basis and all calls shall be responded to within one business day.
10. 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.
11. Prior to any construction associated with this application, the applicant shall submit documentation to the Department of Public Works and Environmental Services (DPWES) that demonstrates that all required Virginia Department of Conservation and Recreation (DCR) approvals have been obtained for the subject site.
12. Prior to the issuance of the new Non-RUP for the West Falls Church rail yard, a parking tabulation for the subject site shall be submitted to DPWES for review and approval, to demonstrate that adequate parking has been provided for the site.
13. All new lighting shall conform to the provisions of Part 9 of Article 14 of the Zoning Ordinance. Any new outdoor lighting fixtures installed on the site shall not exceed 30 feet in height, shall be of low glare design with cutoff optics and shall focus directly onto the subject property.

14. Stormwater Management, Best Management Practices, and adequate outfall measures shall be provided in substantial conformance with Sheet 11 of the SEA Plat, as determined by DCR.
15. Construction traffic shall not use McKay Street to access the application property, except for access to provide the stream restoration improvements shown on Sheet 11 of the SEA Plat. All construction personnel, including contractors, shall be informed of this restriction. The McKay Street and Eastman Drive right-of ways shall not be used for the staging of construction vehicles or the storage of construction materials.
16. All employees, contractors and subcontractors working on the application property shall be instructed both verbally and in writing that they should drive slowly and stay alert when in the proximity of McKay Street in order to protect children.
17. Construction of the improvements associated with this special exception amendment application shall not be permitted on the application property between the hours of 9:00 P.M. and 7:00 A.M, Monday through Saturday. These hours shall also apply to Sundays and Federal holidays except that work shall not commence prior to 9:00 A.M.

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 responsible for obtaining the Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

The approval of this special exception does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exceptions shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction of the service and inspection annex building has commenced and been diligently prosecuted. 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.