DEVELOPMENT CONDITIONS

SE 2008-PR-035

As approved on February 23, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-MD-035 located at (Tax Map 29-4 ((10)) 4A Part, 5A Part, 5B Part and 5C Part, for an electrically powered regional rail transit facility pursuant to Sect. 9-401 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval 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.

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.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

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.