



APPLICATION ACCEPTED: July 26, 2010
PLANNING COMMISSION: January 13, 2011
BOARD OF SUPERVISORS: January 25, 2011 @ 3:30 P.M.

County of Fairfax, Virginia

December 28, 2010

STAFF REPORT

APPLICATION SE 2010-LE-017
(Concurrent w/2232- L10-17)

LEE DISTRICT

APPLICANT: Iskalo CBR, LLC

PRESENT ZONING: R-1 (5.3 Acres) & I-6 (12.1 Acres)

PARCEL: 99-2 ((3)) 1, 2, 3A, 3B

ACREAGE: 17.37 acres

FLOOR AREA RATIO: 0.01 FAR (R-1 portion)
0.19 FAR (I-6 portion)

PLAN MAP: Industrial and Private Open Space

SE CATEGORY: Category 4: Regional non-rail transit facility.
Category 6: Driveway for uses in an I-District,
Category 6: Uses in a floodplain

PROPOSAL: The applicant has filed for review by the Planning Commission to determine whether a proposed regional non-rail transit facility satisfies the criteria of location, character, and extent pursuant to Sect. 15.2-2232 of the Code of Virginia and requests approval of SE 2010-LE-017, to permit a regional non-rail transit facility, a driveway for uses in and I-District, and uses in a floodplain.

St.Clair Williams

Department of Planning and Zoning
Zoning Evaluation Division
12055 Government Center Parkway, Suite 801
Fairfax, Virginia 22035-5509
Phone 703-324-1290 FAX 703-324-3924
www.fairfaxcounty.gov/dpz/



STAFF RECOMMENDATIONS:

Staff recommends that the Planning Commission find that the facility proposed under 2232-L10-017 does satisfy the criteria of location, character, and extent as specified in Sect. 15.2-2232 of the Code of Virginia and is substantially in accord with the provisions of the Comprehensive Plan.

Staff recommends approval of SE 2010-LE-017, subject to the development conditions contained in Appendix 1.

Staff recommends approval of the modification of the interior parking lot landscaping requirements to that shown on the SE Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

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

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

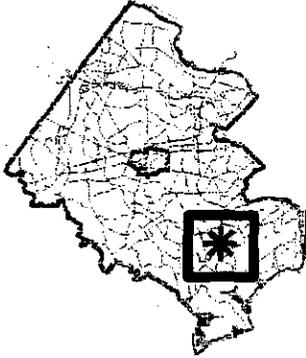
O:\SWILLI\SE 2010-LE-017 WMATA Facility\Staff Report\Draft Staff Report.doc



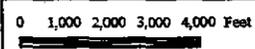
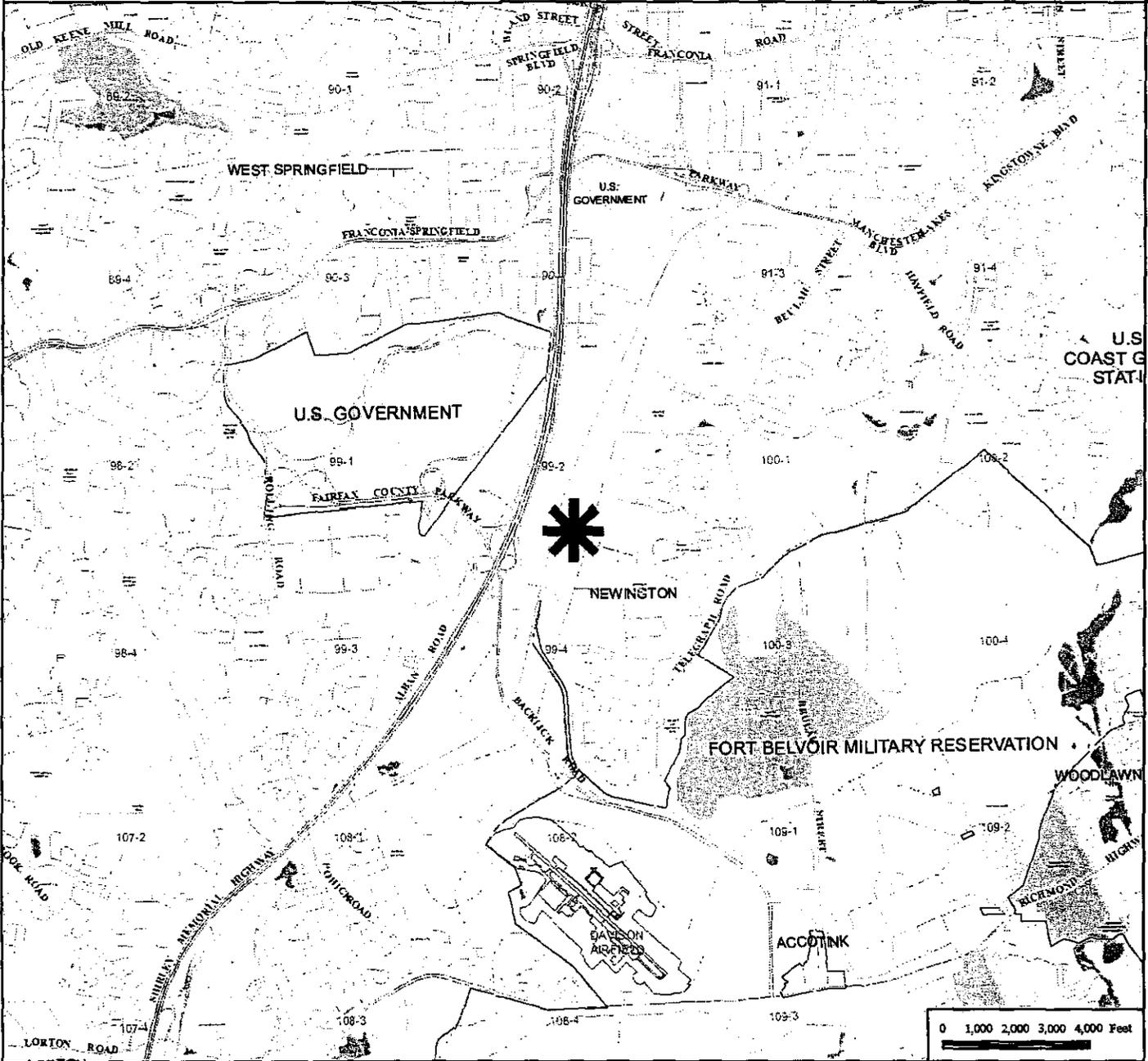
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2010-LE-017

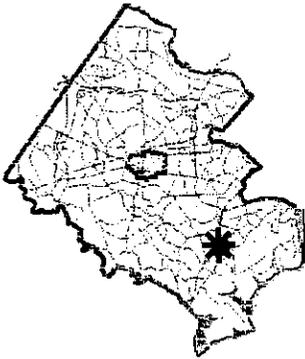


Applicant: ISKALO CBR LLC
 Accepted: 07/26/2010
 Proposed: REGIONAL
 NON-RAIL TRANSIT FACILITY,
 DRIVEWAY FOR USES IN
 ANI-DISTRICT AND USES IN A FLOOD PLAIN
 Area: 17.37 AC OF LAND; DISTRICT - LEE
 Zoning Dist Sect: 02-0904 05-0604 09-0616
 Art 9 Group and Use: 6-02 4-05 4-6 6-13
 Located: 7901, 7909, 7915 & 7828 CINDER BED ROAD
 Zoning: I-6, R-1
 Plan Area: 4
 Overlay Dist:
 Map Ref Num: 099-2- /03/ /0001 /03/
 /0002 /03/ /0003A /03/ /0003B



Special Exception

SE 2010-LE-017

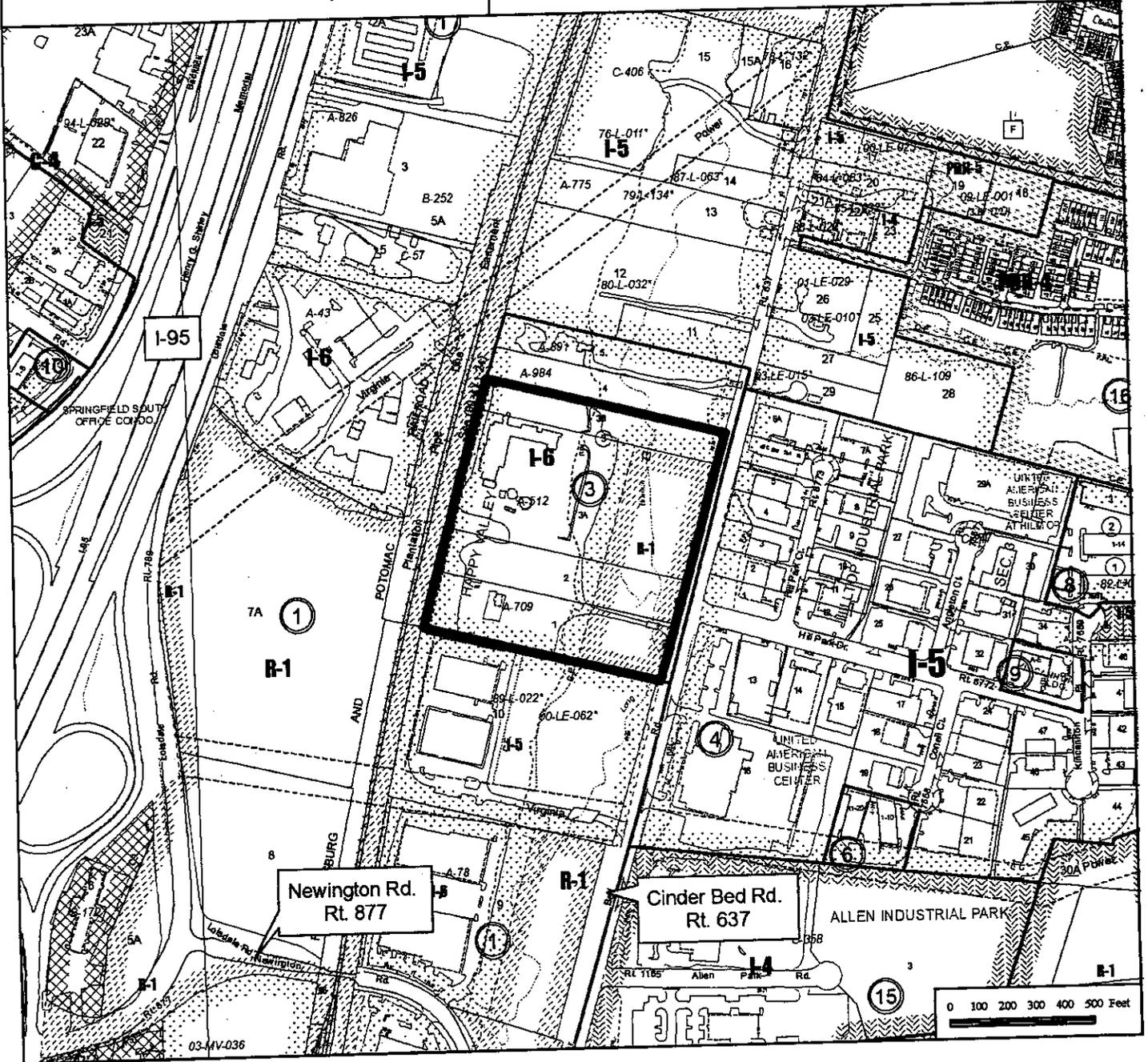


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DESIGNED	MOSE	DATE	11/11/03
CHECKED	SM	DATE	11/11/03
APPROVED	DCJ	DATE	11/11/03

REVISION	DATE	BY	DESCRIPTION

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

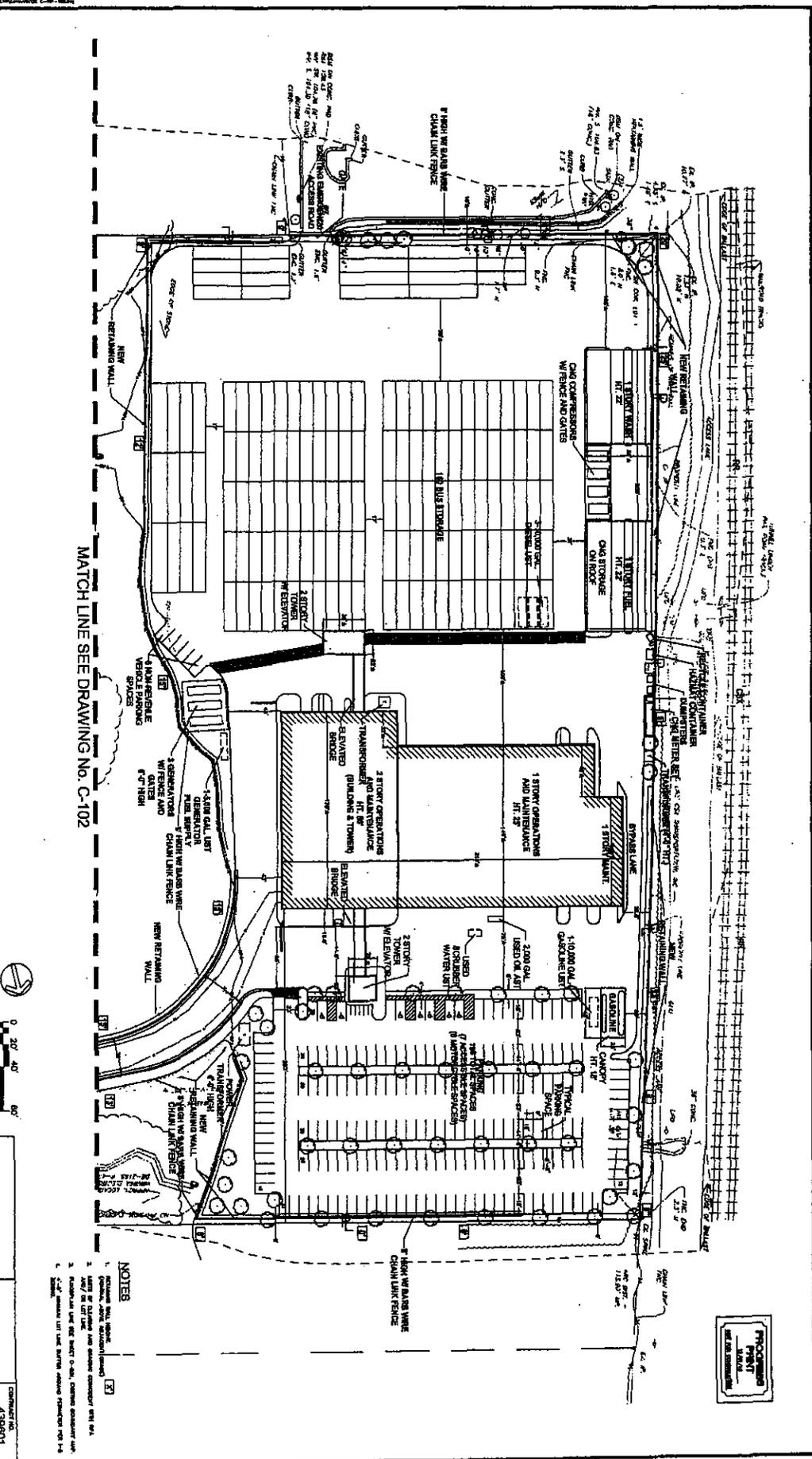


CINDER BED ROAD BUS DIVISION
CINDER BED ROAD LORTON, VA
PROPOSED SITE PLAN

SCALE: AS SHOWN

DATE: 11/11/03

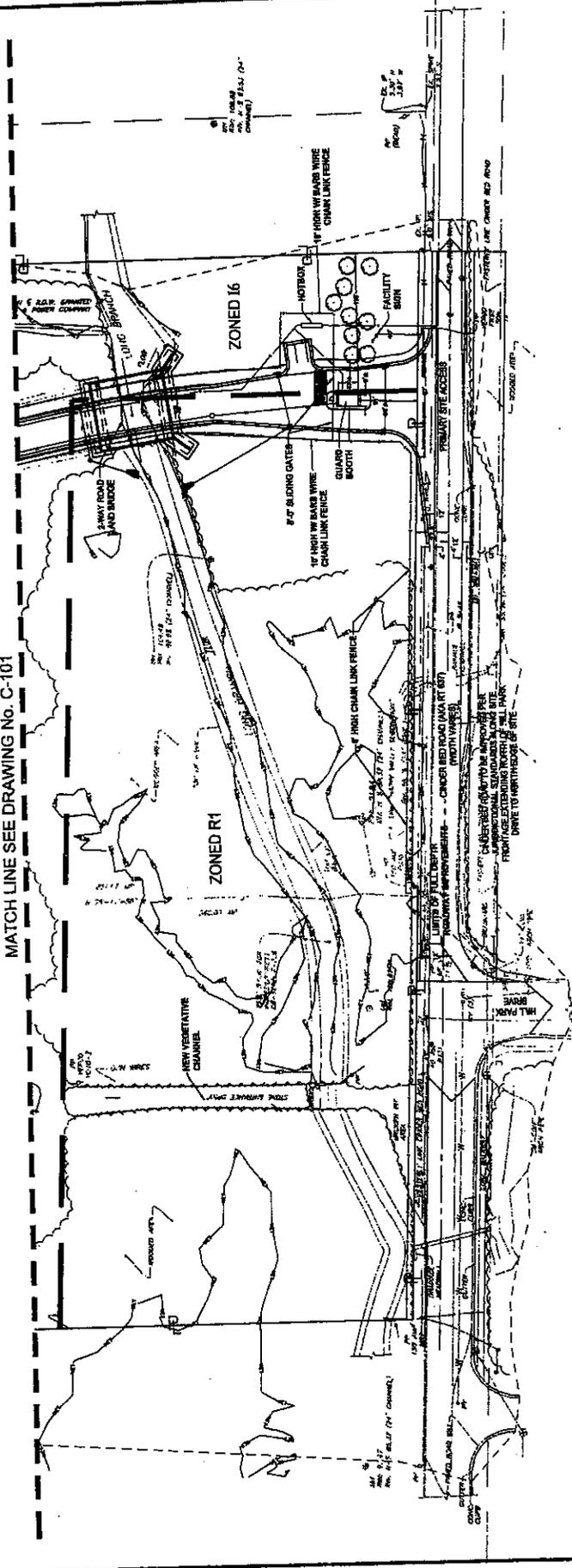
PROJECT NO: C-101



- NOTES**
1. RETAINING WALL SHALL BE CONCRETE WITH REINFORCING BARS.
 2. ALL CONCRETE SHALL BE 3000 PSI.
 3. ALL METAL SHALL BE GALVANNEAL.
 4. ALL METAL SHALL BE PAINTED WITH ANTI-RUST PAINT.

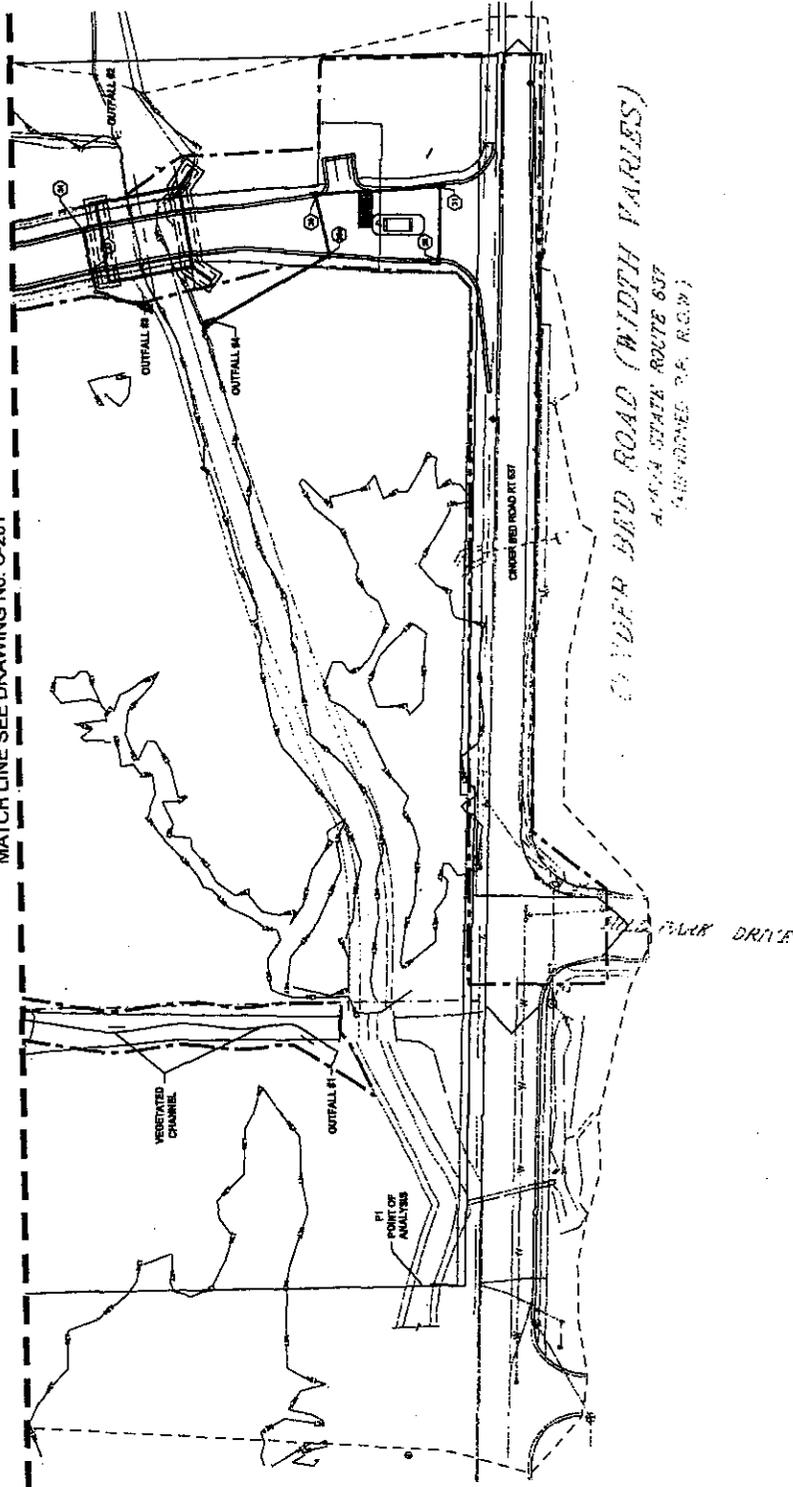
PROPOSED
SITE PLAN
NO. C-101

MATCH LINE SEE DRAWING No. C-101



		CONTRACT NO. 438801	
DESIGNER: JAMES M. SMITH DRAWN: J.M.S. CHECKED: J.M.S. APPROVED: J.M.S.		CINDER BED ROAD BUS DIVISION CINDER BED ROAD LORTON, VA PROPOSED SITE PLAN	
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY 		SHEET NO. 5 OF 27 SCALE: AS SHOWN C-102	
DESIGNED: J.M.S. DRAWN: J.M.S. CHECKED: J.M.S. APPROVED: J.M.S.	REFERENCE DRAWINGS: DATE: 1/1/81 DESCRIPTION:	REVISIONS: NO. DATE DESCRIPTION	DATE: 1/1/81 DESCRIPTION:

MATCH LINE SEE DRAWING No. C-201



- LEGEND**
- LIMITS OF DISTURBANCE
 - STORM STRUCTURE LABEL
 - STORM MANHOLE
 - STORM INLET
 - GRAVE INLET
 - PAVEMENT (SLOPE (TYP.))

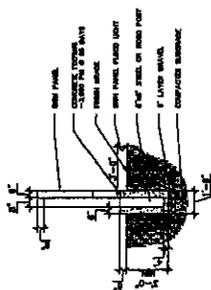


CONTRACT NO. 439801
 CINDER BED ROAD BUS DIVISION
 CINDER BED ROAD LORTON, VA
 PRELIMINARY SWM/BMP PRACTICES PLAN
 SCALE: AS SHOWN
 DRAWING NO. 1 OF 27
 C-202

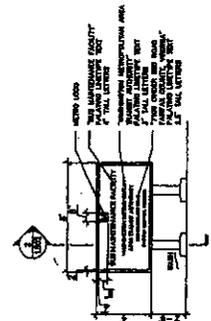
ARLINGTON METROPOLITAN AREA TRANSIT AUTHORITY

DESIGNED	INDEX	DATE	DESCRIPTION	REVISION	DATE	DESCRIPTION

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② ENTRANCE SIGN - SECTION



① ENTRANCE SIGN - ELEVATION

DESIGNED: WJAE DRAWN: CAL CHECKED: JLF APPROVED: DCD		QUANTITY: 100 DATE: 07/20/14 TIME: 10:00 AM		REFERENCE DRAWING: [] DESCRIPTION: []		DATE BY: [] MONTH: [] YEAR: []		REVISION: [] DESCRIPTION: []	
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY									
CINDER BED ROAD BUS DIVISION CINDER BED ROAD LORTON, VA SITE DETAILS & ENLARGEMENTS									
SCALE: AS SHOWN									
CONTRACT NO: 438601									
DRAWING NO: L-502									



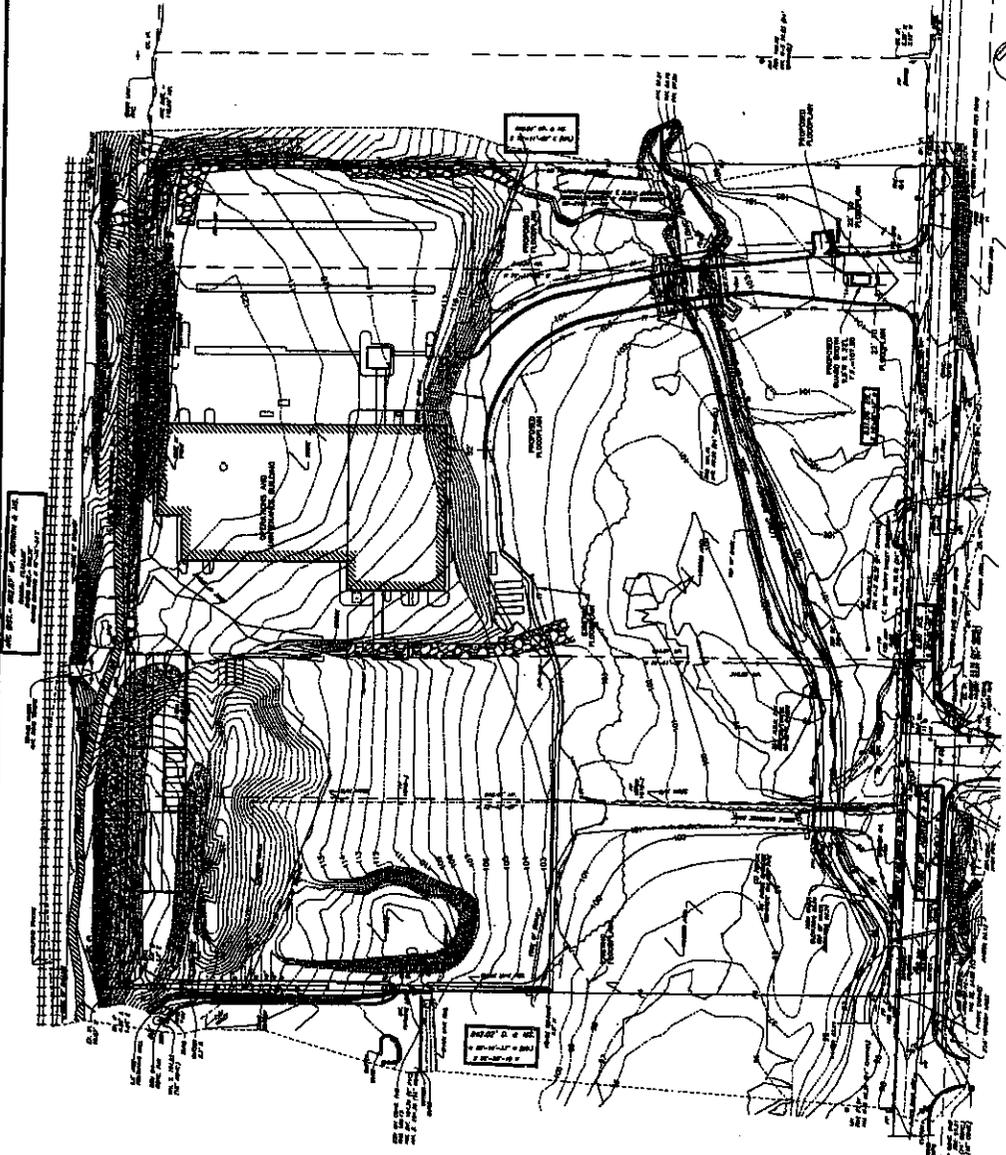


FLOODPLAIN NOTES

1. FLOODPLAIN NOTES ARE TO BE USED IN CONJUNCTION WITH THE FLOODPLAIN MAP AND THE FLOODPLAIN MAP IS TO BE USED TO DETERMINE THE FLOODPLAIN BOUNDARIES AND THE FLOODPLAIN ZONES.
2. THE FLOODPLAIN MAP IS A GENERALIZATION OF THE FLOODPLAIN BOUNDARIES AND ZONES AS DETERMINED BY THE FEDERAL GOVERNMENT AND IS NOT A GUARANTEE OF THE ACCURACY OF THE FLOODPLAIN BOUNDARIES AND ZONES.
3. FLOODPLAIN BOUNDARIES AND ZONES ARE SUBJECT TO CHANGE AND SHOULD BE CHECKED AGAINST THE FLOODPLAIN MAP AND THE FLOODPLAIN NOTES FOR THE MOST CURRENT INFORMATION.
4. FLOODPLAIN BOUNDARIES AND ZONES ARE SUBJECT TO CHANGE AND SHOULD BE CHECKED AGAINST THE FLOODPLAIN MAP AND THE FLOODPLAIN NOTES FOR THE MOST CURRENT INFORMATION.
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10. FLOODPLAIN BOUNDARIES AND ZONES ARE SUBJECT TO CHANGE AND SHOULD BE CHECKED AGAINST THE FLOODPLAIN MAP AND THE FLOODPLAIN NOTES FOR THE MOST CURRENT INFORMATION.

THIS DRAWING IS THE PROPERTY OF THE DISTRICT OF COLUMBIA AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DISTRICT OF COLUMBIA.

DATE: 10/15/03
 BY: [Signature]
 TITLE: [Title]



SCALE: 1"=60'
 0 30 60 120'

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY



DATE: 10/15/03
 BY: [Signature]

DESCRIPTION: [Description]

REFERENCE DRAWING: [Reference Drawing]

DATE	BY	DESCRIPTION

APPROVED: [Signature]

CONTRACT NO. 439601

CINDER BED ROAD BUS DIVISION
 CINDER BED ROAD LORTON, VA
 FLOODPLAIN MAP

F-800

DATE: 10/15/03

AS SHOWN

**A GLOSSARY OF TERMS FREQUENTLY
USED IN STAFF REPORTS WILL BE
FOUND AT THE BACK OF THIS REPORT**

DESCRIPTION OF THE APPLICATION

The applicant, Iskalo CBR, LLC, seeks a Special Exception to permit a regional non-rail transit facility, a driveway for uses in an I-District, and uses in a floodplain. The non-rail transit facility would be a regional bus maintenance and operations facility with capacity to store up to 160 buses, which will ultimately be owned and operated by the Washington Metropolitan Area Transit Authority (WMATA). The 2232 application has been filed in order to determine if the general location, character, and extent of the proposed facility are substantially in accord with the adopted Comprehensive Plan, as required by Va. Code Sec. 15.2-2232, as amended.

The proposed development on the site includes:

- An 80,000 square foot (SF), two-story maintenance and operations building, which will include 16 maintenance bays, administrative offices, and storage area:
- A canopy, open-sided gasoline fueling structure:
- An 18,800 SF service building, which will consist of three service lanes to clean, fuel, and service buses:
- A 200 SF guard booth at the site entrance:
- 160 bus storage parking spaces:
- 204 employee and visitor parking spaces.

The proposed use would operate 24 hours per day 7 days per week with an estimated 274 employees disbursed over three (3) shifts.

Copies of the proposed development conditions, applicant's affidavit, and applicant's statement of justification are contained in Appendices 1-3 of this report.

LOCATION AND CHARACTER

The site is located in the Lee Magisterial District, on the west side of Cinder Bed Road north of its intersection with Newington Road. The subject site is split zoned, with the front (eastern) portion of the site (5.32 acres) zoned R-1, and the rear (western) portion of the site (12.05 acres) zoned I-6. The adjacent property to the north is zoned I-6 and vacant. The adjacent properties to the east and south are zoned I-5 and developed with industrial uses, and the CSX railroad line is located to the west of the subject property.

The eastern portion of the subject site is heavily wooded and contains the Long Branch stream, which traverses this portion of the site, parallel to Cinder Bed Road. This portion of the site is also within the 100-year floodplain and Resource Protection Area (RPA) associated with Long Branch. The western portion of the site was previously developed with industrial uses, including a pre-cast concrete plant, which manufactured and stored concrete products, contractor's offices and shops, storage yards, and motor vehicle storage and impoundment facilities, which were in violation of the Zoning Ordinance. The western portion of the site is currently graded and level as required by a consent decree issued by Fairfax County in 2006, following the issuance of several zoning and environmental violations on properties along Cinder Bed Road, including the subject property.

SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Vacant	I-6	Industrial & Private Open Space
South	Wholesale, warehousing & storage (Newington, LC)	I-5	Industrial & Private Open Space
East	Hilltop Industrial Park	I-5	Industrial & Private Open Space
West	Vacant Wholesale, warehousing & storage (Schaeffer Industrial, LLC)	R-1 I-6	Industrial

BACKGROUND

Site History

On January 18, 1950, Building Permit #4738 was issued for the construction of a 40 foot by 70-foot single family dwelling on Parcel 1. There was a small stream crossing over Long Branch at this time to allow access to the dwelling. The dwelling remains occupied for residential purposes.

Rezoning application A-709 was approved, in part, by the Board of Supervisors on September 18, 1963 rezoning the western half of the subject properties from the RE-1, Residential District, and One Dwelling Unit/Acre to the I-G, General Industrial District. The eastern half of the properties remained zoned RE-1. With the implementation of the current Zoning Ordinance on August 14, 1978, the properties were rezoned from the RE-1 and I-G Districts to the R-1 and I-6 Districts. There are no proffers associated with these parcels.

In 1977, the Board of Supervisors adopted the United States Geological Service (USGS) floodplain survey and associated maps, which depicted the limits of the 100-year floodplain on the subject property. A review of the study revealed that the western limit of the 100-year floodplain as measured from the stream crossing was an additional 280 feet west of the actual crossing.

In the spring of 2001, the multi-agency Cinder Bed Road Task Force was created to address zoning violations, safety issues and other violations along Cinder Bed Road. This task force included staff from the Department of Planning and Zoning (DPZ), the Fairfax County Fire Department, the Fairfax County Police Department, and the Department of Public Works and Environmental Services (DPWES). In addition, the Virginia Department of Environmental Quality (DEQ), Department of Motor Vehicles (DMV) and the U. S. Coast Guard have also been involved for various issues. A total of 26 lots, including the subject property, were investigated in this pro-active enforcement effort. As a result of these investigations, the County filed lawsuits against a number of Cinder Bed Road property owners, many of whom are, or have been, the subject of Final Decrees.

Inspections of Parcels 1 and 2 on February 22, 2002, and July 1, 2002 revealed that Parcels 1 and 2 had been fenced into individual tenant spaces which were occupied by several different tenants operating contractors' offices and shops, storage yards and motor vehicle storage and impoundment yards. Approximately 14 structures/shacks or trailers had been erected and installed in the individual tenant spaces without the approval of a site plan, building permits or Non-RUPs. Additionally, some of the structures/shacks or trailers were established in the floodplain and the R-1 zoned portions of the parcels. A single-family detached dwelling on the property is occupied for residential purposes, a use which is not permitted in the I-6 District. A review of County records revealed that the only permits issued for the site were electrical permits. It was noted that the site had been graded and graveled and concrete had been poured in places to provide an all weather surface on which to drive trucks. Vehicles associated with the concrete mixing and batching plant located on the abutting property (which is the subject of Appeal Application A 2003-LE-001), were using the subject property for ingress and egress from the concrete plant to and from Cinder Bed Road.

By letter dated August 15, 2002, a Notice of Violation was issued to Vincent A. Tramonte, II, A. Michael Tramonte, Robert D. Tramonte and Louise Ann Caruthers, owners of Parcels 1 and 2, for allowing uses in a floodplain; clearing, grading and filling in a floodplain; operating a storage yard, a motor vehicle impoundment yard and a storage yard on the subject property; erecting and occupying structures without site plan, building permit or Non-Residential Use Permit (Non-RUP) approvals; and for installing a freestanding sign at the entrance to the property without approval of a sign permit. On October 28, 2002, by Certified Mail, the Notice of Violation was reissued to Vincent A. Tramonte, II, A. Michael Tramonte, Robert D. Tramonte and Louise Ann Caruthers. A copy of this letter is on file at the Department of Planning and Zoning.

An appeal application was filed on September 13, 2002. On September 27, 2002, the appeal application was accepted and scheduled for public hearing before the Board of Zoning Appeals (BZA) on December 10, 2002 (Appeal Application A 2002-LE-031). However, this appeal was later deferred (as described below).

On June 26, 2003, Silvio Diana, part owner of Parcels 1 and 2 and sole owner of the abutting Parcels 3A and 3B, submitted three special exception applications which encompass portions of Parcels 1, 2 and 3A and all of Parcel 3B. If approved, these special exceptions would have legitimized some of the uses on the properties that were in violation of the Zoning Ordinance. However, on June 24, 2005, the applicant decided to cease the businesses operating on the property at the time and vacate the property and these applications were withdrawn by the applicant.

On April 4, 2006, a consent decree was issued by the Circuit Court of Fairfax County, requiring Silvio Diana to cease all manufacturing and administrative operations on the subject property by August 31, 2006, and remove all uses, equipment and other items located on the subject property to a lawful site on or before October 31, 2006.

On December 1, 2006, a Rule to Show Cause was entered against Silvio Diana, based upon his failure to cease all manufacturing and administrative operations on the subject property by the deadlines set forth in the April 4, 2006 Consent Decree.

On February 7, 2007, the Circuit Court of Fairfax County issued another Consent Decree, stating that Silvio Diana owed the County of Fairfax the sum of \$30,000.00 for violating the terms of the April 4, 2006, Consent Decree. Payment of this amount was to be suspended only if Silvio Diana removed all uses, equipment, and other items from the subject property to a lawful site on or before April 16, 2007.

As of October 28, 2008, all of the violations on the subject property had been cleared.

COMPREHENSIVE PLAN PROVISIONS

Plan Area: IV
Planning District: Springfield
Planning Sector: I-95 Industrial Area, Land Unit J
Plan Map: Industrial and Private Open Space
Plan Text:

On page 26 of the Fairfax County Comprehensive Plan, 2007 Edition, Springfield Planning District, as amended through April 6, 2010, in the I-95 Industrial Area, Land Unit J, it states:

Land Use

Land Unit J

This land unit is located north of the Virginia Power easement between Cinder Bed Road and the CSX Railroad tracks. Blighted industrial parcels are present in this area. This land unit is planned for industrial uses up to .35 FAR. All development proposals should give priority to environmental reclamation and protection. Needed transportation improvements to Cinder Bed Road should be provided by a redevelopment project.

ANALYSIS

Special Exception Plat (Copy at front of staff report)

Title of SE Plat: Cinder Bed Road Bus Division
Prepared By: Wendell Duchscherer Architects & Engineers
Original and Revision Dates: July 15, 2010 as revised through December 3, 2010.

The Special Exception Plat consists of 27 sheets.

Cinder Bed Road Bus Division	
Sheet #	Description of Sheet
1 of 27	Cover sheet, Contact Information, Sheet Index, Vicinity Map
2 of 27	Existing Boundary Map
3 of 27	Existing Topography Map
4 of 27	Proposed Layout
5 of 27	Proposed Layout
6 of 27	Concept Development Data
7 of 27	Preliminary Stormwater Management/Best Management Practices Plan
8 of 27	Preliminary Stormwater Management/Best Management Practices Plan
9 of 27	Preliminary Storm Sewer Computations
10 of 27	Preliminary Stormwater Management/Best Management Practices Plan
11 of 27	Preliminary Stormwater Details – Detention Vault #1
12 of 27	Preliminary Stormwater Details – Detention Vault #2
13 of 27	Preliminary Stormwater Details – Detention Vault #3
14 of 27	Preliminary Stormwater Details – Storm Filter #1
15 of 27	Preliminary Stormwater Details – Storm Filter #3
16 of 27	Stormwater Management Narrative
17 of 27	Preliminary Outfall Analysis
18 of 27	Cinder Bed Road Profile and Plan
19 of 27	Cinder Bed Road Profile and Plan
20 of 27	Cross-Sections
21 of 27	Access Road Profile
22 of 27	Existing vegetation Map
23 of 27	Landscape Plan
24 of 27	Tree Preservation Calculations
25 of 27	Tree Protection Notes and Details
26 of 27	Site Details & Enlargements
27 of 27	Floodplain Map

Site Layout: The proposed site layout depicts a bus operations and maintenance facility consisting of three buildings, 160 bus storage spaces, and 204 employee and visitor parking spaces. The eastern (R-1) portion of the site is shown to be developed with one building, a 200 SF guard booth, a maximum of ten feet in height. This portion of the site is depicted with a driveway and bridge providing access from Cinder Bed Road. The driveway is shown to be 87 feet wide at the site's entrance at Cinder Bed Road, narrowing to 32 feet in width as it traverses the R-1 portion of the site.

The western (I-6) portion of the site depicts two buildings, all the parking on the site, along with two power transformers (4' in height), three generators surrounded by a fence and gates (6' in height), and an area for the fueling of the buses that use gasoline, with a canopy (18' in height). The operations and maintenance building (77,300 SF) is depicted in the center of this portion of the site, at a maximum of 50 feet in height. The 160 bus storage parking spaces are located to the south of the operations and maintenance building, along with six parking spaces for other WMATA vehicles. The SE Plat shows 198 employee and visitor parking spaces located to the north of the operations and maintenance building. Building B, a building for the washing of buses and fueling of buses, using Compresses Natural Gas (CNG) is depicted in the southwest section of the site, seven feet from the western property line. This building is shown at a maximum 17,000 square feet and 22 feet in height.

A retaining wall is depicted surrounding a majority of the I-6 portion of the site. The retaining wall ranges in height from 5 feet to 25 feet along the western boundary and from 8 feet to 15 feet along the eastern boundary of the I-6 portion of the site. The proposed driveway from Cinder Bed Road creates the only break in this wall along that portion of the site. An eight-foot high chain link fence is shown around a majority of the perimeter of the overall site except near the proposed guard both, where it is 10-feet in height and in the southeastern portion of the site, where there is no fence. The proposed tree save area along the eastern portion of the site will screen the view of the retaining walls on the I-6 portion of the site.

Access and Parking: Access is shown to be provided via a new proposed access road from Cinder Bed Road in the northeastern corner of the subject site. One hundred and sixty (160) bus parking space are shown to be provided in the southwestern portion of the site for WMATA Bus parking and 204 employee parking spaces are shown to be provided in the western portion of the site.

Open Space and Landscaping: The applicant proposes approximately 40% open space on the application property. The SE Plat depicts proposed landscaping along the perimeter of the property and within islands in the employee parking area. The existing vegetation in the eastern (R-1) portion of the site is to be saved and a new vegetative channel is shown to be provided in the southeast portion of the site. Proposed retaining walls, the existing vegetation, and the proposed landscaping will screen the bus parking area from view along Cinder Bed Road.

Stormwater Management: The applicant proposes to provide stormwater management measures through underground detention, and existing flow channels and a vegetated channel will be used to convey flow to the Long Branch stream. The application also proposes to provide stormwater filters to meet the Best Management Practices (BMP) requirements for the site.

Land Use / 2232 Analysis (Appendix 8)

Va. Code Sec. 15.2-2232, as amended, requires the Planning Commission to determine whether the general location or approximate location, character, and extent of the proposed facility are substantially in accord with the adopted Comprehensive Plan.

Location:

The subject property is located in the I-95 Corridor Industrial Area, in an area planned for industrial use, and is surrounded by properties planned for industrial, public facility, or private open space uses, which conforms with Plan recommendations and objectives for the I-95 Corridor Industrial Area. The applicant considered the character of the surrounding area in selecting a site for the proposed facility, consistent with Plan guidelines to locate facilities in areas of compatible land use. Although not located on or with immediate access to an arterial roadway, the proposed location will have access to the Fairfax County Parkway (and thereby to I-95) one mile to the south, via Cinder Bed Road. As no bus traffic will use Newington Road or Telegraph Road north of the Fairfax County Parkway, access for the proposed facility will be oriented to the Parkway. The proposed facility will serve most of eastern Fairfax County, and thus staff believes the location of the proposed facility is appropriate for the service area. The proposed facility will be located in the western portion of the subject property and, except for the driveway from Cinder Bed Road and guard booth, and will not be located in the Resource Protection Area associated with Long Branch, in support of Plan policies to avoid areas of environmental sensitivity. In staff's opinion, the proposed location is in accordance with Plan recommendations.

Character:

The proposed facility is proposed to be developed on blighted property on Cinder Bed Road, which staff believes is consistent with the Plan's "Concept for Future Development" for the I-95 Corridor Industrial Area to retain an overall industrial orientation and redevelop blighted industrial areas along Cinder Bed Road. Staff believes that the proposed facility will provide a stabilizing presence that will help to eradicate the blight from, and thus enhance the industrial character of, the area along this portion of Cinder Bed Road, in support of Plan guidelines. With the exception of the driveway and guard booth, the proposed facility will be located on the western portion of the subject property, which is planned for industrial use. This will minimize adverse impacts on the eastern portion of the subject property, which is planned for private open space due to Long Branch and its associated Environmental Quality Corridor and Resource Protection Area, consistent with Plan guidelines. The proposal will comply with County regulations regarding tree restoration and preservation in the RPA, in accordance with Plan recommendations. The driveway from Cinder Bed Road will cross Long Branch over a culvert that will be designed to minimize impacts on the flood plain, in support of Plan policies to minimize the adverse impacts of transportation facilities in Environmental Quality Corridors, RPAs, and other environmental resources. The applicant states that a Water Quality Impact

Assessment for storm drainage improvements will be prepared for the site plan review process. Furthermore, the applicant states that water quality controls will be provided for the proposed facility, and the applicant will coordinate with staff during the site plan review process to confirm that storm filters meet phosphorous removal requirements. A tree save area along Cinder Bed Road will provide a substantial buffer between the proposed facility and the nearest residential properties located about 1,200 feet to the northeast. Thus, staff believes that the character of the proposal supports Plan objectives.

Extent:

The applicant, Iskalo CBR, LLC, states that the proposed facility is needed due to on the aging of WMATA's support infrastructure, as well as an inability of many of WMATA's existing maintenance facilities to accommodate articulated (accordion style) buses. The applicant states the proposed facility will enhance/improve the area's mass transit system so that mass transit can continue to be an option for the public. According to the applicant, the proposed facility supports the County's goal of facilitating the increased use of mass transit in the metropolitan area, and is intended for long-term support of transit options in Fairfax County. As a maintenance and operations facility, the applicant notes that it will provide supporting facilities to help improve the speed, quality, reliability, convenience, and productivity of transit services. The proposal will comply with County requirements for stormwater detention through the use of underground vaults. Development in the eastern portion of the property has been minimized to avoid impacts to environmentally sensitive area. The site constraints create a usable "footprint" within which the proposed facility will be located, which will help minimize capital costs for the facility's development. No marine clay soils have been identified as present on the subject property. The applicant's commitments for a signal warrant study, bus traffic restrictions, road frontage improvements on Cinder Bed Road, and intersection modifications and signal timing adjustments on Backlick Road at Cinder Bed Road and the Fairfax County Parkway, respectively, are consistent with Plan guidance. Finally, results from a noise study indicate that noise levels will meet County regulations. Therefore, it is staff's opinion that the extent of the proposal conforms with Plan guidelines.

2232: Conclusion / Recommendation

Staff concludes that the current proposal by Iskalo CBR LLC, to develop a regional non-rail transit (bus maintenance and operations) facility for approximately 160 buses on Cinder Bed Road, satisfies the criteria of location, character, and extent as specified in Va. Code Sec. 15.2-2232, as amended. Staff therefore recommends that the Planning Commission find the subject Application 2232-L10-17, as amended, substantially in accord with provisions of the adopted Comprehensive Plan.

Environmental Analysis

Issue: Resource Protection Area (RPA)/Environmental Quality Corridor (EQC)

Staff from the Environment and Development Review Branch of the Department of Planning and Zoning, Planning Division noted that, the eastern portion of the subject area is located within a resource protection area (RPA) and environmental quality corridor (EQC) associated with the Long Branch stream valley. The only access proposed to the subject property is via a proposed crossing of the Long Branch stream. Staff noted that in accordance with Policy Plan guidance, the EQC should be identified, protected, and restored. Furthermore, DPWES staff also indicated that a floodplain study is required for the proposed development.

Resolution:

The applicant proposes to eliminate the previous access to the site, which also crossed the stream located on the site. The new crossing will be north of the older crossing and will provide for access for buses and other vehicles using this site. The applicant also proposes some restoration of portions of the RPA/EQC, which were previously disturbed due to the older crossing. The applicant indicates that the proposed RPA restoration is sufficient and that the proposed stream crossing will not result in any adverse impacts upstream or downstream. The applicant has submitted a floodplain study to DPWES to verify that the proposed crossing will not result in any adverse impacts upstream or downstream. While staff believes that the proposed crossing is appropriate, the applicant will be required to mitigate any impacts, as determined by DPWES, regarding any impacts resulting from the proposed crossing prior to site plan approval. If any modifications required by DPWES are not in substantial conformance with the SE Plat, and special exception amendment shall be required.

Issue: Green Buildings

The applicant has indicated that the proposed facility will be designed to meet the standards for LEED Silver certification. The applicant intends to pursue LEED-NC silver certification. Staff recommended that the applicant should provide additional information regarding their proposed approach for LEED silver certification consistent with other acceptable green building commitments.

Resolution:

The applicant has provided staff with documentation indicating that the proposed development has been registered with the United States Green Building Council (USGBC) Green Building Certification Institute. In addition, staff has proposed development conditions to address the applicant's willingness to obtain LEED Silver certification. Therefore, with the adoption of the proposed development conditions, this issue will be resolved.

Issue: Noise

The Comprehensive Plan identifies transportation generated noise impacts on residential and other noise sensitive uses as a potential concern with any new development. While the Comprehensive Plan guidance addresses mobile noise sources, staff was concerned that noise from stationary sources generated from the proposed use could also have impacts on nearby Hawthorne and Hunter Estates residential subdivisions. Therefore, staff recommended that the applicant submit a noise study in order to determine if the noise from both mobile and stationary source on the site will meet or exceed County Noise Ordinance limit of 55 dBA.

Resolution:

The applicant has submitted a noise study, which indicates that noise from the proposed development will meet the County standards. The applicant has also indicated that additional measures will be taken to ensure that onsite noise is contained to the greatest extent possible. Therefore, this issue has been resolved.

Stormwater Management /Best Management Practices Analysis

Issue: Resource Protection Area (RPA)

As previously discussed, a RPA is located on the subject property. The application depicts an encroachment into the RPA, for the purpose of providing a driveway onto the site and to provide storm drainage improvements. DPWES staff notes that driveways are an allowed encroachment in the RPA if certain conditions are met [Chesapeake Bay Preservation Ordinance (CBPO 118-2-1(d)]. However, any encroachment into the RPA requires approval of an exception (CBPO Sect. 118-6-9). Staff further noted that a site-specific, field verified RPA delineation was approved in 2004, however, if the boundary of the major floodplain changes as a result of the floodplain study prepared by the applicant, the RPA delineation will also need to be updated.

Resolution:

The applicant has submitted an updated floodplain study to DPWES for review and approval. DPWES staff has indicated that it appears that there is no reasonable alternative to access the subject property without encroaching into the RPA (Condition #1 of CBPO 118-2-1d). DPWES staff has also indicated that the alignment chosen minimizes the encroachment into the RPA (Condition #2 of CBPO 118-2-1d). The final determination regarding the encroachment into the RPA and impacts to the floodplain will be made by DPWES at the time of site plan review. If any modifications required by DPWES are not substantial conformance with the SE Plat, a special exception amendment shall be required.

Urban Forest Management Division (UFMD) Analysis

Issue Planting Requirements:

The Urban Forest Management Division (UFMD) review of this application raised comments regarding the tree planting requirements for the proposed development. UFMD staff noted that the minimum required tree preservation and canopy for this site are far exceeded. However, the SE plat shows parking lot trees located in planter strips that do not meet the minimum required planter areas or widths of 8 feet. Staff recommended that the site layout and design include planting areas within and at the periphery of the parking lot that meet the minimum planting requirements as stated Section 12-0509.4E(5) of the Public Facilities Manual .

Resolution:

The SE Plat now depicts trees within planter strips that do meet the minimum requirements of the PFM; however, the planting strips along the northern boundary of the employee parking lot and along a portion of the front of the operations and maintenance building do not meet the minimum planting requirements. At time of site plan review, these proposed parking lot trees will not receive credit toward tree cover or required parking lot landscaping.

Issue: Modification of the interior parking lot landscaping requirements.

Section 13-202 of the Zoning Ordinance states that Director or DPWES may waive or modify the interior parking lot landscaping for any use in an I district wherein vehicles are parked or stored, provided the use is screened from view of all adjacent property and all public streets.

All of the parking proposed for the use is shown to be provided on the I-6 portion of the site. In addition, a retaining wall that ranges in height from 8 feet to 15 feet is shown to be provided between the proposed parking areas and the R-1 portion of the property, which will remain vegetated except for the proposed crossing into the site, to screen the proposed parking and buildings from Cinder Bed Road, and nearby residences. Based on the tree save area, retaining wall, and location of the parking shown on the SE Plat, staff has no objections to the modification request.

Transportation Analysis (Appendix 9)

Issue: Cinder Bed Road Improvements

The Fairfax County Department of Transportation (FCDOT) have reviewed the subject application and made the following recommendations for improvements on Cinder Bed Road.

- The applicant should construct frontage improvements to Cinder Bed Road, which should measure 26-feet from the centerline, and include the provision of curb and

gutter. These improvements would match the existing improvements in the immediate vicinity of Cinder Bed Road and is in conformance with the previously approved DPWES improvement for the existing site.

- The site's northern terminus at Cinder Bed Road is deteriorated beyond adequate use. The applicant should improve the entire cross-section with fresh asphalt and curb and gutter.
- While the development of the WMATA facility should include various improvements along the site's frontage including full depth reconstruction of the pavement and transitions to the existing pavements sections outside of the site's frontage, constructed to Virginia Department of Transportation (VDOT) standards. The construction improvements, which would support daily WMATA bus traffic, should extend south, beyond the sites frontage to connect to the terminus of the VDOT Cinder Bed Road/Newington Road reconstruction realignment project.
- In lieu of a sidewalk along the site's frontage, a 5-foot wide sidewalk or a 10-foot wide asphalt trail should be provided on the opposite side of Cinder Bed Road across from the site. This will entice pedestrian activity away from the site's turning vehicles and lessen the impact to the site's tree save area.
- The applicant should design, obtain easements, and construct a traffic signal at the new intersection of Cinder Bed Road and Newington Road. Per VDOT's memo, the applicant should submit analysis to determine if extra turn lanes are warranted.

Resolution:

The applicant proposes to dedicate right-of way up to thirty-five feet from the existing centerline along the site's Cinder Bed Road frontage, and reconstruct Cinder Bed Road as two thirteen foot wide lanes (one lane in each direction) along the site's frontage with a curb and gutter section. The applicant has also agreed to construct a five foot wide concrete sidewalk directly opposite the site's frontage along the east side of Cinder Bed Road, if the sidewalk construction can be accomplished within the existing right-of-way, to provide a continuous sidewalk along that side of the street.

The applicant has also agreed to submit a traffic signal warrant study to VDOT for the realigned intersection of Newington Road and Cinder Bed Road., and construct a traffic signal at the new intersection if warranted by VDOT. Furthermore, the applicant will submit an analysis to determine if extra turn lanes are warranted at the Cinder Bed Road/Newington Road intersection.

While the applicant has not agreed to construct half-section road improvements along Cinder Bed Road to provide four lanes (two lanes in each direction) along the site's frontage, the right-of-way dedication that the applicant has agreed to provide would not preclude the construction of those road improvements in the future. Therefore, with the adoption of the proposed development conditions, staff believes this issue will be addressed.

Issue: Fairfax County Parkway and Backlick Road - Auto turns

FCDOT and VDOT have reviewed the resubmitted Auto turns analysis provided by the applicant, for both the standard 42-ft. WMATA buses and the articulated WMATA buses in comparison with the smoother turning movements, to ensure that there is sufficient pavement for the turning movements of buses. Transportation staff provided the following comments regarding the intersection of the Fairfax County Parkway and Backlick Road.

- The applicant should resubmit the auto turns analysis on a larger scale for easier viewing, and provide detail for the survey data, and submit with a clearer background. It appears from the submitted auto turns, that in some locations the bus envelope may extend beyond the roadway's pavement edge, conflict with approaching buses/lanes and not clear the existing guardrail.
- Submit the peak hour traffic volume data for both the signalized and unsignalized intersections.
- Provide intersection improvements (e.g. additional pavement widths from the existing gore area) on Backlick Road to improve the turning radius and travel paths for the WMATA buses.

Resolution:

The applicant has agreed to submit revised Auto turn diagrams to FCDOT and VDOT, prior to site plan approval, in order to determine if there is sufficient pavement for buses to make turns at the intersection of the Fairfax County Parkway and Backlick Road. If FCDOT and VDOT determine that it cannot be demonstrated that a bus can make the necessary turning movements at that intersection without extending beyond the lane in which the bus is turning, the applicant should limit the site to the storage and service of a maximum of 80 buses, until such time as additional pavement is added by others to the intersection to facilitate these turning movements to the satisfaction of VDOT. With the adoption of the associated development condition, which suggests alternate bus routing until additional pavement, is added as necessary, this issue will be addressed.

Fairfax County Park Authority (FCPA) Analysis

The FCPA reviewed the proposal and determined that this application bears no adverse impact on land or resources of the Park Authority.

Fairfax County Water Authority (Analysis)

Fairfax Water can serve the proposed use, with adequate domestic water service and fire protection available at the site from existing water main in Cinder Bed Road. Additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns, depending on the configuration of on-site water mains.

ZONING ORDINANCE PROVISIONS

In accordance with Paragraph 1 of Section 9-104 of the Zoning Ordinance, Category 1 special exception uses do not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located. However, the proposed application is in conformance with the R-1 District bulk standards.

Bulk Requirements				
Non-Rail Transit Facility				
Standard	Requirement R-1	Requirement I-6	Proposed R-1	Proposed I-6
Max. Density	.15 FAR	.50 FAR	.001 FAR (200SF)	.019 FAR (99,440 SF)
Min. Lot Area	N/A	20,000 SF	213,170 SF	525,486 SF
Min. Lot Width	150			
Max. Building Height	60 feet	75 feet	10 feet	50 feet
Min. Front Yard	50° angle of bulk plane, but not less than 40 feet	50° angle of bulk plane, but not less than 40 feet	51 feet	40+
Min. Side Yard	45° angle of bulk plane, but not less than 20 feet	No Requirement	118 feet	105 feet
Min. Rear Yard	45° angle of bulk plane, but not less than 25 feet	No Requirement	25+	7 feet
Open Space	N/A	10%	43%	
Parking	N/A	1/employee/major shift + 1/company vehicle stored on-site = 35 staff employees + 160 drivers + 160 buses = 355 spaces	0 spaces	364 spaces

OTHER ZONING ORDINANCE REQUIREMENTS:

Special Exception Requirements (See Appendix 10)

General Standards (Sect. 9-006)

Par. 1 requires that the proposed use be in harmony with the Comprehensive Plan. As described in the Land Use Analysis section, the Comprehensive Plan designates the subject property as planned for industrial uses and private open space. The application proposes to develop the I-6 portion of the site with a bus maintenance and operations facility and proposes to limit development on the R-1 portion of the site to an access road from Cinder Bed Road and a 200 SF guard booth. In addition, the application proposes to establish a tree save area and re-vegetate a previous access road on the R-1 portion of the site. Staff believes that the application is in harmony with the Comprehensive Plan recommendations for the site. Therefore, this Standard has been met.

Par. 2 requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The purpose and intent of the I-6 District is to provide areas for heavy industrial activities where the uses may require that some noise, vibration and other environmental pollutants must be tolerated, and where the traffic to and from the district may be intensive. The purpose and intent of the R-1 District is to provide for low-density residential development and to allow other uses that are compatible with the low-density residential character of the district. The application proposes a bus operations and maintenance facility, which is in harmony purpose and intent of the I-6 District. Furthermore, the application proposes to limit development in the R-1 portion of the site to an access road and a 200 SG guard booth to help screen the use from adjacent properties and to protect the stream and associated RPA on the site. The application satisfies all applicable Zoning Ordinance provisions and the proposed use is permitted in the R-1 and I-6 Districts with the approval of a special exception. With the approval of this amendment request, this standard would be met.

Par. 3 requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. It further states that the location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The application proposes to develop the site with a bus operations and maintenance facility. The proposed structures on the site are in conformance with the bulk standards for the R-1 District, and I-6 Districts. The applicant requests a modification of the interior parking lot landscaping requirements in favor of that shown on the SE Plat due to the proposed tree save area that will screen the proposed parking area and proposed retaining walls from view from Cinder Bed Road and nearby residences. With the approval of the requested modification, this standard will be met.

Par. 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The applicant proposes to complete the sidewalk connection on the east side of Cinder Bed Road to provide a safe pedestrian connection. VDOT has reviewed the projected trip counts for the proposed development and determined that the proposed use will not be hazardous to or conflict with the existing or anticipated traffic in the neighborhood. Staff has also proposed a development condition, and the applicant has agreed to conduct a traffic signal warrant study for the intersection of Cinder Bed Road and Newington Road, and construct a traffic signal if warranted by VDOT. Therefore, this standard has been met.

Par. 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. As previously discussed, the applicant requests a modification of the interior parking lot landscaping requirements in favor of that shown on the SE Plat due to the proposed tree save area that will screen the proposed parking area from view from Cinder Bed Road and nearby residences. With the approval of the requested modification, this standard will be met.

Par. 6 states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. There is no open space requirement in the R-1 District and a requirement of 10% open space in the I-6 District. The applicant proposes approximately 40% open space with the proposed development; therefore, this standard has been met.

Par. 7 states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. The proposed development will comply with County requirements for stormwater detention and best management practices through the use of underground vaults and storm filters. The land disturbance in the eastern portion of the property has been minimized to avoid impacts to environmentally sensitive area. The proposed parking satisfies the parking requirements for the proposed use. Therefore, this standard has been met.

Par. 8 states that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. Staff has proposed a development condition to ensure that all signage on the subject property is in accordance with the provisions of Article 12 of the Zoning Ordinance; therefore, with the adoption of the development conditions, this standard will be met.

9-104 Standards for all Category 1 Uses

Par. 1 states that Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located. The proposed application is in conformance with the bulk standards.

Par. 2 states no land or building in any district, except the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility. The proposed buildings that will store any equipment, or conduct any vehicle repair are located on the I-6 portion of the subject property. The locations identified for employee and bus storage parking are also located in the I-6 portion of the site; therefore, this standard has been met.

Par. 3 states that if the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location. As previously, DPWES staff has indicated that it appears that there is no reasonable alternative to access the subject property without encroaching into the RPA, in accordance with condition #1 of CBPO 118-2-1d. DPWES staff has further noted that the alignment chosen minimizes the encroachment into the RPA, in accordance with condition #2 of CBPO 118-2-1 d. The final determination regarding the encroachment into the RPA and impacts to the floodplain will be made administratively by DPWES at the time of site plan review; however, if any modifications required by DPWES are not in substantial conformance with the SE Plat, a special exception amendment shall be required. Therefore, this standard has been met.

Par. 4 states that before establishment, all uses, including modifications or alterations to existing uses, except regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA, shall be subject to the provisions of Article 17, Site Plans.

9-606 Provisions for Uses in a Floodplain

The following special exception standards apply to this application:

2-905 Use Limitations

All permitted uses and all special exception uses in a floodplain shall be subject to the following provisions:

1. Except as may be permitted by Par. 6 and 7 of Sect. 903 above, any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the Public Facilities Manual. Staff has proposed a development condition to ensure

that the applicant shall demonstrate to DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, prior to site plan approval. With implementation of this development condition, this standard will be met.

2. Except as may be permitted by Par. 8 of Sect. 903 above, the lowest elevation of the lowest floor of any proposed dwelling shall be eighteen (18) inches or greater above the water surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual. There are no dwellings proposed with this application.
3. All uses shall be subject to the provisions of Par. 1 of Sect. 602 above.

Par. 1 of Sect. 2-602 states that there shall be no filling, change of contours or establishment of any use in the floodplain except as may be permitted by the provisions of Par. 1 of Sect. 2-601 or by Part 9 of Article 2. Note #5 (Floodplain Notes) on sheet 27 of the SE Plat states that the amount of fill anticipated for the proposed development is 8,600 cubic yards. With this provision, this standard will be met.

4. No structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided. Note #6 on sheet 27 of the SE Plat states that the lowest elevations of all proposed buildings is above the 100-year floodplain elevation, therefore, no floodproofing is required. Staff has proposed a development condition to ensure that the proposed development will comply with all state and federal waterproofing requirements. With this development condition, this standard has been met.
5. To the extent possible, stable vegetation shall be protected and maintained in the floodplain. The application proposes to establish a tree save area over a majority of the R-1 portion of the property, which contains the floodplain area. Development in the R-1 portion of the site has been minimized to in order to protect the RPA, EQC, and floodplain areas on the site. In addition, staff has proposed a development condition addressing the tree preservation proposed for the site. With these provisions, staff believes that this standard has been met.
6. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in a floodplain. Staff has proposed a development condition stating that there shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain. With implementation of this development condition, this standard will be met.

7. For uses other than those enumerated in Par. 2 and 3 of Sect. 903 above, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which:
 - A. There are no other feasible options available to achieve the proposed use. As, stated previously, the entire eastern portion of the site is zoned R-1 and that is the only portion of the application property that has frontage along a public street, therefore; there is no way to access the I-6 portion of the site without providing a driveway within the R-1 portion of the site. Development in the R-1 portion of the site has been minimized to in order to protect the RPA, EQC, and floodplain areas on the site. Given these circumstances, the proposed development may be deemed appropriate.
 - B. The proposal is the least disruptive option to the floodplain. As noted above, staff believes that the applicant's proposal, which includes the establishment of tree save areas, is the least disruptive option to the floodplain.
 - C. The proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property. To be consistent with the Comprehensive Plan's objectives to protect water quality through compliance with the CBPO and to reduce potential flood hazard impacts, the applicant proposes to establish tree save areas within a majority of the R-1 portion of the site. In addition, the applicant has submitted a floodplain study for review by DPWES. The final determination on the floodplain study shall be made prior to site plan approval. With these provisions, staff believes this standard has been met.
8. Nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use provided such improvements are done in conformance with the Virginia Uniform Statewide Building Code and Article 15 of this Ordinance. A development condition is proposed which requires conformance with the Virginia Uniform Statewide Building Code and all required codes and regulations; therefore, this standard would be satisfied.
9. Nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County. This does not apply to the proposed application.
10. Notwithstanding the minimum yard requirements specified by Sect. 415 above, dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of this Part and Chapter 118 of The Code. There are no dwellings proposed with this application, therefore, this standard is not applicable.

11. All uses and activities shall be subject to the provisions of Chapter 118 of The Code. The subject site is located entirely within the Resource Protection Area (RPA) as defined by the County's Chesapeake Bay Preservation Ordinance (CBPO) and within the Environmental Quality Corridor (EQC) as designated by the Comprehensive Plan. As previously discussed, the application depicts an encroachment into the RPA, for the purpose of providing a driveway onto the site, and to provide storm drainage improvements. Driveways are an allowed use in the RPA if certain conditions are met under the Chesapeake Bay Preservation Ordinance. However, any encroachment into the RPA requires approval of an exception. A site-specific, field verified RPA delineation was approved for the subject site in 2004, however, if the boundary of the major floodplain changes as a result of the floodplain study submitted by the applicant, the RPA delineation will need to be updated. The final determination regarding the encroachment into the RPA and impacts to the floodplain will be made by DPWES at the time of site plan review. If any modifications required by DPWES are not substantial conformance with the SE Plat, a special exception amendment shall be required. Therefore, staff believes this standard will be met.

12. When as-built floor elevations are required by federal regulations or the Virginia Uniform Statewide Building Code for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate prior to approval of the final inspection. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed in addition to the Elevation Certificate. In the case of special exception uses, the Elevation Certificate shall show compliance with the approved special exception elevations. Staff has proposed development conditions, requiring elevations to be submitted on a FEMA Elevation Certificate prior to framing inspection, and conformance with the Virginia Uniform Statewide Building Code and all required codes, regulations, and floodproofing requirements. With the implementation of these conditions, this standard will be met.

9-616 Standards for Driveways for Uses in a C or I District

Par.1 states that it shall be determined that there is no other means of access is reasonably available; or the proposed access will result in a minimized traffic impact on the streets in the vicinity. The entire eastern portion of the site is zoned R-1 and that is the only portion of the application property that has frontage along a public street, therefore; there is no way to access the I-6 portion of the site without providing a driveway within the R-1 portion of the site. Therefore, this standard has been met.

Par. 2 states that it shall be determined that the proposed driveway will not unduly impact the use or development of adjacent properties in accordance with the adopted comprehensive plan. The proposed driveway will not have any impact on how the use or development potential of the adjacent properties, therefore, this standard has been met.

Summary of Zoning Ordinance Provisions

All applicable standards have been satisfied with the plat and the proposed development conditions.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

Staff finds this application for a regional non-rail transit facility for approximately 160 buses on Cinder Bed Road, a driveway for uses in and I-District, and uses in a floodplain, is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance Provisions.

Recommendations

Staff recommends that the Planning Commission find that the facility proposed under 2232-L10-017 does satisfy the criteria of location, character, and extent as specified in Sect. 15.2-2232 of the Code of Virginia and is substantially in accord with the provisions of the Comprehensive Plan.

Staff recommends approval of SE 2010-LE-017, subject to the development conditions contained in Appendix 1.

Staff recommends approval of the modification of the interior parking lot landscaping requirements to that shown on the SE Plat.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

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

APPENDICES

1. Draft Development Conditions
2. Affidavit
3. Statement of Justification
4. Copies of Special Permit 39 and the 1977 Floodplain Variance
5. Copy of Notice of Violation for Parcels 1 and 2
6. Copy of Notice of Violation for Parcels 3A and 3B
7. Consent Decree - February 7, 2007
8. Land Use/2232 Analysis; includes:
 - Attachment 1– Project Description
 - Attachment 2 – Zoning Administration Determination
 - Attachment 3 - Historic Resource Analysis
 - Attachment 4 - Environmental Analysis
 - Attachment 5 – DPWES Analysis
 - Attachment 6 – Urban Forest Management Analysis
 - Attachment 7 – Waste Water Management Analysis
 - Attachment 8 – Park Authority Analysis
 - Attachment 9 - Transportation Analysis
 - Attachment 10 –Water Authority Analysis
 - Attachment 11 –Facilities Planning Analysis
9. Transportation Analysis
10. Applicable Zoning Ordinance Standards
11. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2010-LE-017

December 28, 2010

If it is the intent of the Board of Supervisors to approve SE 2010-LE-017 located at 7901 Cinder Bed Road, Tax Map 99-2 ((3)) 1, 2, 3A, and 3B, to allow a regional non-rail transit facility, a driveway for uses in an I-District, and uses in a floodplain, pursuant to Sect. 9-101, Sect. 9-601, and Sect. 2-904 of the Fairfax County Zoning Ordinance, 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 the Non-Residential Use Permit (Non-RUP) SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved SE plat entitled Cinder Bed Road Bus Division, prepared by Wendell Duchscherer Architects & Engineers, dated July 15, 2010 as revised through December 3, 2010, containing 27 sheets, and these conditions.
5. A Hold Harmless agreement shall be executed with the County prior to approval of a grading plan for all adverse effects that may arise as a result of the location of the site within a floodplain area.
6. The determination from the US Army Corps of Engineers shall be submitted by the applicant, prior to the submission of a grading plan stating whether or not any action is required to ensure compliance with § 404 of the Clean Water Act. Any required actions shall be completed prior to commencement of any construction activity on the site, as determined by DPWES.
7. Prior to approval of a site plan, it shall be demonstrated to the satisfaction of DPWES that the proposed disturbance, when combined with all other existing, anticipated, and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream.

8. Prior to approval of the framing inspection, the applicant shall submit as-built floor elevations on a FEMA Certificate to be filed with the Residential Inspections Division, that certifies compliance with minimum federal requirements and the Virginia Uniform Statewide Building Code in effect at the time the building permit is issued.
9. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., within the floodplain.
10. The lowest elevations of all buildings shall be above the 100-year floodplain elevation.
11. All mechanical, electrical, and utility equipment shall be located at or above the 100-year floodplain elevation.
12. Erosion and sediment control measures shall be installed at all stages of construction, as determined by DPWES. A "super silt fence" shall be installed along the lower clearing and grading limits for the site. If deemed necessary by DPWES, controls shall be designed to achieve greater erosion and sediment control than that achieved by the minimum design standards set forth in the Public Facilities Manual and the Virginia Erosion and Sediment Control Handbook.
13. The architectural design, height and building materials of the freestanding sign shall be in substantial conformance with the illustrations as shown on Sheet 26 of the SE Plat.
14. Directional lighting fixtures shall be used on the site to reduce nighttime glare.
15. Buses shall use only the route along Cinder Bed Road, Backlick Road, and the Fairfax County Parkway to access and leave the subject property. No buses shall use Newington Road to access or leave the subject property.
16. The Applicant shall submit Auto-turn diagrams to FCDOT and VDOT, prior to site plan approval, at a scale of 1"=20', or as determined by FCDOT and VDOT, for the intersection of the Fairfax County Parkway and Backlick Road that include detailed surveyed information for the purpose of demonstrating to the reasonable satisfaction of FCDOT and VDOT that a bus envelope (measured from end to end) can make the necessary turning movements at that intersection without extending beyond the lane in which the bus is turning, i.e., conflicting with approaching vehicles or the existing guardrail. If such cannot be demonstrated, alternative routes of travel shall be used by buses accessing and leaving the site, until such time as additional pavement is added by others to the intersection to facilitate these turning movements to the satisfaction of VDOT. Such Auto-turn analysis and potential pavement additions shall not require the Applicant to construct additional capacity improvements at said intersection.

17. Articulated buses shall be prohibited from the site until such time that VDOT provides a written determination that there is sufficient turning area along the route traveled by buses accessing and leaving the property, to allow articulated buses.
18. Right-of-way up to thirty-five feet from the existing centerline along the site's Cinder Bed Road frontage shall be dedicated to the Board of Supervisors, in fee simple, at the time of site plan approval or within sixty (60) days upon demand by DPWES or VDOT, whichever occurs first. Advance density credit shall be reserved subject to the provisions of Par. 4 of Sect. 2-308 of the Zoning Ordinance. All ancillary easements along the Cinder Bed Road frontage of the site shall be conveyed by the Applicant, to the Board of Supervisors at the time of site plan approval or within sixty days upon demand by DPWES or VDOT, whichever occurs first.
19. The Applicant shall reconstruct Cinder Bed Road with a curb and gutter section as two thirteen-foot wide lanes (one lane in each direction) along the site's frontage, to PFM standards, as determined by DPWES.
20. A five-foot wide concrete sidewalk shall be constructed by the Applicant, along the opposite side of the site's Cinder Bed Road frontage (east side of Cinder Bed Road), to PFM standards, if such construction can be accomplished within the existing Cinder Bed Road right-of-way.
21. The Applicant shall submit a traffic signal warrant study to VDOT for the realigned intersection of Newington Road and Cinder Bed Road, no sooner than six (6) months but no later than nine months after the Cinder Bed Road garage begins operation. If the traffic warrant study determines that a traffic signal at this location is warranted due to the additional traffic associated with the Cinder Bed Road Bus Garage, then the Applicant shall design and install such traffic signal to VDOT specification. Construction of such signal shall be coordinated with FCDOT and VDOT. In lieu of installation of such signal, the Applicant may, in consultation with FCDOT and VDOT, escrow funds necessary for such signal. The amount of such funds shall be based on VDOT bonding guidelines.
22. The Applicant shall submit a scorecard of specific credits within the most current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design—New Construction (LEED[®]-NC) rating system, or other LEED rating system determined to be applicable to the building(s) by the U.S. Green Building Council, that the applicant anticipates attaining, as part of the site plan submission and building plan submission. A professional engineer or architect shall provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the scorecard meet, if ultimately approved by the U.S. Green Building Council, a range of LEED credits that is no less than the minimum credits necessary to attain LEED certification of the project, up to the minimum number of credits necessary to attain LEED "Silver" certification.

23. A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions as follows.

A. Tree Preservation: A Tree Preservation Plan and Narrative shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.

B. Tree Preservation Walk-Through. A certified arborist shall be retained, and shall mark the limits of clearing and grading with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the certified arborist shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

C. Limits of Clearing and Grading. The limits of clearing and grading shall be strictly conformed to as shown on the SE Plat, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the SE, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

D. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES.

E. Root Pruning. The roots shall be pruned, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted under the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

F. Demolition of Existing Structures. The demolition of all existing features and structures within areas protected by the limits of clearing and grading shown on the SE shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES.

G. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by the UFMD. The Applicant shall retain the services of a certified arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES.

24. Stormwater detention and water quality controls shall be provided in accordance with the PFM, as determined by DPWES.
25. An RPA Restoration Plan shall be submitted at the time of site plan submission for review by and implementation as determined by DPWES.

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 operations and maintenance 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.

SPECIAL EXCEPTION AFFIDAVIT

DATE: NOV 22 2010
 (enter date affidavit is notarized)

I, David R. Gill, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) applicant
 applicant's authorized agent listed in Par. 1(a) below 1093876

in Application No.(s): SE 2010-LE-017
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Iskalo CBR LLC Agent: Matthew S. Roland David (nmi) Chiazza Paul B. Iskalo	Harbinger Square 5166 Main Street Williamsville, New York 14221	Applicant/Contract Purchaser of Tax Map Nos. 99-2 ((3)) 1, 2, 3A, 3B
LRV-Newington LLC Agent: Vincent A. Tramonte, II	8221 Old Courthouse Road, Suite 300 Vienna, VA 22182	Title Owner of Tax Map No. 99-2 ((3)) 1, 2
SDNEWING LLC Agent: S. Dino Diana	P.O. Box 25 Ladysmith, VA 22501	Co-Title Owner of Tax Map No. 99-2 ((3)) 1, 2/Title Owner of Tax Map No. 99-2 ((3)) 3A, 3B
Washington Metropolitan Area Transit Authority (WMATA) Agent: John D. Thomas Edward M. Shepperson	600 - 5th Street, N.W. Washington, D.C. 20001	Contract Purchaser of Tax Map Nos. 99-2 ((3)) 1, 2, 3A, 3B

(check if applicable) There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.
 ** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093878

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

(NOTE: All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
McGuireWoods LLP Agents: Scott E. Adams Carson Lee Fifer, Jr. David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Sheri L. Akin Lisa M. Chiblow Lori R. Greenlief	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
M.J. Wells & Associates, Inc. Agent: Robin L. Antonucci Jami L. Milanovich	1420 Sping Hill Road, Suite 600 McLean, VA 22102	Traffic Consultant/Agents
Wendel Duchscherer Architects & Engineers, P.C. Agent: Kirk A. Burzynski Scott M. Rybarczyk David C. Duchscherer Philip D. Muse	140 John James Audubon Parkway, Suite 201 Amherst, New York 14228	Engineer/Architect/Agents

check if applicable)

There are more relationships to be listed and Par. 1(a) is continued further on a "Special Exception Attachment to Par. 1(a)" form.

SPECIAL EXCEPTION AFFIDAVIT

NOV 22 2010

DATE: (enter date affidavit is notarized)

109 3876

for Application No. (s): SE 2010-LE-017 (enter County-assigned application number(s))

1(b). The following constitutes a listing*** of the SHAREHOLDERS of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name and number, street, city, state, and zip code)

Iskalo CBR LLC
Harbinger Square
5166 Main Street
Williamsville, New York 14221

DESCRIPTION OF CORPORATION: (check one statement)

- [X] There are 10 or less shareholders, and all of the shareholders are listed below.
[] There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
[] There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF SHAREHOLDERS: (enter first name, middle initial and last name)

Iskalo CBR Upper Tier LLC, Member
Wendel CBR, LLC, Member
Iskalo Development Corp., Manager, non-member

(check if applicable) [X] There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Special Exception Attachment to Par. 1(b)

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093874

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Iskalo CBR Upper Tier LLC
Harbinger Square
5166 Main Street
Williamsville, New York 14221

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Paul B. Iskalo, Member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Washington Metropolitan Area Transit Authority
600 - 5th Street, N.W.
Washington, D.C. 20001

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Washington Metropolitan Area Transit Authority (WMATA) is a governmental entity, not a corporation.

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: NOV 22 2010
(enter date affidavit is notarized)

10938715

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

LRV-Newington LLC
8221 Old Courthouse Road, Suite 300
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Louise Ann Caruthers, Member
Robert C. Tramonte, Member
Vincent A. Tramonte, II, Member

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

SDNEWING LLC
P.O. Box 25
Ladysmith, VA 22501

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

S. Dino Diana, Trustee, Silvio Diana Living
Trust for the benefit of descendants of
Silvio Diana

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093878

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

M.J. Wells & Associates, Inc.
1420 Spring Hill Road, Suite 600
McLean, VA 22102

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

M.J. Wells & Associates, Inc. Employee
Stock Ownership Trust (ESOT). All
employees are eligible plan participants;
however, no one employee owns more than
10% of any class of stock.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Wendel Duchschere Architects & Engineers, P.C.
140 John James Audubon Parkway, Suite 201
Amherst, New York 14228

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Anthony W. McKenna
Randy D. Roeseler
Peter J. Welsby
Richard J. Hanavan

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093816

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Wendel CBR, LLC
140 John James Audubon Parkway, Suite 201
Amherst, New York 14228

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Wendel Construction, Inc.

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Wendel Construction, Inc.
140 John James Audubon Parkway, Suite 201
Amherst, New York 14228

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Anthony W. McKenna
Luigi (nmi) Rosati

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

Special Exception Attachment to Par. 1(b)

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093876

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

Iskalo Development Corp.
Harbinger Square
5166 Main Street
Williamsville, New York 14221

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

Paul B. Iskalo

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- There are 10 or less shareholders, and all of the shareholders are listed below.
- There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

NAMES OF THE SHAREHOLDERS: (enter first name, middle initial, and last name)

(check if applicable) There is more corporation information and Par. 1(b) is continued further on a "Special Exception Attachment to Par. 1(b)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093876

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number(s))

1(c). The following constitutes a listing*** of all of the PARTNERS, both GENERAL and LIMITED, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, and number, street, city, state, and zip code)
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. General Partner, Limited Partner, or General and Limited Partner)

Equity Partners of McGuireWoods LLP

- | | | |
|-------------------------|-----------------------|-----------------------|
| Alphonso, Gordon R. | Beil, Marshall H. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Belcher, Dennis I. | Busch, Stephen D. |
| Anderson, Mark E. | Bell, Craig D. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Beresford, Richard A. | Cacheris, Kimberly Q. |
| Bagley, Terrence M. | Bilik, R. E. | Cairns, Scott S. |
| Barger, Brian D. | Blank, Jonathan T. | Capwell, Jeffrey R. |
| Barnum, John W. | Boland, J. W. | Cason, Alan C. |
| Barr, John S. | Brenner, Irving M. | Chaffin, Rebecca S. |
| Becker, Scott L. | Brooks, Edwin E. | Cobb, John H. |
| Becket, Thomas L. | Brown, Thomas C., Jr. | Cogbill, John V., III |

(check if applicable) There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed. Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.*

Special Exception Attachment to Par. 1(c)

NOV 22 2010

DATE: _____
(enter date affidavit is notarized)

1093878

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

- | | | |
|-------------------------------|---------------------------|----------------------------|
| Covington, Peter J. | Goldstein, Philip (nmi) | Krueger, Kurt J. |
| Cramer, Robert W. | Grant, Richard S. | Kutrow, Bradley R. |
| Cromwell, Richard J. | Greenberg, Richard T. | La Fratta, Mark J. |
| Culbertson, Craig R. | Grieb, John T. | Lias-Booker, Ava E. |
| Cullen, Richard (nmi) | Harmon, Jonathan P. | Lieberman, Richard E. |
| de Cannart d'Hamale, Emmanuel | Harmon, T. C. | Little, Nancy R. |
| De Ridder, Patrick A. | Hartsell, David L. | Long, William M. |
| Dickerman, Dorothea W. | Hayden, Patrick L. | Manning, Amy B. |
| DiMattia, Michael J. | Hayes, Dion W. | Marianes, William B. |
| Dooley, Kathleen H. | Heberton, George H. | Marks, Robert G. |
| Dorman, Keith A. | Horne, Patrick T. | Marshall, Gary S. |
| Downing, Scott P. | Hosmer, Patricia F. | Marshall, Harrison L., Jr. |
| Edwards, Elizabeth F. | Hutson, Benne C. | Marsico, Leonard J. |
| Ensing, Donald A. | Isaf, Fred T. | Martin, Cecil E., III |
| Ey, Douglas W., Jr. | Jackson, J. B. | Martin, George K. |
| Feller, Howard (nmi) | Jarashow, Richard L. | Martinez, Peter W. |
| Fennebresque, John C. | Johnston, Barbara C. | Mason, Richard J. |
| Foley, Douglas M. | Kanazawa, Sidney K. | Mathews, Eugene E., III |
| Fox, Charles D., IV | Kannensohn, Kimberly J. | Mayberry, William C. |
| France, Bonnie M. | Katsantonis, Joanne (nmi) | McCallum, Steven C. |
| Freedlander, Mark E. | Keenan, Mark L. | McDonald, John G. |
| Freeman, Jeremy D. | Kennedy, Wade M. | McElligott, James P. |
| Fuhr, Joy C. | Kilpatrick, Gregory R. | McFarland, Robert W. |
| Gibson, Donald J., Jr. | King, Donald E. | McIntyre, Charles W. |
| Glassman, Margaret M. | King, Sally D. | McLean, J. D. |
| Glickson, Scott L. | Kittrell, Steven D. | McRill, Emery B. |
| Gold, Stephen (nmi) | Kratz, Timothy H. | Muckenfuss, Robert A. |

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

Special Exception Attachment to Par. 1(c)

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093876

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)

McGuire Woods LLP
1750 Tysons Boulevard, Suite 1800
McLean, VA 22102

(check if applicable) The above-listed partnership has no limited partners.

NAMES AND TITLES OF THE PARTNERS: (enter first name, middle initial, last name, and title, e.g., General Partner, Limited Partner, or General and Limited Partner)

Muir, Arthur B.
Murphy, Sean F.
Neale, James F.
Nesbit, Christopher S.
O'Grady, Clive R.
O'Grady, John B.
O'Hare, James P.
Oakey, David N.
Oostdyk, Scott C.
Padgett, John D.
Pankey, David H.
Parker, Brian K.
Phears, H. W.
Plotkin, Robert S.
Potts, William F., Jr.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.
Rakison, Robert B.
Reid, Joseph K., III
Richardson, David L.
Riegle, Gregory A.
Riley, James B., Jr.
Riopelle, Brian C.

Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rosen, Gregg M.
Rust, Dana L.
Satterwhite, Rodney A.
Scheurer, P. C.
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane W.
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Skinner, Halcyon E.
Slone, Daniel K.
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.
Stone, Jacquelyn E.
Swan, David I.

Tackley, Michael O.
Tarry, Samuel L., Jr.
Thornhill, James A.
Van der Mersch, Xavier G.
Vaughn, Scott P.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. L., Jr.
Walker, John T., IV
Walsh, James H.
Watts, Stephen H., II
Werlin, Leslie M.
Westwood, Scott E.
Whelpley, David B., Jr.
White, H. R., III
White, Walter H., Jr.
Wilburn, John D.
Williams, Steven R.
Wilson, Ernest G.
Wilson, James M.
Wren, Elizabeth G.
Young, Kevin J.
Younger, W. C.

(check if applicable) There is more partnership information and Par. 1(c) is continued further on a "Special Exception Attachment to Par. 1(c)" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093876

for Application No. (s): SE 2010-LE-017
(enter County-assigned application number(s))

1(d). One of the following boxes **must** be checked:

In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) There are more interests to be listed and Par. 2 is continued on a "Special Exception Attachment to Par. 2" form.

SPECIAL EXCEPTION AFFIDAVIT

DATE: NOV 22 2010
(enter date affidavit is notarized)

1093870

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

Carson Lee Fifer, Jr. of McGuireWoods LLP donated in excess of \$100 to Sharon Bulova.
Jonathan P. Rak of McGuireWoods LLP donated in excess of \$100 to Sharon Bulova.
Gregory A. Riegle of McGuireWoods LLP donated in excess of \$100 to Sharon Bulova.

NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) There are more disclosures to be listed and Par. 3 is continued on a "Special Exception Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

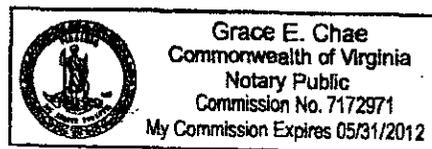
(check one) Applicant Applicant's Authorized Agent

David R. Gill, Esquire
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 22nd day of November 2010, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012



RECEIVED
Department of Planning & Zoning
JUN 04 2010
Zoning Evaluation Division

**STATEMENT OF JUSTIFICATION
FOR
SPECIAL EXCEPTION APPLICATIONS
Iskalo CBR LLC on behalf of the Washington Metropolitan Area Transit
Authority (WMATA)
June 2010**

Pursuant to Sections 9-401 and 9-601 of the Fairfax County Zoning Ordinance, dated August 14, 1978, as amended (the "Ordinance"), Iskalo CBR LLC on behalf of WMATA (together, the "Applicant"), hereby requests approval of the following special exception (SE) requests: to permit a regional non-rail transit facility, to permit a driveway for uses in an I District and to permit uses in a floodplain (fill and bridge). The properties on which these uses are proposed are identified as Fairfax County Tax Map References 99-2((3))1, 2, 3A, and 3B. A concurrent 2232 application has also been filed.

EXECUTIVE SUMMARY

These special exception requests are intended to permit development of a critical regional bus maintenance and operations facility off of Cinder Bed Road in the Lorton area of Fairfax County. Iskalo CBR LLC is the developer of the project which will ultimately be owned and operated by WMATA. The property is zoned heavy industrial and could accommodate a wide variety of industrial uses by-right, including a bus garage. However an identical type of facility operated by a regional entity, such as WMATA, must receive special exception approval, thus the need for this application. Also included are minor special exception requests for driveway uses in a residential district which serves an industrial use and for uses in the floodplain. These second two requests are necessary to accommodate a design that will minimize the impact of the facility.

The proposed bus operations and maintenance facility is appropriately located in an area planned and zoned for heavy industrial uses. The neighboring properties are similarly zoned and developed. In fact the County already operates a similar facility just to the south of the site, which was developed by-right with no additional review. By comparison this proposed facility has not only been subject to the review and scrutiny mandated by the WMATA Compact, including a public hearing, but will also be subject the extensive and rigorous review created by the special exception process, which we believe will result in a better outcome for the community, Fairfax County and the applicant.

The approval of this application will also result in significant environmental benefits, including the preservation of a sensitive RPA and inclusion of environmentally sound Best Management Practices. Both of which will be

important steps toward stopping the further degradation of the Long Branch Stream. Further, consistent with WMATA's long-term regional view, the facility is designed and intended to achieve the LEED Silver Certification. Lastly, this facility is also critical to the long-term support of transit options in Fairfax County and may be a key component in supporting transit for jobs associated with the Base Realignment and Closure (BRAC) Act.

LOCATION

The properties are located on the west side of Cinder Bed Road in the Lee Magisterial District and contain a total of 17.4 acres. Lots 1, 2 and 3A are split-zoned I-6 in the rear portion of the properties and R-1 in the front portion, fronting on Cinder Bed Road. Lot 3B is zoned I-6 in its entirety. Adjacent to the north of the properties is land zoned I-6 and currently vacant. To the south is property zoned I-5 and developed with industrial and office uses (Tavares Concrete Company). The properties across Cinder Bed Road to the east are zoned I-5 and are developed with the Hilltop Industrial Park. To the west is the active CSX railroad line.

The properties have two very distinct areas: the eastern portion of the properties is heavily wooded and contains Long Branch Stream, which traverses the R-1 zoned land, parallel to Cinder Bed Road. This portion of the properties is within the 100-year floodplain and designated as Resource Protection Area (RPA) associated with Long Branch. The Applicant previously coordinated with the Army Corps of Engineers through a Joint Permit Application which revealed an area of wetlands in the eastern floodplain adjacent to Long Branch. The western portion of the properties is graded and level as part of a prior consent decree with Fairfax County, which is discussed further below. Except for the entrance, the entire facility will be located on this western portion of the site.

BACKGROUND

The subject properties have been developed with various industrial uses since the 1960's. In the early 2000's, the County took action to require remediation of several zoning and environmental violations on many of the properties along Cinder Bed Road, including the subject properties. A consent decree for the remediation of violations on the properties was issued in 2006 and as of October 2008, all violations had been cleared. The properties are now under contract to Isaklo CBR LLC, who proposes to develop the properties with a bus maintenance facility which will eventually be owned and operated by WMATA.

The WMATA Board operates under the terms of the Washington Metropolitan Area Transit Authority Compact, an agreement created in 1967 to serve and protect the interests of Compact members in Maryland, Virginia and Washington, D.C. The existing bus maintenance facilities are a key element of the WMATA system and provide daily service to a large bus fleet. Currently there are three bus maintenance facilities in Virginia: Four Mile Run; West Ox; and Royal Street. A recent study, the FY 2011 - FY 2020 Capital Needs Inventory, highlighted one of the more urgent deficiencies in the WMATA system: the aging of the support infrastructure at a time of expanding services and increasing ridership of trains and buses. The report states:

Seven of the ten bus garages in the Metro system are at, or near, their practical storage capacity. The three garages with storage capacity are not located near demand centers, meaning that large dead-head operating costs would result if overflow buses were assigned to these garages. Additionally, many of the maintenance facilities are not designed to handle articulated buses.

With the completion of the Metro Matters expansion bus program, it is expected that the District of Columbia and Virginia garages will be overcrowded. By 2011, only one additional storage space will be available at existing bus garages. When considering the additional storage for the buses necessary to meet growing demand (estimated at over 300 buses), the bus garage capacity becomes critical.

The clear need to address the aging of the support infrastructure has led WMATA to explore new approaches to the development of support facilities such as public-private ventures. The proposal at Cinder Bed Road will be one such venture. Pursuant to the WMATA Compact, WMATA is required to conduct a public hearing in order to add a new facility to the Mass Transit Plan within the Metropolitan Transit Zone. Pursuant to the Compact, WMATA is also required to address the potential impacts of a proposed facility such as the bus operations facility. An "Environmental Evaluation for the Cinder Bed Road Bus Operations and Maintenance Facility" was prepared for consideration of the WMATA Board and the public, the purpose of which was to provide information regarding the potential effects of the proposed facility on the human and natural environment.

A public hearing to obtain comment on the proposed facility and the Environmental Evaluation was conducted in July of 2009 and the WMATA Board of Directors approved the addition of the bus facility site to the WMATA Mass Transit Plan on September 24, 2009. Additionally, the requirements outlined by the National Environmental Policy Act (NEPA) for the project were performed and the project has received a Categorical Exclusion from the U.S. Department of Transportation Federal Transit Administration (FTA).

SPECIAL EXCEPTION REQUESTS

In order to develop this critical facility, the Applicant is requesting approval of three special exception applications in order to develop the proposed bus maintenance facility. They are described below:

- Category 4 SE Use – Regional non-rail transit facility;
- Category 6 SE Use – Driveways for uses in a C or I District to allow the access driveway to cross the R-1 portion of the subject properties from Cinder Bed Road to the I-6 portions of the properties; and
- Category 6 SE Use – Uses in a floodplain to allow above referenced driveway to cross the floodplain and the bridge to span Long Branch in the front portion of the site.

DESCRIPTION OF SPECIAL EXCEPTION PLAT

The SE plat shows the proposed bus maintenance facility in the western portion of the property. The facility will consist of:

- an enclosed two-story maintenance and operations building of approximately 80,000 gross square feet which will include 16 maintenance bays, administrative offices, and storage;
- a canopy, open-sided gasoline fueling structure;
- a service building of approximately 18,800 square feet, which will consist of three run-through service lanes to clean, fuel and service the buses. Fueling will be diesel with accommodation for Compressed Natural Gas (CNG) fueling in the future;
- a guard booth of approximately 200 square feet at the primary entrance;
- bus storage parking for up to 160 buses; and,
- associated employee parking (approximately 216 spaces).

To enhance site safety, the bus fleet and the employee vehicle parking area are physically separated. An elevated pedestrian walkway will link the employee parking lot with the second floor of the operations building to accommodate bus movements in and out of the maintenance bays.

Development in the eastern portion of the site has been minimized to avoid potential impacts to identified water resources (Long Branch) which include floodplain, wetlands and Resource Protection Area (RPA). The only development within this area will be the road connecting the facility to Cinder Bed Road. To minimize impact, only a single access point through the RPA is proposed. Furthermore, the existing abandoned entrance will be returned to a natural state via a vegetated channel.

Stormwater management will be provided through underground detention. Existing flow channels and a vegetated channel will be used to convey flow to Long Branch. Stormwater filters will be used to meet the BMP requirements for water quality. Landscaping is provided along the perimeter of the property and on islands in the automobile parking area. A modification of the interior parking lot landscaping for the site is requested pursuant to Par. 5 of Sect. 13-202 which indicates that the Director, DPWES, can modify such requirement for a use in an I District where vehicles are parking or stored provided the use is screened from view of adjacent properties. The retaining walls, existing topography and proposed landscaping will screen the bus parking area from view. Existing vegetation in the RPA will be preserved where possible, resulting in over 40% of the site remaining in open space.

The following information is provided pursuant to Section 9-011 of the Fairfax County Zoning Ordinance:

- A. Type of operation: regional non-rail transit facility (bus maintenance/storage facility which include a driveway through a residential district and fill in the floodplain);
- B. Hours of operation: 24 hours a day;
- C. Number of patrons: N/A;
- D. Number of employees: Estimated 274 employees disbursed over three shifts;
- E. Estimate of traffic impact: Because of the nature of the facility, there will be minimal impact to peak-hour traffic on the surrounding road system, and much less impact than a comparable sized "by-right" industrial use. In fact, the facility does not even generate enough peak-hour traffic to trigger a 527 review by VDOT. That said, the applicant will be completing a traffic study for review by the Fairfax County Department of Transportation;
- F. Vicinity or general area to be served by the use: Primarily WMATA Bus Routes in Fairfax County;

- G. Architectural compatibility: The design for the building (Operations and Maintenance, Fuel, Wash) is proposed to incorporate facades comprised of precast concrete panels with brick masonry bands, punched windows with clear glazing. Most maintenance and wash bay overhead doors will have clear glazing. Proposed roof systems are anticipated to be a combination of flat roofs and sloped roofs with clear-glazed clerestory. The guard booth is proposed to be a pre-manufactured, metal-sided, flat roof unit. The gasoline canopy is anticipated to be a flat roof with metal spandrels;

Consistent with WMATA's commitment to the environment, the Applicant intends to apply for a LEED Silver Certification for the proposed facility;

- H. Hazardous and toxic substances: The environmental conditions and regulatory status of these properties from the prior industrial use indicated that the redevelopment to a bus operations and maintenance facility is appropriate and, in fact, an ideal re-use. The properties have been admitted into the VDEQ Voluntary Remediation Program. Site redevelopment may require the implementation of a comprehensive soils and materials management plan during construction redevelopment. During construction, a set of oil/water separators will be installed as well. Further, as part of the WMATA Compact public hearing process, an extensive environmental evaluation was conducted and the FTA has determine that the actions for the project qualify for a categorical exclusion under the requirements of the National Environmental Policy Act (NEPA) requirements; and
- I. Statement of conformance: To the best of the Applicant's knowledge, the proposed use conforms to the provision of all applicable ordinances, regulations, adopted standards, and any applicable conditions.

CONFORMANCE WITH THE ZONING ORDINANCE PROVISIONS

The proposed uses satisfy the following standards for approval specified in the Zoning Ordinance:

SECT. 9-403, Additional Submission Requirements for All Category 4 Uses

1. Included with this submission is the resolution from the WMATA Board of Directors authorizing the inclusion of this location as a bus maintenance facility in the Mass Transit Plan.

2. Also included is the Categorical Exclusion from the FTA authorizing the use under the National Environmental Policy Act (NEPA).
3. A full description of noise impacts is included in the Special Exception General Standard and the Standards for all Category 4 Uses discussion of this statement. The preliminary noise and vibration assessment that was conducted for the property indicated that no mitigation measures were necessary.
4. N/A

SECT. 9-404, Standard for All Category 4 Uses

1. The bulk regulations for the I-6 and the R-1 District are met on the properties.
2. N/A.
3. The standard that all maintenance, repair and mechanical work, except in emergencies, shall be performed in enclosed buildings is acknowledged.
4. The noise impacts of buses starting their engines and from maintenance garage operations on the project site will be minimal due to the distance to the nearest neighborhood (1,200 feet), and due to the fact that the developed area of the site is located approximately 400 feet from the front lot line and is extensively buffered by the mature trees and vegetation along Long Branch.

The noise impacts of buses leaving the facility will also be minimal because vehicles will be restricted to moving south on Cinder Bed Road to Backlick Road. At that intersection they will turn west onto Backlick for one block and then move onto the Fairfax County Parkway. There are no neighborhoods adjacent to that route, and in fact there is an existing similar facility for County Bus operations located on the same section of Cinder Bed Road. A preliminary noise and vibration assessment was conducted which concluded that the maximum noise levels (Lmax) at the two closest receptor sites, Hawthorne subdivision and Hunter Estates subdivision were below the Fairfax County maximum level of 55.

5. N/A.
6. N/A.
7. N/A.
8. Acknowledged that WMATA operated facilities are not expressly subject to Article 17, Site Plans, but rather shall be established in conformance with the provisions of the agreement between WMATA and the County (the WMATA Compact).

SECT.9-616, Additional Standards for Driveways for Uses in a C or I District

1. A. The properties are split zoned with the R-1 portion of the property lying between the I-6 and the properties' public road frontage, Cinder Bed Road. The driveway has been located so as to create the least environmental impact to Long Branch. Keeping the driveway in the I-6 zoning area would

require disturbance to mapped wetlands and established vegetation. Locating the road as proposed is the best environmental option.

B. Cinder Bed Road is the only access point on a public road. The traffic analysis indicates that the peak hour for this use does not coincide with the peak hour for the surrounding street system, as the peak hour for the bus garage operation is prior to the peak hours for the surrounding system. Minimal traffic impact is anticipated from this use.

2. The proposed driveway location will not impact the use or development of adjacent properties with industrial uses as shown on the Comprehensive Plan. All of the surrounding properties have public road frontage on Cinder Bed Road.

SECT. 9-905, Use Limitations for Uses in the Floodplain

1. The 100-year floodplain level up and downstream has been calculated in accordance with the provisions of the Public Facilities Manual and the proposed driveway and bridge will not increase the water surface elevation about the 100-year level.
2. N/A.
3. Acknowledged.
4. Adequate flood-proofing will be provided for any structures constructed in the floodplain that require flood-proofing.
5. The Applicant acknowledges that stable vegetation shall be protected and maintained to the extent possible in the installation of the driveway and bridge.
6. No herbicides, pesticides, or toxic or hazardous substances will be stored in the floodplain.
7. A. There is no other feasible option outside of the floodplain for the location of the driveway given that the floodplain spans the site's public road frontage.

B. The driveway has been located so as to create the least disruption to the floodplain, wetlands, and existing vegetation. Keeping the driveway entirely in the I-6 portion would require significant disturbance to mapped wetlands and established vegetation. Locating the road as proposed is the best environmental option.

C. With the approval of the special exception for the regional non-rail transit facility for which the driveway is required, the Applicant will commit to preservation of the RPA area, thus conforming to the Comprehensive Plan for the properties.
8. Acknowledged.
9. Acknowledged.
10. N/A.

11. Acknowledged.
12. N/A.

SECT. 9-006, General Standards for Special Exceptions

1. The proposed use is in harmony with the adopted Comprehensive Plan. The properties are located within Land Unit J of the I-95 Industrial Corridor Planning Sector of the Springfield Planning District. The Plan text indicates the properties are planned for industrial use up to .35 FAR. The Plan also recommends that priority be given to environmental reclamation and protection and necessary transportation improvements on Cinder Bed Road.

The Comprehensive Plan map indicates the rear portion of the property is planned for industrial uses and the front portion as private open space. The proposed industrial use is in harmony with the Plan text and map designations. The preservation of the RPA area and the environmentally sensitive design of the crossing of the RPA are in harmony with the goal of reclamation and protection of the area's environmental resources. Preservation of the environmental area, as shown on the SE plat, is in harmony with the private open space designation on the Plan map.

The Transportation section of the Policy Plan contains many references to the need to reduce reliance upon the automobile in Fairfax County and to provide supporting facilities for the transit system to help improve the speed, quality, reliability, convenience and productivity of the transit service. ("Policy Plan, Transportation, Board of Supervisors Goal and Countywide Objectives and Policies, Objective 2: Policies f, and h").

The Environmental section of the Policy Plan encourages the use of green building techniques and water and energy conservation ("Policy Plan, Environment, Board of Supervisors Goal and Countywide Objectives and Policies, Objective 13"). The goal of attaining a LEED Silver Certification will result in the implementation of many of the suggested practices listed under Objective 13.

2. The Zoning Ordinance states that the I-6 District was established "to provide areas for heavy industrial activities with minimum performance standards where the uses may require that some noise, vibration and other environmental pollutants must be tolerated, and where the traffic to and from the district may be intensive. This district is intended for use by the largest manufacturing operations, heavy equipment, construction and fuel yards, major transportation terminals and other basic industrial activities required in an urban economy." The proposed use falls at or below the intensity level envisioned for this district. It is noted that a bus storage and inspection yard is a use by-right in I-6 with the exception of those yards operated by WMATA. Further, the development, as proposed, meets all of the bulk regulations for

the I-6. The preservation of the environmentally sensitive areas of the site is also in keeping with the intent of R-1 District for uses compatible with low intensity development.

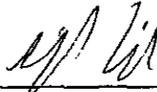
3. The proposed use will be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties. The neighboring properties are similarly zoned and planned for heavy industrial uses. There will be no adverse visual impacts to surrounding properties. The visual and aesthetic conditions along Cinder Bed Road would remain essentially unchanged with the exception of the access road. The area between Cinder Bed Road and the proposed developed portion of the properties is heavily treed. As discussed elsewhere in this statement and below in response to Standard 4, the traffic associated with this use will peak at a time other than the peak hour for the surrounding road system and will be a minimal percentage increase over the projected baseline traffic anticipated for the area. The result is that a 527 traffic study is not required and that traffic generated will be less than many comparable "by-right" industrial uses. Noise impacts have been discussed in this statement and will not create an adverse impact for residential properties in the vicinity.
4. The Applicant will agree to development conditions which restrict the routes to be utilized by the Metro buses in order to avoid certain roads and intersections. WMATA is committed to using only the route along Cinder Bed Road, Backlick Road and the Fairfax County Parkway to access the facility.
5. There is no transitional screening requirement for this use. However because of security concerns and WMATA's commitment to ensuring public safety, the property will be fenced with an 8-foot high chain link fence, including barb wire on the north, west and south sides.
6. Open space of 43 percent is provided which exceeds the minimum requirement.
7. Adequate utility, drainage, parking and loading is provided.
8. Signs shall be provided in accordance with Article 12 of the Zoning Ordinance.

CONCLUSION

For the reasons discussed above, the proposed bus operations and maintenance facility is in conformance with WMATA Compact, the Comprehensive Plan and consistent with County's long-stated goal of supporting transit options throughout the County. Thus, this site is ideal for the proposed use and will ensure a safe and environmentally-sensitive design that supports

WMATA's mission for decades to come. Therefore, the Applicant respectfully requests the approval of these Special Exception applications.

Respectfully submitted,



David R. Gill
McGuireWoods LLP

The Chairman announced that the next item on the agenda was the public hearing on the application of American Stone, Inc. (Peter Arban) (S. P. 39) for permission to operate and maintain a cast stone plant to be located on the westerly portion of Lot 3A, Happy Valley Subdivision, located on the west side of Route 637, approximately 1/2 mile north of Route 741, bounded on the west by the R. F. & P. Railroad, in Lee Magisterial District. He asked who desired to speak to this matter. (Supervisor Wilkins left the Board Room at 5:10 P.M. and Supervisor Parrish returned at the same time.)

Mr. Roy Zimmerman said he was representing American Stone, Inc. and that they were asking for this special use permit in order to operate and maintain a precast stone plant on this site. He said the property is presently zoned I-G with the exception of the easterly 300 feet which is in the RE-1 classification. He went on to say that the process they would use consisted of mixing and pouring cement and aggregates into molds; that they would employ 12 persons in this operation; that the equipment to be used for the manufacture of their products would consist of a crane inside the building, three movable concrete mixers, two trucks and one forklift. He said their present location is in Arlington County; however, the lease on that site will soon expire and they were desirous of locating in Fairfax County, and he asked the Board to grant the request.

The Chairman asked if there was any opposition and hearing none he then called for the reports of the Planning Commission and Planning Staff to be read and both reports recommended that the application be granted as requested on condition that there would be no smoke from this operation; that it would be operated under conditions as stated by the applicant, and that there would be no access to the operation via Cinderbed Road.

Supervisor Moss moved that the application be granted as recommended by both the Planning Staff and Planning Commission. This motion was seconded by Supervisor Parrish and carried by a vote of six, Supervisor Wilkins being out of the room when this action was taken and the following resolution was adopted:

**RESOLUTION GRANTING USE PERMIT FOR
PRECAST (STONE) CONCRETE PLANT AND RELATED USES
(Special Permit No. 39)**

WHEREAS, American Stone, Inc. has heretofore filed with this Board its written application for permission under Section 30-68 of the Zoning Ordinance to permit a precast (stone) concrete plant and related uses located on the west side of the road known as Route 637 in Lee Magisterial District, Fairfax County, Virginia, described as follows:

October 2, 1963

354

The westerly portion of Lot 3A in Happy Valley Subdivision, located on the West side of Route 637, approximately 1/2-mile north of Route 741, bounded on the West by the R.F.&P. Railroad.

WHEREAS, the said application, having been found by this Board to be in proper form and accompanied by the required map or blueprint and the receipt showing payment of the fee required to be paid at the time of the filing thereof, was promptly referred to the County Planning Commission of this County for its investigation and a report of its recommendations thereon, and was duly advertised for public hearing thereon before this Board in the manner and for the time required by the Zoning Ordinance of this County, as amended, and by Chapter 415, Acts of Assembly of Virginia, 1938; and,

WHEREAS, said public hearing on said application has been this day held, and said Board has considered the recommendations of said County Planning Commission, duly filed, and the evidence presented in connection with said application at the public hearing, and has reached its decision on said application. Now, therefore, be it

RESOLVED, that the said application be, and the same hereby is, approved subject to the following conditions:

1. That the equipment to be used in the manufacture of said precast (stone) plant will consist of the following: Crane inside of building; three movable concrete mixers (electric) with a total capacity of 20 cubic feet; two trucks; and one forklift.
2. That the items to be manufactured are to be concrete beams, window sills, and similar items; no item so manufactured to exceed 20 feet in length.
3. That concrete for manufacture of these items will be used out of a bag so that dust and dirt will be nil.
4. That the aggregate for such items will be brought in at intervals of about three to four times per week.
5. That there will be no smoke from this operation.
6. That there will be no drainage problem created from this operation.
7. That there will be no access via Cinderbed Road, and, be it further

RESOLVED, that the Zoning Administrator of the County be and he hereby is, directed to correct the Zoning Map heretofore adopted as a part of the Zoning Ordinance to properly show such change as may be deemed necessary in connection with this permitted use, and that the Clerk of this Board be, and she now hereby is, directed to transmit duly certified copies of this resolution to the applicant, Zoning Administrator and to the Director of Planning of this County as soon as possible.

// Chairman Leigh said he noticed that Mr. Robert Duncan had returned to the room and he asked if he had been in touch with his client.

Mr. Duncan said he had not been able to reach his client; however, he had talked to his secretary and that the name under which the permit should be issued is Ja-Mar Corporation. (Supervisor Wilkins returned at 5:30 P.M.)

Mrs. J. Robert Shaffer said she realized that the public hearing was over; however, she would like to express opposition to this request. She said she feared this would be a dirty, noisy business and both she and her husband were

October 3, 1963

American Stone, Incorporated
2813 Jefferson Davis Highway
Arlington, Virginia

Gentlemen:

I enclose herewith copy of resolution adopted by the Board of County Supervisors at its meeting on Wednesday, October 2, 1963, granting the application of American Stone, Inc. to permit a precast (stone) concrete plant and related uses in Lee Magisterial District.

Very truly yours,



Edna A. Bickler
Clerk

lm

cc: Mr. Herbert F. Schumann ✓
cc: Mr. John W. Ferguson
cc: Mr. J. H. Lambert

presented in connection with said application at the public hearing, and has reached its decision on said application. Now, therefore, be it

RESOLVED, that the said application be, and the same hereby is, approved subject to the following conditions:

1. That the equipment to be used in the manufacture of said precast (stone) plant will consist of the following: Cranes inside of building; three movable concrete mixers (electric) with a total capacity of 20 cubic feet; two trucks; and one forklift.
2. That the items to be manufactured are to be concrete beams, window sills, and similar items; no item so manufactured to exceed 20 feet in length.
3. That concrete for manufacture of these items will be used out of a bag so that dust and dirt will be nil.
4. That the aggregate for such items will be brought in at intervals of about three to four times per week.
5. That there will be no smoke from this operation.
6. That there will be no drainage problem created from this operation.
7. That there will be no access via Ginderbed Road, and, be it further

RESOLVED, that the Zoning Administrator of the County be and he hereby is, directed to correct the Zoning Map heretofore adopted as a part of the Zoning Ordinance to properly show such change as may be deemed necessary in connection with this permitted use, and that the Clerk of this Board be, and

At a regular meeting of the Board of County Supervisors of Fairfax County, Virginia, held in the Board Room in the County Office Building at Fairfax, Virginia, on the 2nd day of October, 1963, the following resolution was adopted:

**RESOLUTION GRANTING USE PERMIT FOR
PRECAST (STONE) CONCRETE PLANT AND RELATED USES
(Special Permit No. 39)**

WHEREAS, American Stone, Inc. has heretofore filed with this Board its written application for permission under Section 30-68 of the Zoning Ordinance to permit a precast (stone) concrete plant and related uses located on the west side of the road known as Route 637 in Lee Magisterial District, Fairfax County, Virginia, described as follows:

The westerly portion of Lot 3A in Huppy Valley Subdivision located on the West side of Route 637, approximately 1/2 mile north of Route 741, bounded on the West by the R.F.&P. Railroad.

WHEREAS, the said application, having been found by this Board to be in proper form and accompanied by the required map or blueprint and the receipt showing payment of the fee required to be paid at the time of the filing thereof, was promptly referred to the County Planning Commission of this County for its investigation and a report of its recommendations thereon, and was duly advertised for public hearing thereon before this Board in the manner and for the time required by the Zoning Ordinance of this County, as amended, and by Chapter 415, Acts of Assembly of Virginia, 1938; and,

WHEREAS, said public hearing on said application has been this day held, and said Board has considered the recommendations of said County Planning Commission, duly filed, and the evidence

*Received by
Marianne
Oct 15 1963*

she now hereby is, directed to transmit duly certified copies of this resolution to the applicant, Zoning Administrator and to the Director of Planning of this County as soon as possible.

A Copy - Tests:

Edna A. Bickeler
Clerk of said Board

The subject property as well as that adjoining it on the south is zoned in the I-G classification. This site is bounded on the west by the RF&P Railroad. On the west side of the Railroad is another tract zoned in the I-G classification. On this tract is located an asphalt mixing plant.

Under these conditions the Staff considers this application a reasonable one and recommends its approval.

Recommendation of the Planning Commission:

For reasons included in the Staff report the Commission recommends that the application be approved. Those present and voting in favor of the application were: Messrs. Eggleston, Hartwell, Price, Williams, Smith, Hess, Mrs. Dalton and Mrs. Wilkins.

September 27, 1963

MEMORANDUM

TO: Carlton C. Massey, County Executive

FROM: H. F. Schumann, Jr., Acting Director of Planning

There follows a report relative to matters herein listed appearing on the Agenda of the Board of County Supervisors for Wednesday, October 2, 1963:

3:15 - Public hearing on application of AMERICAN STONE, INC. (Peter Arban) (S.P. 39) to operate and maintain a cast stone plant to be located on the westerly portion of Lot 3A, Happy Valley Subdv., located on the W. side of Rt. 637, approx. 1/2 mi. N. of Rt. 741, bounded on the W. by the RF&P RR, in Lee Magisterial District

Recommendation of the Planning Staff:

Section 30-68 of the County Zoning Ordinance specifies that a concrete mixing or batching plant "shall require the approval of the Board of County Supervisors and the prior submission of a report and recommendation to the Board by the County Planning Commission". This same section requires the same procedure with respect to "any other similar use which in the opinion of the Board of County Supervisors might be injurious or noxious by reason of odor, fumes, dust, vibration, noise or other cause".

This matter is before the Board since it may be construed that the cast stone plant proposed on the site is one which might be similar to a concrete mixing or batching plant operation. At the Planning Commission meeting representative of the applicants stated that this would be a small operation and described it as one that makes concrete beams, window sills, etc. to be delivered to a job site. It was further stated that this plant will be for architectural concrete and that the largest item to be made would be about 20 ft. in length. The only machines to be used here would be slightly larger than those used at home. All machines will be inside a building. Concrete will be used out of a bag so that dust and dirt will be practically nil. Aggregate will be brought in at intervals of about three to four times per week. One crane and one fork lift will be used. There will be no smoke nor will there be any drainage problem. Access to the operation will not be via Cinderbed Road inasmuch as the stream crossing between the site would not carry truck traffic.

R. T. & P. R.R.

(5-6)

$\Delta = 1^{\circ} 23' 56" T = 209.05'$ Ch. 418.06'

Rad. = 17,123.80 Arc = 418.07

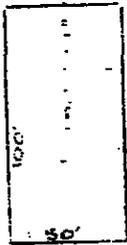
16' R/W for outlet road

THIS R/W TO BE USED
AS ACCESS TO AND
FROM PLANT



Existing
1 Story Frame Dwelling
to be used as office

LOT 3A
8.134 AC.



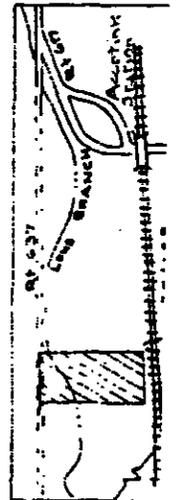
PROPOSED
MASONRY
BUILDING
18' HIGH

N 13° 24' W 434.77'

Storm Drainage Easement

S 75° 11' 35" E - 848.34'

N/F J. H. RAGSDALE
RE-1 (NATURAL RESOURCE
ZONE 2)



VICINITY
SCALE: 1" = 100'

February 22, 1977

of 950 feet of 12-inch water main in Burke Lake Road to provide water supply adequate for domestic and fire protection purposes to Burke Village Subdivision.

//

REZONING APPLICATION 76-D-102 (JACK W. & JOHN H. CARNEY)

On motion of Supervisor Magazine, seconded by Supervisor Shacochis and carried by a vote of seven, Supervisor Alexander abstaining and Supervisor Pennino being absent, the Board granted the request of John T. Hazel, Jr., attorney for Jack W. and John H. Carney, for a deferral of the public hearing on Rezoning Application 76-D-102 until November or December, 1977.

//

OCCUPANCY PERMIT - POHICK CHURCH HISTORIC DISTRICT

On motion of Supervisor Magazine, seconded by Supervisor Shacochis and carried by a vote of seven, Supervisor Alexander abstaining and Supervisor Pennino being absent, the Board denied the request of Messrs. Charles Monday and Donald Scott for an occupancy permit to conduct a retail business in the Pohick Church Historic District.

//

VARIANCE ON PORTION OF ACCOTINK CREEK FLOOD PLAIN

On motion of Supervisor Magazine, seconded by Supervisor Shacochis and carried by a vote of seven, Supervisor Alexander abstaining and Supervisor Pennino being absent, the Board granted the request of T.D. Fraley & Sons, Incorporated for a flood plain variance to permit storage of construction supplies and equipment on a portion of the Long Branch (Newington) of Accotink Creek Flood Plain on Lots 3A and 3B, Happy Valley, provided that the following conditions were met by the applicant: (1) that the proposed shed flood level be elevated to or above the 100-year flood level; (2) that items such as oils, salts, limes, etc.; which in times of flooding could cause pollution problems, not be stored on this property; and (3) that the standard "Hold Harmless" Agreement be executed by the applicant.

//

WATER MAIN EXTENSION, ROXANN ROAD, DEWEY PARK SUBDIVISION

On motion of Supervisor Magazine, seconded by Supervisor Shacochis and carried by a vote of seven, Supervisor Alexander abstaining and Supervisor Pennino being absent, the Board approved the request of the Water Authority for the installation of 115 feet of 8-inch water main in Roxann Road to provide domestic and fire protection to the Dewey Park Subdivision.

//

February 22, 1977

The engineer has proposed to set the shed floor level at elevation 107, which is approximately the 25-year flood level. Staff recommends that the Board approve this variance only on the condition that this shed level be elevated to or above the 100-year level of 108.3.

ENCLOSED DOCUMENT: Map of subject property.

STAFF: Stuart T. Terrett, Director,
Design Review Division,
Department of Environmental
Management.

ADMIN. 4. Request for Flood Plain Variance to Permit Storage of Construction Supplies and Equipment on a Portion of the Long Branch (Newington) of Accotink Creek Flood Plain - Lots 3A and 3B of Happy Valley (Lee District).

ISSUE: Request of T. D. Fraley & Sons, Inc. for flood plain variance to permit storage of construction supplies and equipment on Lots 3A and 3B, Happy Valley.

RECOMMENDATION: I recommend that the Board grant this request for flood plain waiver providing that the following conditions are met by the applicant:

- o that the proposed shed floor level be elevated to or above the 100-year flood level.
- o that items such as oils, salts, limes, etc., which in times of flooding could cause pollution problems, not be stored on this property.
- o that the standard "Hold Harmless" agreement be executed by the applicant with the County.

TIMING: As soon as possible.

BACKGROUND: T. D. Fraley & Sons, Inc., a brick mason contractor, has presented a request to erect a 1,000 sq. ft. shed and fence in an area of approximately 2/3 acre on the east side of the Long Branch (Newington) of the Accotink Creek Flood Plain for the purpose of storing construction equipment and supplies (brick, block, etc.). This area is to be entirely enclosed by a 6 ft. high chain link fence.

Ms. Goodwin of the Stream Valley Board had reviewed this request and has no objection to its approval, provided that precautions are taken that possible pollutants such as oil and chemicals are not stored on the property. In addition, Mr. Coleman, the County Soil Scientist, has reviewed the site; although he expressed concern regarding the possible hydraulic affects of the proposed fencing, the developer's engineer has submitted data to show that this proposal should not adversely affect the water surface level on larger flooding events.

#21
Admin. 4

D. E. Strickhouser -
Acting Director
Environmental Management

February 23, 1977

Ted Wessel, Executive Assistant
to the County Executive

Flood Plain Variance to Permit Storage of Construction Supplies
and Equipment on a portion of the Long Branch of Accotink Creek
Flood Plain - Lots 3A and 3B of Happy Valley

On February 22, the Board of Supervisors granted the
applicant's request for a flood plain waiver providing that the
following conditions are met by the applicant:

- o that the proposed shed floor level be elevated
to or above the 100-year flood plain level.
- o that items such as oils, salts, limes, etc., which
in times of flooding could cause pollution problems,
not be stored on this property.
- o that the standard "Hold Harmless" agreement be
executed by the applicant with the County.

Don, will you please notify the applicant of the Board's
action granting the approval with the conditions mentioned.

TJW/prw



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING
Zoning Administration Division
Zoning Enforcement Branch
12055 Government Center Parkway, Suite 829
Fairfax, Virginia 22035-5508

V I R G I N I A

(703) 324-1300

Fax (703) 803-6372

October 28, 2002

Robert C. Tramonte
105 N. Cherry Street
Falls Church, VA 22046-3519

Certified Mail
Receipt Requested
Receipt #7099 3400 0008 0168 8490

Re: 7909 & 7915 Cinder Bed Road, Lorton, Virginia 22079
Happy Valley Subdivision, Lots 1 & 2
Tax Map Ref: 99-2 ((3)) 1 & 2
Zoning Districts: I-6 & R-1

Dear Mr. Tramonte:

A zoning inspection of Lots 1 and 2 (hereinafter referred to as "the properties") by County staff on February 22, 2002, and July 1, 2002, reveals that there are improvements and uses on these properties which are in violation of the Fairfax County Zoning Ordinance..

On September 18, 1963, the Fairfax County Board of Supervisors approved, in part, Rezoning Application A-709 that rezoned on the western half of these properties from the RE-1 to the I-G District. The eastern half of these properties, consisting largely of floodplain remained zoned RE-1 District. On August 14, 1978, the properties were rezoned from the I-G to the I-6 and the RE-1 to the R-1 District as part of the implementation of the current Zoning Ordinance.

The inspections verified that these split-zoned properties are occupied by several different tenants operating contractor offices and shops, storage yards, and motor vehicle storage and impoundment yards. These uses are permitted in the I-6 zoned portion of this site, provided that all County requirements have been met. None of these uses are permitted on the R-1 zoned portion of the property. In addition, approximately 43% or 3.0 acres of the properties is located within the 100-year floodplain of Long Branch. Some of the above-referenced uses namely storage yards and motor vehicle storage and impoundment yards also occupy a portion of this floodplain which has been cleared, filled, and graded.

A floodplain is defined in Article 20 of the Zoning Ordinance as:

Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e., the 100-year flood frequency event) and having a drainage area greater than seventy (70) acres. For the purpose of administering Part 9 of Article 2, Floodplain Regulations, minor floodplains shall be those floodplains which have a drainage area greater than 70 acres but less than 360 acres.

Floodplains shall include all areas of the County which are designated as a floodplain by the Federal Insurance Administration, by the United States Geological Survey or by Fairfax County. Areas designated, as floodplains by the Federal Insurance Administration shall not have their base flood elevations altered without prior approval from the Federal Insurance Administration.

Par. 2 of Sect. 2-602 of the Zoning Ordinance limits the establishment of uses in a floodplain and specifies that:

There shall be no filling, change of contours or establishment of any use in any floodplain except as may be permitted by the provisions of Par. 1 of Sect. 2-601 above, or Part 9 below.

Part 9 of Article 2 of the Zoning Ordinance, Floodplain Regulations, requires the approval of either the Director of the Department of Public Works and Environmental Services (DPWES) or the Fairfax County Board of Supervisors for any use established in a floodplain. A copy of these provisions is enclosed for your reference. A review of County records indicates that there have been no approvals for any uses or the filling or grading in the floodplain on this property. Allowing the development and uses in the floodplain on this property absent this approval is a violation of Par. 2 of Sect. 2-602 of the Zoning Ordinance.

Approximately 57% of the properties is not located in the 100-year floodplain of Long Branch. However, within this portion there has been clearing and grading for an area in excess of 2500 square feet. Land disturbing activities, which exceed 2500 square feet in area, require approval by the Director of DPWES of a grading plan. The records maintained by DPWES and the Department of Planning and Zoning (DPZ) have shown that there has been no approvals of a site plan, plans and profiles for a subdivision or a grading plan for the clearing, grading and filling that has occurred on these properties. This is a violation of Paragraphs 1, 2 and 3 of Sect. 2-601 of the Zoning Ordinance, which states:

1. Sod and soil may be removed from or added to any lot to a depth of not more than eighteen (18) inches but only in an area not exceeding 2500 square feet; provided, however, that this provision shall not apply to the temporary storage of top soil by plant nurseries and further provided that any sod and soil removal or addition within a major underground utility easement shall only be permitted in accordance with Sect. 515 above. In a floodplain, sod and soil may be removed in accordance with this paragraph, however, the addition of sod and soil shall only be permitted in accordance with the provisions of Part 9 below, or

2. Removal, dumping, filling, or excavation necessary for construction shall be permitted when such is in accordance with an approved site plan or approved plans and profiles for a subdivision; or
3. Grading of land shall be permitted in accordance with a grading plan approved by the Director. The Director shall determine that the amount of soil removal or fill and proposed grading is necessary for the establishment of a use permitted in the zoning district in which located, and that the grading plan shall provide for even finished grades which meet adjacent properties' grades and do not substantially alter natural drainage, and which plans include siltation and erosion control measures in conformance with the provisions of Chapter 104 of The Code; or

A storage yard is defined in Part 3 of Article 20 of the Zoning Ordinance as:

The use of any space, whether inside or outside a building, for the storage or keeping of construction equipment, machinery, vehicles or parts thereof, boats and/or farm machinery.

A motor vehicle storage and impoundment yard is defined in Part 3 of Article 20 of the Zoning Ordinance as:

An area designed for the temporary storage of wrecked and/or inoperable and/or abandoned motor vehicles, but not to include the dismantling, wrecking or sale of said vehicles or parts thereof.

A storage yard and/or a motor vehicle storage and impoundment yard are uses not allowed by right, special permit or special exception in the R-1 zoned portion of this property. Allowing the establishment of these uses in the R-1 zoned portion of the property is in violation of Paragraphs 4 and 5 of Sect. 2-302 of the Zoning Ordinance. These provisions specify respectively that:

No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied, except for a use that is permitted in the zoning district in which the structure or land is located.

and

No use shall be allowed in any district which is not permitted by the regulations for the district.

Within the area of the site zoned I-6, the contractor offices and shops, storage yards, and motor vehicle storage and impoundment yards may be permitted provided the uses have site plan approval, which is required for all uses in the I-6 District. The lack of site plan approval is a violation of Par. 3 of Sect. 17-103, Uses Requiring a Site Plan or Minor Site Plan, which states:

Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below:

All permitted uses in the I districts.

The inspection also verified that, except for what is believed to be a 50 year old single family dwelling on the I-6 zoned portion of the property, there are approximately 14 sheds, shacks, office trailers or other structures that have been constructed or located on the property absent the Zoning Administrator's approval of Building Permit applications. This is a violation of Sect. 18-601 which states:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

A Non-Residential Use Permit is also required for the occupancy or use of any structure or premises, in accordance with Sect. 18-701 of the Zoning Ordinance. This section specifies:

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

Research of County records indicates that there are no Non-Residential Use Permits that have been approved for the uses and tenants that currently occupy this property. This use and occupancy of the property without a valid Non-Residential Use Permit is a violation of Sect. 18-701 of the Zoning Ordinance.

The inspection also revealed the existence of a freestanding sign at the entrance of the property. The installation and display of signs, which are accessory uses, are regulated by

Article 12 of the Zoning Ordinance. Par. 1 of Sect. 12-301 and Par. 3 of Sect. 12-102 specify respectively, that:

Except as otherwise provided herein, no sign shall be erected, altered, refaced or relocated unless a sign permit has been approved by the Zoning Administrator.

and

No sign, except for those signs listed in Sect.[12-]103 below, shall be painted, constructed, erected, remodeled, relocated, or expanded until a sign permit for such sign has been obtained in accordance with the provisions of Part 3 below.

No sign permit has been submitted or approved, by this office for the freestanding sign installed near the entrance to property. This is a violation of Par. 9 of Sect. 2-302 of the Zoning Ordinance which requires that:

No sign shall hereafter be erected, built or displayed and no existing sign shall be moved, remodeled, altered or enlarged unless such sign complies, or will thereafter comply, with the provisions of Article 12

Therefore, you, as the owner of this property, are in violation of Par. 2 of Sect. 2-602, Paragraphs 4, 5 and 9 of Sect. 2-302, Paragraphs 1, 2 and 3 of Sect. 2-601, Par. 3 of Sect. 17-103, Sect. 18-601, and Sect. 18-701 of the Fairfax County Zoning Ordinance. You are hereby directed to clear these violations within sixty (60) days of receipt of this Notice. Compliance can be accomplished by:

- Ceasing all uses in the R-1 zoned portion of the site; and
- Obtaining approval of a restoration plan by DPWES and restoring the 100-year floodplain; and
- Ceasing all uses in the floodplain and removing all uses, vehicles, vehicle parts, signs, trailers, buildings, areas of poured concrete, structures, junk and debris, and scrap metal from the floodplain until such time as you have received approval from the Director of DPWES or the Board of Supervisors; and
- Ceasing any land disturbing activities on the property and submitting to and obtaining approval of a grading plan from the Director of DPWES; and
- Removing the freestanding sign; and

- Submitting to and obtaining approval from the DPWES of a site plan for the permitted uses on the property; and
- Submitting to and obtaining approval of Building Permits for all structures located on the property; and
- Subsequent to approval of a site plan and any necessary Building Permits, obtaining approval of a Non-Residential Use Permit for all uses and tenants on the property;

You may have the right to appeal this notice of zoning violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a \$210.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision before the BZA.

Failure to comply with this notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance. Should you have any questions regarding this notice or need additional information, please do not hesitate to contact me at (703) 324-1341 or (703)-324-1300

Sincerely,



Joseph A. Bakos
Assistant Branch Chief

Enclosure: A/S

JAB/GB/jlm



FAIRFAX COUNTY

DEPARTMENT OF PLANNING AND ZONING

Zoning Administration Division
Zoning Enforcement Branch

12055 Government Center Parkway, Suite 8
Fairfax, Virginia 22035-55

V I R G I N I A

(703) 324-1300

Fax (703) 803-6372

December 13, 2002

Mr. Silvio Diana
c/o American Stone, Inc.
7901 Cinder Bed Road
Newington, Virginia 22122

Certified Mail
Return Receipt Requested
Receipt # 7099 3400 0008 0168 9039

Re: 7901 & 7828 Cinder Bed Road
Happy Valley, Lots 3A and 3B
Tax Map Ref: 99-2 ((3)) 3A, 3B
Zoning Districts: I-6, R-1
Special Permit No. 39

Dear Mr. Diana:

The purpose of this letter is to advise you of violations of the Fairfax County Zoning Ordinance on the above-referenced properties regarding noncompliance with the conditions of the Special Permit No. 39 issued for the operation of a precast (stone) concrete plant at 7901 Cinder Bed Road as well as other violations on the above-referenced properties.

On October 2, 1963, the Fairfax County Board of Supervisors approved Special Permit No. 39 subject to conditions which allowed the operation of a precast (stone) concrete plant and related uses on the western portion 7901 Cinder Bed Road. A copy of the Board of Supervisors' resolution approving Special Permit No. 39, which includes these conditions, is enclosed. In 1964, Site Plan No. 470 was approved for the physical layout of the plant and infrastructure located at 7901 Cinder Bed Road. On February 19, 1964, Building Permit application # P-19777 for the construction of the plant facility was approved and on September 10, 1964, Certificate of Occupancy # A-2072 was approved to allow the use of this site in accordance with the special permit.

On February 22, 1977, the Board of Supervisors approved a floodplain variance for T. D. Fraley and Sons, Incorporated, which allowed on 2/3 of an acre, on portions of 7901 and 7828 Cinder Bed Road, the storage of construction materials, a shed and perimeter fencing, subject to several conditions among which was a requirement that the applicants execute a "Hold Harmless" Agreement. We can find no documentation that this approval was ever implemented. On March 9, 1978, and February 13, 1984, site plan waivers Nos. 6704 and 4090, respectively, were approved by the Department of Environmental Management, now known as the Department of Public Works and Environmental Services (DPWES), to allow two separate 1,200 square foot additions to the plant located at 7901 Cinder Bed Road without site plan approval.

In August 1978, the current Zoning Ordinance was implemented and the western portion of the above-referenced property at 7901 Cinder Bed Road, which was subject to Special Permit No. 39, was rezoned to the I-6 District. The eastern portion of the property, not included as part of Special Permit No. 39, was rezoned to the R-1 District. The property located at 7828 Cinder Bed Road was rezoned in its entirety to the I-6 District. With the implementation of the 1978 Zoning Ordinance, a precast (stone) concrete mixing or batching facility became a special exception use in the I-6 District requiring approval of the Board of Supervisors. In accordance with Par. 2 of Sect. 15-101, as the existing use was established prior to the current requirements for special exception approval, the use may be continued but can not be expanded or enlarged without approval of a special exception by the Board of Supervisors. Therefore, until such time as a special exception is approved, any use of the above-referenced property for a precast (stone) plant must be in conformance with Special Permit No. 39 and its associated conditions.

Inspection of the above-referenced properties on October 11, 2002, revealed that the operation of the concrete precast (stone) facility at 7901 Cinder Bed Road is not being conducted in compliance with the conditions of Special Permit No. 39. Specifically, the approved special permit and associated special permit plat allowed the plant to be located on and use only the western most portion of 7901 Cinder Bed Road (Lot 3A). Inspections of the property verified that products manufactured at the plant, equipment, vehicles, related materials and waste products are stored on and have been located eastward into the 100 year floodplain of Long Branch, onto the R-1 zoned portion of the property, north onto abutting 7828 Cinder Bed Road, southward into the floodplain, and on the R-1 zoned portion of and along the western perimeter of 7909 and 7915 Cinder Bed Road (These properties are the subject of a separate Notice of Violation). In addition, the storage of liquid petroleum gas was also observed in the Long Branch floodplain on both 7828 and 7901 Cinder Bed Road. The storage, maintenance, refilling, and painting of compressed gas containers associated with the storage of the liquid petroleum gas were also observed occurring on the R-1 zoned portion of 7901 Cinder Bed Road and the I-6 zoned portion of 7828 Cinder Bed Road.

The inspections allowed a comparison of the special permit conditions and the actual operation of this use. The following differences were observed as follows:

- *Condition #1 The equipment to be used in the manufacturing of said precast (stone) plant will consist of the following: Crane inside of building; three movable concrete mixers (electric) with a total capacity of 20 cubic feet; two trucks and one forklift.*

Approximately seven cranes are in operation at this site including: one crane located in the original plant building, two cranes located in the additions to the plant, three mobile cranes used on the grounds of the site and one fixed position crane located along the eastern and southern perimeter of the plant. Two stationary concrete mixers are operational inside the plant. In addition to several trucks, four forklifts, one bobcat equipped with a loader, and approximately five transport trailers were observed stored either on 7901 or 7828 Cinder Bed Road. Several other transport trailers were also stored in the floodplain at 7909 and 7915 Cinder Bed Road.

- *Condition # 2 That the items to be manufactured are to be concrete beams, window sills, and similar items; no item so manufactured to exceed 20 feet in length.*

Various precast concrete architectural products manufactured onsite were observed and exterior wall panels were measured at lengths ranging from 20 to 35 feet.

- *Condition # 3 That the concrete for manufacture of these items will be used out of a bag so that dust and dirt will be nil.*

Some bag concrete, used for special orders, is delivered onsite. Otherwise, the majority of the concrete is delivered by tanker trucks to the plant and pumped into storage tanks. Dust is a byproduct of the movement of products on the graveled or natural surfaced storage areas at these properties, and the mixing, at this plant, of concrete, aggregates, sand and admixtures also affect air quality.

- *Condition # 6 That there will be no drainage problem created from this operation*

A drainage problem has been created at the site. Surface runoff, which was to flow between the subject properties, has been intercepted at the western boundaries of 7901 and 7828 Cinder Bed Road and trenched onto the joint property line with 7824 Cinder Bed Road. Additionally, uncontrolled runoff from a portion of 7901 and all of the runoff from 7828 Cinder Bed Road flow toward a stream crossing established in the floodplain at 7901 Cinder Bed Road and then drain directly into Long Branch. No plan or permits have been found modifying the surface runoff or authorizing the upgrading of this stream crossing.

- *Condition # 7 That there will be no access via Cinder Bed Road.*

Ingress and egress to and from the site is from Cinder Bed Road via a separate stream crossing established at 7915 and internally crossing 7909 Cinder Bed Road. In addition, a double gated fence located in the floodplain and on the R-1 District portion of 7901 Cinder Bed Road, is seldom used, but provides direct access onto Cinder Bed Road.

Par. 2 of Sect. 8-004, Status of Special Permit Uses, states as follows:

2. Once established, the use shall be conducted in substantial conformance with the permit, any conditions or restrictions imposed by the BZA, and all other requirements of this Ordinance. Except as may be permitted under Paragraphs 3 and 4 below, no use shall be enlarged, expanded, increased in intensity or relocated and no condition of the special permit shall be modified unless an application is made and approved for an amendment to the special permit in accordance with Sect. 014 below or a new special permit is approved.

Therefore as your use of the above-referenced property is in noncompliance with the above cited conditions of Special Permit No. 39, the use of the property is in violation of Par. 2 of Sect. 8-004.

The expansion of the use of the precast (stone) concrete plant onto I-6 zoned property at 7828 Cinder Bed Road, which is not subject to the conditions of Special Permit No. 39, constitutes expansion of the precast (stone) concrete plant use without special exception approval. Therefore, you are in violation of Par. 2 of Sect. 2-304 of the Zoning Ordinance, which states:

2. No use existing prior to the effective date of this Ordinance which is allowed within a particular zoning district only by special exception by the provisions of this Ordinance, shall be replaced or enlarged except in accordance with the provisions of Sect. 15-101.

As noted, the precast (stone) concrete plant use approved as part of Special Permit No. 39 has been enlarged and expanded to include portions of the land located eastward into the 100 year floodplain of Long Branch at 7901 Cinder Bed Road (Lot 3A) and 7828 Cinder Bed Road (Lot 3B) and southward into the floodplain and along the western perimeter of 7909 and 7915 Cinder Bed Road. In addition, the storage of liquid petroleum gas was also observed in both the Long Branch floodplain on the both 7901 Cinder Bed Road (Lot 3A) and 7828 Cinder Bed Road (Lot 3B). A precast (stone) concrete plant and the storage of liquid petroleum gas is only allowed in the I-6 District with approval of a special exception. Allowing the establishment of these uses on property zoned I-6 without a special exception is in violation of Par. 1 of Sect. 2-304 of the Zoning Ordinance which states as follows:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

In addition, a precast (stone) concrete plant use and the storage of liquid petroleum gas are uses not permitted in the R-1 District. Allowing the establishment of these uses on property zoned R-1 is in violation of Paragraphs 4 and 5 of Sect. 2-302 of the Zoning Ordinance which reads as follows:

4. No structure shall hereafter be built or moved, and no structure or land shall hereafter be used or occupied, except for a use that is permitted in the zoning district in which the structure or land is located.

5. No use shall be allowed in any district which is not permitted by the regulations for the district.

As noted, there are portions of the precast (stone) concrete plant use which have been expanded eastward into the 100 year floodplain of Long Branch at 7901 Cinder Bed Road (Lot 3A) and 7828 Cinder Bed Road (Lot 3B) and southward into the floodplain and along the western perimeter of 7909 and 7915 Cinder Bed Road. In addition, the storage of liquid petroleum gas and use of associated structures was also observed in both the Long Branch floodplain on both 7901 Cinder Bed Road (Lot 3A) and 7828 Cinder Bed Road (Lot 3B).

A floodplain is defined in Part 3 of Article 20 of the Zoning Ordinance as follows:

Those land areas in and adjacent to streams and watercourses subject to continuous or periodic inundation from flood events with a one (1) percent chance of occurrence in any given year (i.e., the 100-year flood frequency event) and having a drainage area greater than seventy (70) acres. For the purpose of administering Part 9 of Article 2, Floodplain Regulations, minor floodplains shall be those floodplains which have a drainage area greater than 70 acres but less than 360 acres.

Floodplains shall include all areas of the County which are designated as a floodplain by the Federal Insurance Administration, by the United States Geological Survey or by Fairfax County. Areas designated as floodplains by the Federal Insurance Administration shall not have their base flood elevations altered without prior approval from the Federal Insurance Administration.

Par. 2 of Sect. 2-602 of the Zoning Ordinance limits the establishment of uses in a floodplain. This provision specifies that:

There shall be no filling, change of contours or establishment of any use in any floodplain except as may be permitted by the provisions of Par. 1 of Sect. 2-601 above, or Part 9 below.

Part 9 of Article 2 of the Zoning Ordinance, Floodplain Regulations, requires the approval of either the Director of DPWES or the Board of Supervisors for any use established in a floodplain. A copy of these provisions is enclosed for your reference. A review of County records indicates that there have been no approvals for any uses in the floodplain on this property. Allowing the development and uses in the floodplain on this property absent this approval is a violation of Par. 2 of Sect. 2-602 of the Zoning Ordinance.

The storage of vehicles, products, equipment, structures and waste associated with the operation of this precast (stone) concrete plant and the liquid petroleum storage use has resulted in the grading and disturbance of land in an amount exceeding 2,500 square feet. A grading plan approved by the DPWES is required for any land disturbing activity exceeding 2,500 square feet in area. Therefore, the land disturbance which has occurred on these properties is a violation of Paragraphs 1 and 3 of Sect. 2-601, which state:

No soil shall be removed from or added to any lot in any zoning district except in accordance with one of the following provisions:

1. Sod and soil may be removed from or added to any lot to a depth of not more than eighteen (18) inches but only in an area not exceeding 2500 square feet; provided, however, that this provision shall not apply to the temporary storage of top soil by plant nurseries and further provided that any sod and soil removal or addition within a major underground utility easement shall only be permitted in accordance with Sect. 515 above. In a floodplain, sod and soil may be removed in accordance with this paragraph, however, the addition of sod and soil shall only be permitted in accordance with the provisions of Part 9 below, or
3. Grading of land shall be permitted in accordance with a grading plan approved by the Director. The Director shall determine that the amount of soil removal or fill and proposed grading is necessary for the establishment of a use permitted in the zoning district in which located, and that the grading plan shall provide for even finished grades which meet adjacent properties' grades and do not substantially alter natural drainage, and which plans include siltation and erosion control measures in conformance with the provisions of Chapter 104 of The Code; or

The pattern of natural runoff between 7901 and 7828 Cinder Bed Road has been changed as a result of the expansion of a stream crossing, other clearing in the floodplain and the expansion of this use onto 7828 Cinder Bed Road without approval of the Director of DPWES. No controls have been installed to reduce or prevent sediment from this expansion of the use at 7901 and 7828 Cinder Bed Road from flowing directly into Long Branch. This is a violation of Paragraphs 1 and 2 of Sect. 2-602 and Sect. 2-603, which state:

1. Notwithstanding the provisions of Sect. 601 above, no building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course, width or elevation of any natural or other drainage channel, in any manner that will obstruct, interfere with, or change the drainage of such land, taking into account land development that

may take place in the vicinity under the provisions of this Ordinance, without providing adequate drainage in connection therewith as determined by the Director in accordance with the provisions of the Public Facilities Manual.

2. There shall be no filling, change of contours or establishment of any use in any floodplain except as may be permitted by the provisions of Par. 1 of Sect. 601 above, or Part 9 below.

and

For the purpose of alleviating harmful and/or damaging effects of on-site erosion and siltation on neighboring downhill and/or downstream properties during and after development, adequate controls of erosion and sedimentation of both a temporary and permanent nature shall be provided by the property owner during all phases of clearing, filling, grading and construction. Plans and specifications for such controls shall be submitted to and approved by the Director in accordance with the provisions of the Public Facilities Manual.

The ingress and egress to this site was specified by the Condition #7 of Special Permit #39 and was via a road located at the western boundary of 7901 Cinder Bed Road. Sect. 2-511 of the Zoning Ordinance prohibits driveway access for an industrial use in any residential district unless the use served by the driveway is permitted by right or allowed by special permit or special exception on the R zoned property or as approved as a Category 6 Special Exception use by the Board of Supervisors. The precast (stone) concrete facility, and the storage of liquid petroleum are not permitted or allowed in the R-1 zoned portions of 7901 or 7828 Cinder Bed Road. The Board of Supervisors has not approved ingress and egress through the R-1 portion of these properties. Therefore, your use of the driveway on the R-1 portion of the properties to serve these uses is in violation of Par. 1 of Sect. 2-304 of the Zoning Ordinance, which states:

No use of a structure or land that is designated as a special exception use in any zoning district shall hereafter be established, and no existing use shall hereafter be changed to another use that is designated as a special exception use in such district, unless a special exception has been secured from the Board in accordance with the provisions of Article 9.

Several additions to the original precast (stone) concrete plant, a separate building used as a sales model, a separate office building, as well as three office trailers, have been constructed or located on 7901 Cinder Bed Road and 7828 Cinder Bed Road. All of the above structures were built without approval of a Building Permit, in violation of Sect. 18-601 of the Zoning Ordinance, which states:

The erection of all buildings and all structures, as well as additions, deletions and modifications thereto, shall be subject to the provisions of Chapter 61 of The Code, Buildings. No building or structure which is required to have a Building Permit pursuant to Chapter 61 of The Code shall be erected until a Building Permit application has been approved by the Zoning Administrator.

As noted above, a variety of structures have been constructed on 7901 and 7828 Cinder Bed Road and according to our records in March 1978 and February 1984, site plan waivers were approved by DPWES to allow two separate 1,200 +/- square foot additions to the precast (stone) concrete batching plant located at 7901 Cinder Bed Road. Except for these approvals all other development was established without an approved site plan in violation of Par. 3 of Sect. 17-103 of the Zoning Ordinance which states:

Prior to construction and/or establishment, the following uses, including modifications or alterations to existing uses, shall require site plan or minor site plan approval unless exempt under Sect. 104 below:

All permitted uses in the I districts.

A Certificate of Occupancy, (Non-Residential Use Permit) was issued in 1964 and allowed the occupancy of the original shell of the concrete batching plant building and the former single family dwelling that existed at 7901 Cinder Bed Road. No further Non-Residential Use Permits have been issued for the use of the property or the structures present on site. The use of the property and structures for industrial purposes without a valid Non-Residential Use Permit is in violation of Sect. 18-701 of the Zoning Ordinance, which reads as follows:

No occupancy or use shall be made of any structure hereinafter erected or of any premises hereinafter improved, and no change in use shall be permitted, unless and until a Residential or Non-Residential Use Permit has been approved in accordance with the provisions of this Part. A Residential or Non-Residential Use Permit shall be deemed to authorize and is required for both the initial and continued occupancy and use of the building or land to which it applies.

Therefore, you, as the owner of 7901 and 7828 Cinder Bed Road, are in violation of Paragraphs 4 and 5 of Sect. 2-302, Paragraphs 1 and 2 of Sect. 2-304, Paragraphs 1 and 3 of Sect. 2-601, Paragraphs 1 and 2 of Sect. 2-602, Sect. 2-603, Par. 2 of Sect. 8-004, Par. 3 of Sect. 17-103, Sect. 18-601 and Sect. 18-701 of the Fairfax County Zoning Ordinance.

You are hereby directed to clear these violations within 60 days of receipt of this Notice. Compliance can be accomplished by:

- Conducting a precast (stone) concrete plant in accordance with Special Permit No. 39 and Site Plan # 470, removing all equipment and structures not authorized by this special permit and removing this use and the storage of liquid petroleum from the floodplain, and the R-1 zoned portion of 7901 Cinder Bed Road and all of 7828 Cinder Bed Road, and
- Obtaining approval of a grading plan for the restoration of the floodplain on both properties and restoring the floodplain, and
- Removing, on a permanent basis, the direct road access located along the eastern perimeter of 7901 Cinder Bed Road, or
- Submitting to and diligently pursuing approval by the Board of Supervisors of a special exception for the expansion, alteration and modification of the concrete batching plant use, the storage of liquid petroleum and driveway access across an R property, and
- Seeking approval from the Director of DPWES or the Board of Supervisors for any uses in the floodplain, and
- Subsequent to approval of a special exception, submitting to and diligently pursuing approval by DPWES of a site plan for the development and use of 7901 and 7828 Cinder Bed Road, and
- Submitting to and obtaining approval of Building Permits for the additions to the plant, and the other buildings constructed at 7901 Cinder Bed Road or structures at 7828 Cinder Bed Road, and
- Obtaining a revised and valid Non-Residential Use Permit for the uses lawfully established and operating from the subject properties.

You may have the right to appeal this notice of zoning violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, written statement setting forth the decision being appealed, date of decision, the grounds for the appeal, how the appellant is an aggrieved party and any other information you may wish to submit and a \$210.00 filing fee. Once an appeal application is accepted, it is scheduled for public hearing and decision

Mr. Silvio Diana
Page 10

before the BZA.

Failure to comply with this Notice will result in legal action being taken to gain compliance with the Zoning Ordinance.

Should you have any questions regarding this Notice, please contact me at (703) 324-1341 or (703) 324-1300.

Sincerely,



Joseph A. Bakos, Assistant Branch Chief
Zoning Enforcement Branch

Enclosures: A/S

JAB/jlm

cc: Jerry K. Emrich, Attorney at Law
Walsh, Colucci, Stackhouse, Emrich, & Lubeley PC

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. MCLANE, FAIRFAX COUNTY
ZONING ADMINISTRATOR,

Plaintiff,

v.

SILVIO DIANA, *et al.*,

Defendants.

:
:
:
:
:
: CASE NO. CL-2006-0014774
:
:
:
:

CONSENT DECREE RESOLVING
RULE TO SHOW CAUSE

THIS MATTER came before the Court upon the agreement of counsel for the parties to resolve the Rule to Show Cause entered against the Defendant Silvio Diana ("Diana") by this Court on December 1, 2006; and

IT APPEARING TO THE COURT that the property at issue in this lawsuit is located at 7901 Cinder Bed Road (Tax Map No. 99-2((3)) parcel 3A) and 7828 Cinder Bed Road (Tax Map No. 99-2((3)) parcel 3B) (collectively referred to as the "subject property"), which is owned by Diana; and

IT FURTHER APPEARING TO THE COURT that a Consent Decree was entered by the Court in this case on April 4, 2006, requiring Diana in relevant part to cease all manufacturing and administrative operations on the subject property by August 31, 2006, and remove all uses, equipment and other items located on the subject property to a lawful site on or before October 31, 2006, with the exception of the existing structures on the subject property, the retaining wall, the access road leading from Cinder Bed Road into the subject property, and the interparcel access road connecting the subject property to the properties

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located at Tax Map Nos. 99-2((3)) parcels 1 and 2; and

IT FURTHER APPEARING TO THE COURT that a Rule to Show Cause was entered against Diana on December 1, 2006, based upon his failure to cease all manufacturing and administrative operations on the subject property and remove all uses, equipment, and other items from the subject property within the deadlines set forth in paragraph 12 of the April 4, 2006, Consent Decree; and

IT FURTHER APPEARING TO THE COURT that paragraph 25 of the April 4, 2006, Consent Decree states in relevant part that Diana must pay the County of Fairfax the sum of \$250 per day for every day he is in violation of any of the terms of such Consent Decree; and

IT FURTHER APPEARING TO THE COURT that Diana represents to the Court that all manufacturing and administrative operations on the subject property ceased on or before December 8, 2006, and Diana is endeavoring to remove all uses, equipment, and other items from the subject property to a lawful site in accordance with the extended deadlines agreed to by the parties herein; and

IT FURTHER APPEARING TO THE COURT that the parties agree that the following relief should be granted in resolution of the Rule to Show Cause entered against Diana on December 1, 2006; now, therefore, by agreement of counsel for the parties, it is hereby

ADJUDGED AND DECREED as follows:

1. Defendant Silvio Diana is in violation of paragraph 12 of the Consent Decree entered on April 4, 2006, by failing to cease all manufacturing and administrative operations on the subject property on or before August 31, 2006, and failing to remove all uses, items, and equipment (except for the structures, retaining wall, and access roads referenced in such Consent Decree) from the subject property to a lawful site on or before October 31, 2006.

2. Pursuant to paragraph 25 of the April 4, 2006, Consent Decree, Defendant Silvio Diana owes the County of Fairfax the sum of Thirty Thousand Dollars (\$30,000.00) for violating the terms of paragraph 12 of the April 4, 2006, Consent Decree between September 1, 2006, and December 31, 2006. Payment of this amount shall be suspended, conditioned upon the following: (a) Diana shall, on or before February 28, 2007, remove to a lawful site all uses, equipment, and other items (except for the existing single-family dwelling, interparcel access road, and the road leading to Cinder Bed Road) located on the properties at 7909 and 7915 Cinder Bed Road (Tax Map No. 99-2((3)) parcels 1 and 2); and (b) Diana shall, on or before April 16, 2007, remove all uses, equipment, and other items from the subject property to a lawful site (with the exception of the existing structures, interparcel access road, retaining wall, and access road to Cinder Bed Road). In the event Diana fails to satisfy either condition, then he shall deliver a certified check to the Office of the County Attorney, payable to the County of Fairfax, in the amount of \$30,000.00 on or before March 5, 2007, if condition (a) is not satisfied or on or before April 20, 2007, if condition (b) is not satisfied. If Diana fails to timely pay this amount by certified check delivered to the Office of the County Attorney, then upon proof of Diana's failure to comply with conditions (a) and/or (b) above, a judgment will be entered in favor of Eileen M. McLane, Fairfax County Zoning Administrator, against Defendant Silvio Diana in the principal amount of Thirty Thousand Dollars (\$ 30,000.00), together with interest at the judgment rate of six percent per annum until paid in full. Defendant Diana admits that he has no defenses to, or set offs against, the entry of this judgment, provided there is proof of his failure to comply with conditions (a) and/or (b) above.

3. Diana additionally shall pay to the County of Fairfax, in accordance with paragraph 22 of the April 4, 2006, Consent Decree, the sum of Two Hundred Fifty Dollars

(\$250.00) per day for every additional day that he fails to comply with the provisions of the April 4, 2006, Consent Decree from January 1, 2007, through April 16, 2007. Diana shall pay the sums due under this paragraph by certified check payable to the "County of Fairfax" and delivered to the Office of the County on or before April 20, 2007. In the event Diana fails to make such payment by April 20, 2007, a judgment shall be entered in favor of the Plaintiff Eileen M. McLane, Fairfax County Zoning Administrator, against the Defendant Silvio Diana for the amounts that have accrued pursuant to this paragraph, together with interest at the judgment rate of six percent per annum until paid in full. Diana admits that he has no defenses, setoffs, or credits against this judgment except for such credits that may accrue under paragraph 2 of the Consent Decree Resolving Rule to Show Cause in *McLane v. Tramonte, et al.*, Case No. CH-2005-0003362.

4. As long as Diana refrains from placing any additional uses, equipment, items, or tenants on the subject property (except such equipment or other items that may be necessary to comply with the terms of this Consent Decree or the April 4, 2006, Consent Decree) and otherwise complies with all the other terms and conditions of the April 4, 2006, Consent Decree and this Consent Decree, no additional sanctions will be sought against Diana through April 16, 2007, for his failure to comply with the terms of paragraph 12 of the April 4, 2006, Consent Decree.

5. If the Court determines that Diana, and/or any of his agents, assigns, employees, tenants, and any successors-in-interest has/have failed after April 16, 2007, to comply with paragraph 12 of the April 4, 2006, Consent Decree or have failed at any time to comply with the other provisions of the April 4, 2006, Consent Decree, he/she/it/they shall pay the sum of Five Hundred Dollars (\$500) per day to the County of Fairfax (delivered to the Office of the

County Attorney in the form of a certified check made payable to the "County of Fairfax") for every day he/she/it/they is/are found to be in violation. Such payment shall be in addition to any fines or other sanctions that may be imposed by the Court in any further contempt proceedings against Diana.

6. The parties agree that the terms of this Consent Decree are reasonable and shall not be modified except by written agreement of the parties with the approval of this Court.

7. All of the terms and conditions of the April 4, 2006, Consent Decree shall remain in full force and effect, except as explicitly modified herein.

8. The Zoning Administrator and/or her agents shall be permitted to inspect the subject property at reasonable times to monitor compliance with the terms of this Consent Decree.

9. The Rule to Show Cause issued against Diana on December 1, 2006, is dismissed with prejudice; provided, however, that the Zoning Administrator may request the issuance of subsequent rules to show cause in the event Diana fails to comply with the terms of this Consent Decree and/or the April 4, 2006, Consent Decree.

10. The Clerk of the Fairfax County Circuit Court shall record a copy of this Consent Decree among the land records of Fairfax County to give notice of the prohibitions and restrictions contained therein to any successors-in-interest of Respondent Silvio Diana and shall index this Consent Decree as follows:

GRANTOR: Silvio Diana;

GRANTEES: Eileen M. McLane; Fairfax County Zoning Administrator.

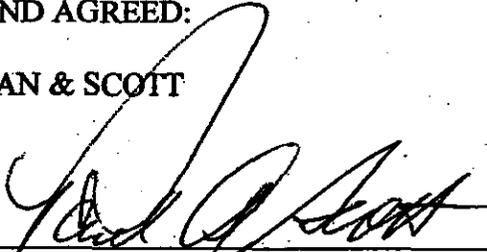
AND THIS CAUSE IS ENDED.

ENTERED this 7 day of Feb, 2007.

John M. Frey
JUDGE, FAIRFAX COUNTY CIRCUIT COURT

SEEN AND AGREED:

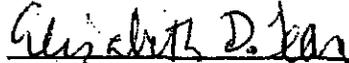
MADIGAN & SCOTT

By: 

Paul A. Scott (VSB No. 12442)
7880 Backlick Road, Unit 2
Springfield, VA 22150
Telephone: (703) 455-1800
Facsimile: (703) 451-4121
Counsel for Defendant Silvio Diana

SEEN AND AGREED:

DAVID P. BOBZIEN
COUNTY ATTORNEY

By: 

Elizabeth D. Teare (VSB No. ~~80031~~ 8009)
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22030
Telephone No. (703) 324-2421
Facsimile No. (703) 324-2675
Counsel for Plaintiff Eileen M. McLane,
Fairfax County Zoning Administrator

A COPY TESTE:

JOHN T. FREY, CLERK

BY: Indumathi S. Sasale
Deputy Clerk

Date: 2/26/07
Original retained in the office of
the Clerk of the Circuit Court of
Fairfax County, Virginia



County of Fairfax, Virginia

MEMORANDUM

DATE: December 20, 2010

TO: Barbara C. Berlin, Director
Zoning Evaluation Division

FROM: David B. Marshall, Chief 
Facilities Planning Branch, Planning Division

SUBJECT: Section 15.2-2232 Review
Application 2232-L10-17 (concurrent with SE 2010-LE-017)
Applicant: Iskalo CBR LLC, on behalf of Washington Metropolitan Area
Transit Authority
7828, 7901, 7907, and 7915 Cinder Bed Road
Subject Property: Tax Map 99-2 ((3)) 1, 2, 3A, 3B

In accordance with the Standard Operating Procedures approved by the Board of Supervisors on July 25, 1994, which provide guidance to Department of Planning and Zoning ("DPZ") staff regarding the review of public facility projects pursuant to Va. Code Sec. 15.2-2232, the Facilities Planning Branch of the Planning Division offers the following comments on the proposed bus storage and maintenance yard:

APPLICANT PROPOSAL

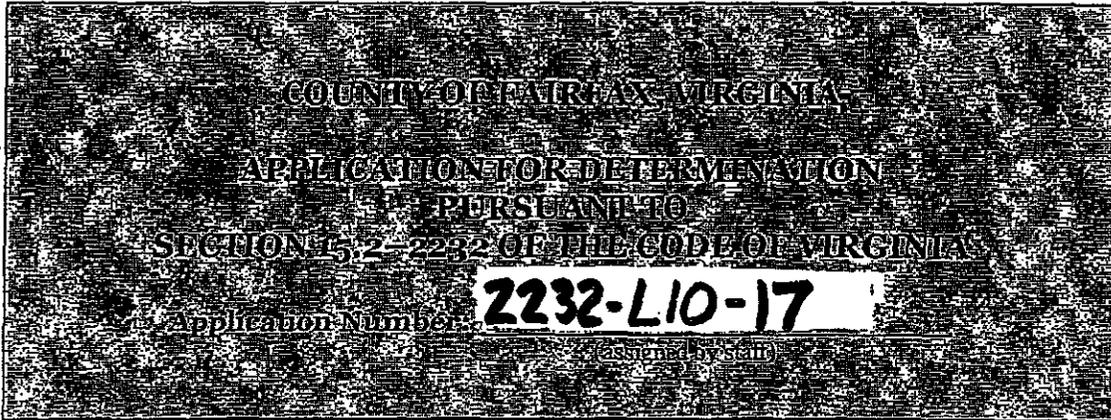
Attachment 1

PROJECT SUMMARY DESCRIPTION

The applicant, Iskalo CBR LLC, on behalf of Washington Metropolitan Area Transit Authority ("WMATA" or "the applicant"), proposes to develop a regional non-rail transit facility on Cinder Bed Road for approximately 160 buses. The proposed bus operations and maintenance facility ("the facility"), which will be owned and operated by WMATA, is described in Application 2232-L10-17 (received June 4, 2010; revised through December 17, 2010) and shown on drawings entitled "Cinder Bed Road Bus Division – Special Exception – Cinder Bed Road – Lorton – Fairfax County, Virginia 22079" (design date January 22, 2010; revised December 3, 2010). WMATA states that the proposed facility is needed to address the aging of its support infrastructure, the maintenance of articulated buses, the growing demand for bus storage space, and to improve efficiency of its transit system by providing new garages at a central location. WMATA notes further that the proposed facility will minimize environmental impacts while maximizing the utility of the site. The proposed facility is summarized below (see application and drawings in *Attachment 1* for detailed description of proposal); all dimensions and areas are approximate:

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

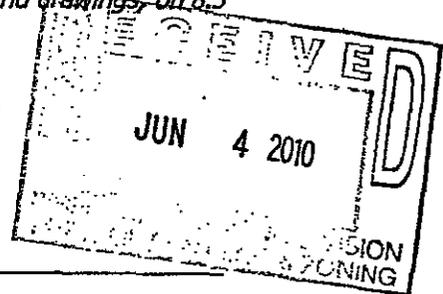




The application contains three parts: I. Application Summary; II. Statement of Justification; and III. Telecommunication Proposal Details. Please do not staple, bind or hole-punch this application. Please provide at least one copy of all pages, including maps and drawings, on 8.5 x 11 inch paper.

(Please Type or Print All Requested Information)

PART I: APPLICATION SUMMARY



ADDRESS OF PROPOSED USE

Street Address 7828, 7901, 7907, 7915 Cinder Bed Road

City/Town Lorton, VA Zip Code 22079

APPLICANT(S)

Name of Applicant Iskalo CBR LLC on behalf of Washington Metropolitan Area Transit Authority

Street Address Harbinger Square, 5166 Main Street

City/Town Williamsville State New York Zip Code 14221

Telephone Number: Work (716) 633-2096 Fax (716) 633-5776

E-mail Address _____

Name of Applicant's Agent/Contact (if applicable) David R. Gill, Esquire

Agent's Street Address McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800

City/Town McLean State VA Zip Code 22102

Telephone: Work (703) 712-5039 Fax (703) 703-5297

2232-L10-17

2232 REVIEW APPLICATION
10/2005

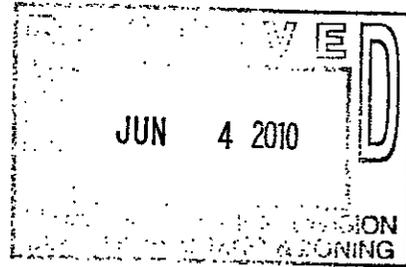
PROPOSED USE

Street Address 7828, 7901, 7907, 7915 Cinder Bed Road

Fairfax Co. Tax Map and Parcel Number(s) 99-2 ((3)) 1, 2, 3A, 3B

Brief Description of Proposed Use Develop a regional non-rail transit facility, specifically

a bus storage and maintenance yard to be operated by WMATA (Concurrent with special exception requests. See special exception plat.)



Total Area of Subject Parcel(s) 17.37 acres (acres or square feet)

Portion of Site Occupied by Proposed Use 12.8 acres (acres or square feet)

Fairfax County Supervisor District LEE

Planned Use of Subject Property (according to Fairfax County Comprehensive Plan)

Industrial and private open space

Zoning of Subject Property I-6 and R-1

List all applicable Proffer Conditions, Development Plans, Special Exceptions, Special Permits or Variances previously approved and related to this site

Pending site plan approval for storage yard in bonding

PROPERTY OWNER(S) OF RECORD

Owner Lots 3A&3B: SDNEWING LLC Lots 1&2: SDNEWING LLC and LRV-Newington LL

Street Address P.O. Box 25

City/Town Ladysmith State VA Zip Code 22501

LRV-Newington LLC: 8221 Old Courthouse Road, Suite 300, Vienna, VA 22182

2232-L10-17

2232 REVIEW APPLICATION
10/2005

PART II, entitled "Statement of Justification," pages 4 through 6, shall be completed by all applicants and included as part of the application. **PART III**, entitled "Telecommunication Proposal Details," pages 7 through 9, also shall be completed and included for all proposed telecommunication uses.

Name of Applicant or Agent David R. Gill

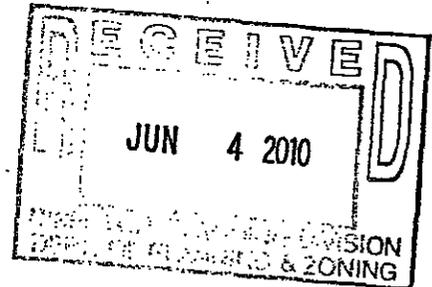
Signature of Applicant or Agent [Handwritten Signature]

Date 6/2/10

Please do not staple, bind or hole-punch this application. Please provide at least one copy of all pages, including maps and drawings, on 8.5 x 11 inch paper.

Submit completed application to:

Fairfax County
Department of Planning and Zoning, Planning Division
Herrity Building
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035



FOR STAFF USE ONLY	
Date application received	<u>6/9/10</u>
By	<u>[Handwritten Signature]</u>
Additional information requested to complete application:	
Date application accepted	<u>7/16/10</u>
By	<u>[Handwritten Signature]</u>

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

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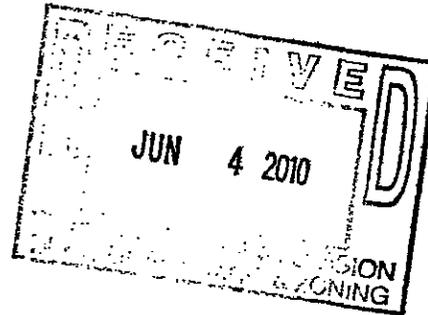
David R. Gill
Direct: 703.712.5039

McGUIREWOODS

drill@mcguirewoods.com
Direct Fax: 703.712.5050

June 4, 2010

David Jillson
Department of Planning and Zoning
12055 Government Center Parkway
Suite 700
Fairfax, Va 22035



RE: 2232 Application; TM 99-2((3))1, 2, 3A, 3B; Iskalo CBR LLC
on behalf of Washington Metropolitan Area Transit Authority (WMATA)

Dear Mr. Jillson:

This 2232 application, together with a concurrently filed special exception application for a regional non-rail transit facility, driveway for uses in an industrial district and use in a floodplain, are intended to permit development of a critical regional bus maintenance and operations facility off of Cinder Bed Road in the Lorton area of Fairfax County. Iskalo CBR LLC is the developer of the project which will ultimately be owned and operated by WMATA.

The proposed bus operations and maintenance facility is appropriately located in an area planned and zoned for heavy industrial uses. The neighboring properties are similarly planned, zoned and developed. In fact, the County already operates a similar facility just to the south of the site. Locating the facility, as proposed, will further the Comprehensive Plan goals of preservation of environmentally sensitive RPA and thorough implementation of environmentally sound Best Management Practices. Further, important strides will be made toward stopping the further degradation of Long Branch Stream which has been a critical issue in the Cinder Bed Road area.

The character and extent of the facility is in keeping with intended land use associated with Cinder Bed Road area and in harmony with the existing uses. The facility is cited in the rear portion of the property so as to preserve the Long Branch RPA and maintain an approximately 300 foot wooded buffer along Cinder Bed Road. Further, consistent with WMATA's long-term regional view, the facility is designed and intended to achieve the LEED Silver Certification. Lastly, this facility is also critical to the long-term support of transit options in Fairfax County and may be a key component in supporting transit for jobs associated with the Base Realignment and Closure (BRAC) Act. The Transportation section of the Policy Plan contains many references to the need to reduce reliance upon the automobile in Fairfax County and to provide

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June 4, 2010
Page 2

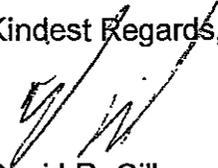
supporting facilities for the transit system to help improve the speed, quality, reliability, convenience and productivity of the transit service.

Thus, in conjunction with the above referenced 2232 request, I have enclosed the following for your review and acceptance:

- A 2232 application form (Part I of the Application Summary);
- Statement of Justification (Part II);
- Two (2) copies of the Special Exception plat set;
- One zoning section sheet with the property indicated in red.

I would appreciate your review of this information. Please call me if you have any questions regarding this submission or require additional information.

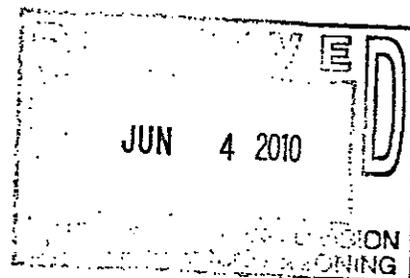
Kindest Regards,



David R. Gill
McGuireWoods LLP

Enclosures: A/S

cc: Lee District Supervisor Jeffery C. McKay
Lee District Planning Commissioner Rodney Lusk
John Thomas, WMATA
David Chiazza, Iskalo CBR LLC
David Duchscherer, Wendel Duchscherer Architects & Engineers, P.C.

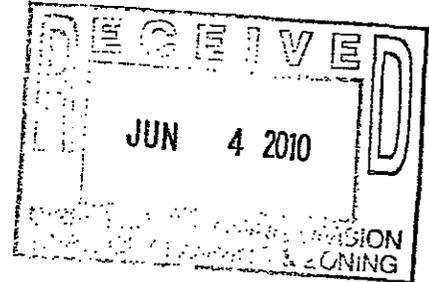


2232-110-17

**Iskalo CBR LLC on behalf of Washington Metropolitan Area Transit Authority
(WMATA)
Section 15.2-2232 Application**

STATEMENT OF JUSTIFICATION

June 4, 2010



INTRODUCTION AND OVERVIEW

Iskalo CBR LLC on behalf of Washington Metropolitan Area Transit Authority (WMATA), hereafter, the "Applicant", requests approval of a Section 15.2-2232 application (a "2232 application") for public facilities, specifically a regional non-rail transit facility, on the west side of Cinder Bed Road to be developed by Iskalo CBR LLC and ultimately owned and operated by WMATA.

Consistent with the WMATA Compact, the environmental, transportation, social, and economic impacts of the location of the regional non-rail transit facility, as proposed in this 2232 application, were analyzed in the Environmental Evaluation, Cinder Bed Road Bus Operations and Maintenance Facility dated June 2009. Based on their review of this document, the Federal Transit Administration (FTA) determined that the proposed bus facility merits a categorical exclusion.

COMPREHENSIVE PLAN

The Transportation section of the Policy Plan contains many references to the need to reduce reliance upon the automobile in Fairfax County and to provide supporting facilities for the transit system to help improve the speed, quality, reliability, convenience and productivity of the transit service. ("Policy Plan, Transportation, Board of Supervisors Goal and Countywide Objectives and Policies, Objective 2: Policies f, and h").

The main planning objectives for the I-95 Industrial Corridor in the Springfield Planning District are to retain locations suitable for industrial uses, redevelop the blighted properties along Cinder Bed Road, protect environmental quality corridors (EQC) and provide public trail access along the EQCs. This directly corresponds to the Comprehensive Plan map designation for the properties; as they are split planned industrial and private open space. The proposed bus operations and maintenance yard are in harmony with these planning objectives and designations as discussed below.

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SECTION 15.2-2232 APPLICATION FOR THE BUS OPERATIONS AND MAINTENANCE FACILITY

1. Description of the Use

The properties are located on the west side of Cinder Bed Road in the Lee District and contain a total of 17.4 acres. Lots 1, 2 and 3A are split-zoned I-6 in the rear portion of the properties and R-1 in the front portion, fronting on Cinder Bed Road. Lot 3B is zoned I-6 in its entirety. Adjacent to the north of the properties is land zoned I-6 and currently vacant. To the south is property zoned I-5 and developed with industrial and office uses (Tavares Concrete Company). The properties across Cinder Bed Road to the east are zoned I-5 and are developed with the Hilltop Industrial Park. To the west is the active CSX railroad line.

The properties have two very distinct areas: the eastern portion of the properties is heavily wooded and contains Long Branch Stream, which traverses the R-1 zoned land, parallel to Cinder Bed Road. This portion of the properties is within the 100-year floodplain and designated as Resource Protection Area (RPA) associated with Long Branch. The western portion of the properties is graded and level as part of a prior consent decree with Fairfax County. Except for the entrance, the entire facility will be located on this western portion of the site.

The facility will consist of:

- an enclosed two-story maintenance and operations building of approximately 80,000 gross square feet which will include 16 maintenance bays, administrative offices, and storage;
- a canopy, open-sided gasoline fueling structure;
- a service building of approximately 18,800 square feet, which will consist of three run-through service lanes to clean, fuel and service the buses. Fueling will be diesel with accommodation for Compressed Natural Gas (CNG) fueling in the future;
- a guard booth of approximately 200 square feet at the primary entrance;
- bus storage parking for up to 160 buses; and,
- associated employee parking (approximately 216 spaces).

To enhance site safety, the bus fleet and the employee vehicle parking area are physically separated. An elevated pedestrian walkway will link the employee

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parking lot with the second floor of the operations building to accommodate bus movements in and out of the maintenance bays.

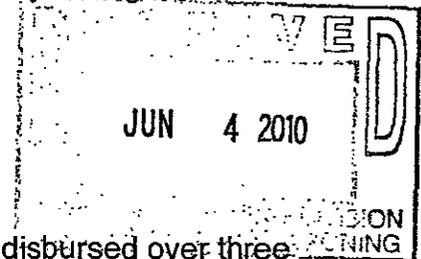
Development in the eastern portion of the site has been minimized to avoid potential impacts to identified water resources (Long Branch) which include floodplain, wetlands and Resource Protection Area (RPA). The only development within this area will be the road connecting the facility to Cinder Bed Road. To minimize impact, only a single access point through the RPA is proposed.

Three special exception applications have been filed concurrently with this 2232 determination request. They are the following:

- Category 4 SE Use – Regional non-rail transit facility;
- Category 6 SE Use – Driveways for uses in a C or I District to allow the access driveway to cross the R-1 portion of the subject properties from Cinder Bed Road to the I-6 portions of the properties; and
- Category 6 SE Use – Uses in a floodplain to allow above referenced driveway to cross the floodplain and the bridge to span Long Branch in the front portion of the site.

The information below is reprinted from the concurrently filed special exception application:

- Type of operation: regional non-rail transit facility (bus maintenance/storage facility which include a driveway through a residential district and fill in the floodplain);
- Hours of operation: 24 hours a day;
- Number of patrons: N/A;
- Number of employees: Estimated 274 employees disbursed over three shifts;
- Estimate of traffic impact: A facility of similar size and type elsewhere in the region (Landover Bus Garage) was utilized to estimate the trip generation for this facility. Because of the nature of the facility, there will be minimal impact to peak-hour traffic on the surrounding road system, and much less impact than a comparable sized "by-right" industrial use. In fact, the facility does not even generate enough peak-hour traffic to trigger a 527 review by VDOT. That said, the applicant



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will be completing a traffic study for review by the Fairfax County Department of Transportation;

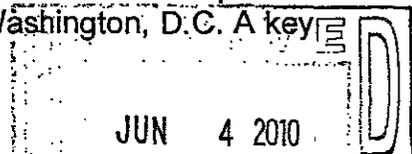
- Vicinity or general area to be served by the use: Primarily WMATA Bus Routes in Fairfax County;
- Architectural compatibility: The design for the building (Operations and Maintenance, Fuel, Wash) is proposed to incorporate facades comprised of precast concrete panels with brick masonry bands, punched windows with clear glazing. Most maintenance and wash bay overhead doors will have clear glazing. Proposed roof systems are anticipated to be a combination of flat roofs and sloped roofs with clear-glazed clerestory. The guard booth is proposed to be a pre-manufactured, metal-sided, flat roof unit. The gasoline canopy is anticipated to be a flat roof with metal spandrels;

Consistent with WMATA's commitment to the environment, the Applicant intends to apply for a LEED Silver Certification for the proposed facility;

- Hazardous and toxic substances: The environmental conditions and regulatory status of these properties from the prior industrial use indicated that the redevelopment to a bus operations and maintenance facility is appropriate and, in fact, an ideal re-use. The properties have been admitted into the VDEQ Voluntary Remediation Program. Site redevelopment may require the implementation of a comprehensive soils and materials management plan during construction redevelopment. During construction, a set of oil/water separators will be installed as well. Further, as part of the WMATA Compact public hearing process, an extensive environmental evaluation was conducted, and the U.S. Department of Transportation Federal Transit Administration has determined that the actions for the project qualify for a categorical exception under the requirements of the National Environmental Policy Act (NEPA); and
- Statement of conformance: To the best of the Applicant's knowledge, the proposed use conforms to the provision of all applicable ordinances, regulations, adopted standards, and any applicable conditions.

2. Requirements for the Proposed Use

The WMATA Board operates under the terms of the Washington Metropolitan Area Transit Authority Compact, an agreement created in 1967 to serve and protect the interests of Compact members in Maryland, Virginia and Washington, D.C. A key



function of the Compact is to create and update their "Mass Transit Plan" which identifies the long term needs of the agency. The Compact states:

The Board shall develop and adopt, and may from time to time review and revise, a mass transit plan ... [which] shall include one or more plans designating (1) the transit facilities to be provided by the Authority, including the locations of terminals, stations, platforms, parking facilities and the character and nature thereof; (2) the design and location of such facilities; (3) whether such facilities are to be constructed or acquired by lease, purchase, or condemnation....

The existing bus maintenance facilities are a key element of the WMATA system and provide daily service to the large bus fleet. Currently there are three bus maintenance facilities in Virginia: Four Mile Run; West Ox; and Royal Street.

In addition to the Mass Transit Plan, WMATA prepares other planning documents which support the safe and efficient operation of the agency. The recent *FY 2011 - FY 2020 Capital Needs Inventory* presented to the WMATA Board in October 2008 created a plan to address key needs:

- Performance needs (investments to maintain existing system in a "State of Good Repair" and improve the safety and reliability of service);
- Demand needs (investments to expand system capacity to meet growing demand); and
- Customer needs (investments to improve infrastructure, service, and business practices to provide more cost-effective, quality service).

This planning document identified one of the more urgent deficiencies in the WMATA system: the aging of their support infrastructure at a time of expanding services and increasing ridership of trains and buses. The section of the report dealing with this infrastructure issue stated:

Seven of the ten bus garages in the Metro system are at, or near, their practical storage capacity. The three garages with storage capacity are not located near demand centers, meaning that large dead-head operating costs would result if overflow buses were assigned to these garages. Additionally, many of the maintenance facilities are not designed to handle articulated buses.

With the completion of the Metro Matters expansion bus program, it is expected that the District of Columbia and Virginia garages will be overcrowded. By 2011, only one additional storage space will be available at existing bus garages. When considering the additional

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storage for the buses necessary to meet growing demand (estimated at over 300 buses), the bus garage capacity becomes critical.

Based on the needs identified in this recent planning document, the Cinder Bed Road bus facility would provide significant value at a time when existing garages are at or near capacity, when demand for storage space is growing, and when the system seeks to improve efficiency by locating new garages at a central location to reduce dead-head operating costs.

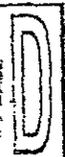
Several alternatives to this location were explored during the planning and assessment process. One alternative is to do nothing relative to a new bus facility. The "no action" alternative would require WMATA to rely on the existing garages in their system or make improvements at other facilities. The existing facilities are at or near capacity and have insufficient room to store the anticipated 300 additional vehicles that will enter WMATA service over the next few years. In addition, expansion at other facilities is needed to support other service areas. Using facilities elsewhere in the system would cause unnecessary increases in non-revenue service miles travelled, which is referred to as "dead-heading". Dead-heading is not desirable as it is an inefficient use of resources and results in increased operating costs, as well as increased traffic on the roadways and additional environmental impacts. For these reasons, the "no action" alternative is not preferred.

Another alternative to the proposed Cinder Bed Road project would be to construct the facility at a different location. WMATA had previously conducted a site search and identified 12 initial locations which were evaluated as possible sites for a new bus operations and maintenance facility. These 12 properties were evaluated and screened through standard planning procedures and reduced to three candidate sites, one of which was the current proposed Cinder Bed Road site. This site was determined to best meet the needs for a new WMATA facility with minimal impact to the surrounding community.

Further, if WMATA chose to reject the current proposed site and restart the process of site selection, design and construction at a new location, it could require four to six years of additional time with no guarantee that a suitable site would be obtained. Based on both the previous site search and analysis completed by WMATA, and the significant additional time required to find a new site, design and build a new facility, the alternative to build a bus operations and maintenance facility on a new site is not a preferable option.

The elements included in the Cinder Bed Road facility are optimal for the existing site conditions, while factoring in the operating needs of the bus system. The proposed facility seeks to minimize both capital and operating costs, and minimize environmental impacts, while maximizing the utility of the site. The site constraints such as the floodplain, the RPA, and the zoning limitations on building heights and proximity to property boundaries creates a usable "footprint" of space that new site improvements must fit within. The ability to serve and store up to 160 buses depends

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on the number of bus maintenance bays, the exterior parking space of the bus fleet, as well as the building spaces needed for the employees (bus operators, mechanics and all others) and spaces to park their personal vehicles. Changing these program variables will increase or decrease the number of buses one could place on this 17.4 acre site. During the planning process, it was determined that storage for up to 160 buses was optimal and would not require the construction of a multi-level parking garage which is not desirable from a cost or design impact perspective.

3. Anticipated Impacts on Adjoining Properties and On- and Off-site Environmental Features

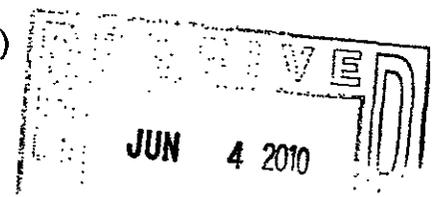
Traffic Impacts

As stated above, the anticipated traffic impact will be minimal. A facility of similar size and type elsewhere in the region (Landover Bus Garage) was utilized to estimate the trip generation for this facility. Because of the nature of the facility, there will be minimal impact to peak-hour traffic on the surrounding road system, and much less impact than a comparable sized "by-right" industrial use. In fact, the facility does not even generate enough peak-hour traffic to trigger a 527 review by VDOT. That said, the applicant will be completing a traffic study for review by the Fairfax County Department of Transportation

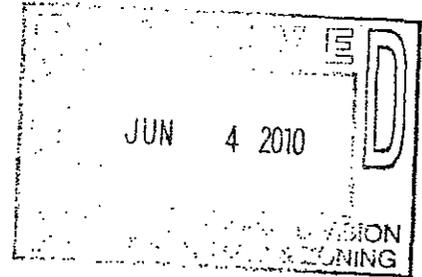
Noise/Light Impacts

A preliminary noise and vibration assessment was conducted according to Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment* guidelines [FTA, May 2006]. Specifically, a general assessment was conducted to model future noise levels from the proposed bus garage operations and bus pass-bys along Cinder Bed Road in the design year 2012. Potential noise impacts were assessed for both long-term operations as well as short-term construction considerations. Future project noise levels were predicted based on maximum bus operations at the proposed facility and along the Cinder Bed Road. Although the proposed bus garage has a capacity of 160 buses, only approximately 80 percent would flow in and out of the facility on a daily basis with the other 20 percent (or 32 buses) remaining at the facility for maintenance and cleaning service. As a result, future noise impacts were based on 582 bus movements and 721 personal vehicle movements for various periods of the day and night broken out as follows:

- 431 bus movements during the daytime (7:00 AM-10:00 PM)
- 151 bus movements during the nighttime (10:00 PM-7:00 AM)
- 530 personal vehicle movements during the daytime



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- 191 personal vehicle movements during the nighttime

Future predicted Ldn noise levels at the closest residences are 47 dBA at both Site 1 (Hawthorne development) and Site 2 (Hunter Estates development). Similarly, future predicted maximum noise levels from the bus garage and bus passbys along Cinder Bed Road range from 40 dBA at Site 1 to 54 dBA at Site 2. These predicted maximum noise levels from bus passbys are expected to be at or below the current ambient levels. As a result, no mitigation measures were recommended. Careful attention, however, has been paid to the design of the bus garage facilities to minimize unnecessary noise impacts on the community. Such “good neighbor” control measures may include barriers around stationary sources like compressors, generators and disk brake milling machines, keeping maintenance shop doors closed, and minimizing bus idling while at the facility.

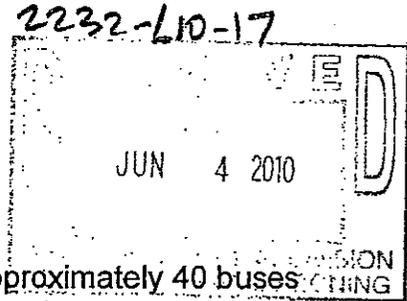
Further, the lighting from the proposed facility will also have minimal impact on the surrounding community because of extensive buffering. The closest residential use is located approximately 1,200 feet to the east and is separated from the subject property by several other industrially zoned and developed lots. Further, the developed portion of the subject property is located in the rear of the site, separated from the eastern (front) lot line by 400 feet of wooded RPA, creating an additional buffer.

Impacts on Air Quality

A preliminary air quality analysis was conducted to determine the potential effects from the Cinder Bed Road bus operations and maintenance facility on the local community. The air quality analysis was prepared in accordance with the Virginia Department of Environmental Quality (VDEQ) and the State Air Pollution Control Board (Chapter 80, Part II, Article 1, Title V Operating Permits for Stationary Sources).

Although the proposed bus garage is expected to provide storage and support services for up to 160 buses, impacts on the regional air quality (such as ozone) are expected to be negligible for several reasons. Emissions from the bus garage are expected to be minimal since the primary function is intended to act as a service facility (i.e., parking for non-idling buses) with minor maintenance support. Additionally, since most of the emissions from the buses are produced along their assigned routes throughout Fairfax County, the emissions attributed to the facility itself are expected to be negligible compared to other nearby industrial sources.

Local air quality impacts in the vicinity of the primary intersection used to access the proposed facility (Backlick Road and Fairfax County Parkway) are also expected to be minimal compared to the current volume of traffic along Fairfax County Parkway. For example, the maximum number of buses estimated to utilize



this intersection during the morning or evening peak hours is approximately 40 buses per hour. Compared to a total estimated volume of 8,000 general-purpose vehicles per hour during the peak-hour periods, the buses would represent less than one-half of one percent of the total cumulative volume. As a result, no exceedances of the Virginia and the National Ambient Air Quality Standards (NAAQS) are expected at this worst-case intersection as a result of the Cinder Bed Road bus operations and maintenance facility.

Impacts on Water Quality

The site is located within the Accotink Creek Watershed. The watershed covers approximately 51 square miles. Long Branch, which traverses the project site, is considered a major tributary to Accotink Creek. A 100-year floodplain is associated with Long Branch exists on the project site. Resource Protection Area (RPA) associated with the nontidal wetlands, floodplain and Long Branch is also located on the property. The limits of the RPA on this site were field verified in September 2007 for a Joint Permit Application approved for previous work done on the site to remove an existing culvert from Long Branch. It was determined that the RPA and 100-year floodplain generally share the same limits on the site. The Joint Permit Application also indicated an area of wetlands on the eastern portion of the property.

The roadway connecting the I-6 portion of the site to Cinder Bed Road is proposed to be 26-feet in width and would require a culvert for the stream crossing. This would result in permanent impacts to two wetland areas. Approximately 40 to 50 linear feet of Long Branch would be impacted and approximately 300 square feet of an intermittent stream would be impacted. Additionally, this access point would cross through the 100-year floodplain and impact approximately 0.3 to 0.5 acres of floodplain and RPA. However the roadway would be designed such that there would be no increase in base flood elevation. Other than the aforementioned stream impacts, no other wetlands are anticipated.

Visual Impacts

The property is surrounded by industrially zoned and/or developed land. The facility will be well-buffered from Cinder Bed Road by the treed and revegetated areas of the RPA on the east, as well as the CSX railroad to the west. The Comprehensive Plan specifically indicates that industrial uses should be located along Cinder Bed Road where they can be grouped with other like industrial uses. Hence, there will be no adverse visual impact caused by this proposed use at this location.

4. Alternative Sites Considered for the Proposal

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As stated previously, alternatives to this location were evaluated. This location specifically meets the needs of WMATA to serve its transit mission in an acceptable timeframe. Further, this particular location has been reviewed by the FTA and met with their approval.

CONCLUSION

The following is offered in addition to the foregoing information to specifically to address the standards under Va. Code Sec. 15.202232, as amended:

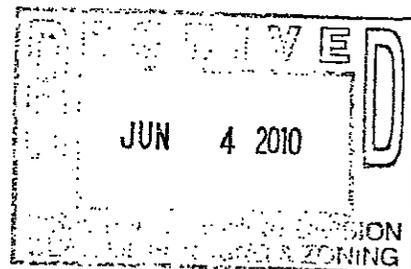
Location: The proposed location of the bus facility is consistent with the recommendations of the Comprehensive Plan for the area. The Policy Plan goal of reducing dependence on the automobile by increasing the efficiency and productivity of the existing transit system will also be furthered by providing this support service facility.

Character: The proposed facility will be compatible with the industrial area in which it is proposed. Further, the goal of attaining a LEED Silver Certification will further than environmental goals of Policy Plan which encourages green building techniques.

Extent: The proposed facility can be accomplished, supplying much needed storage for buses, while still preserving the environmentally sensitive lands surrounding the Long Branch stream. The floor area ratio is well below that allowed in the I-6 District.

Therefore the Applicant respectfully requests support of this 2232 application by County Staff and the Planning Commission.

V11325264.3



2232-L10-17



GENERAL NOTES
1. The zoning map is a general guide and should not be used as a legal document.
2. The zoning map is subject to change without notice.
3. The zoning map is not to be construed as a contract.

ADMINISTRATIVE INDEX

ADMINISTRATIVE INDEX
90-3 90-4 91-3
99-1 100-1
99-3 99-4 100-3



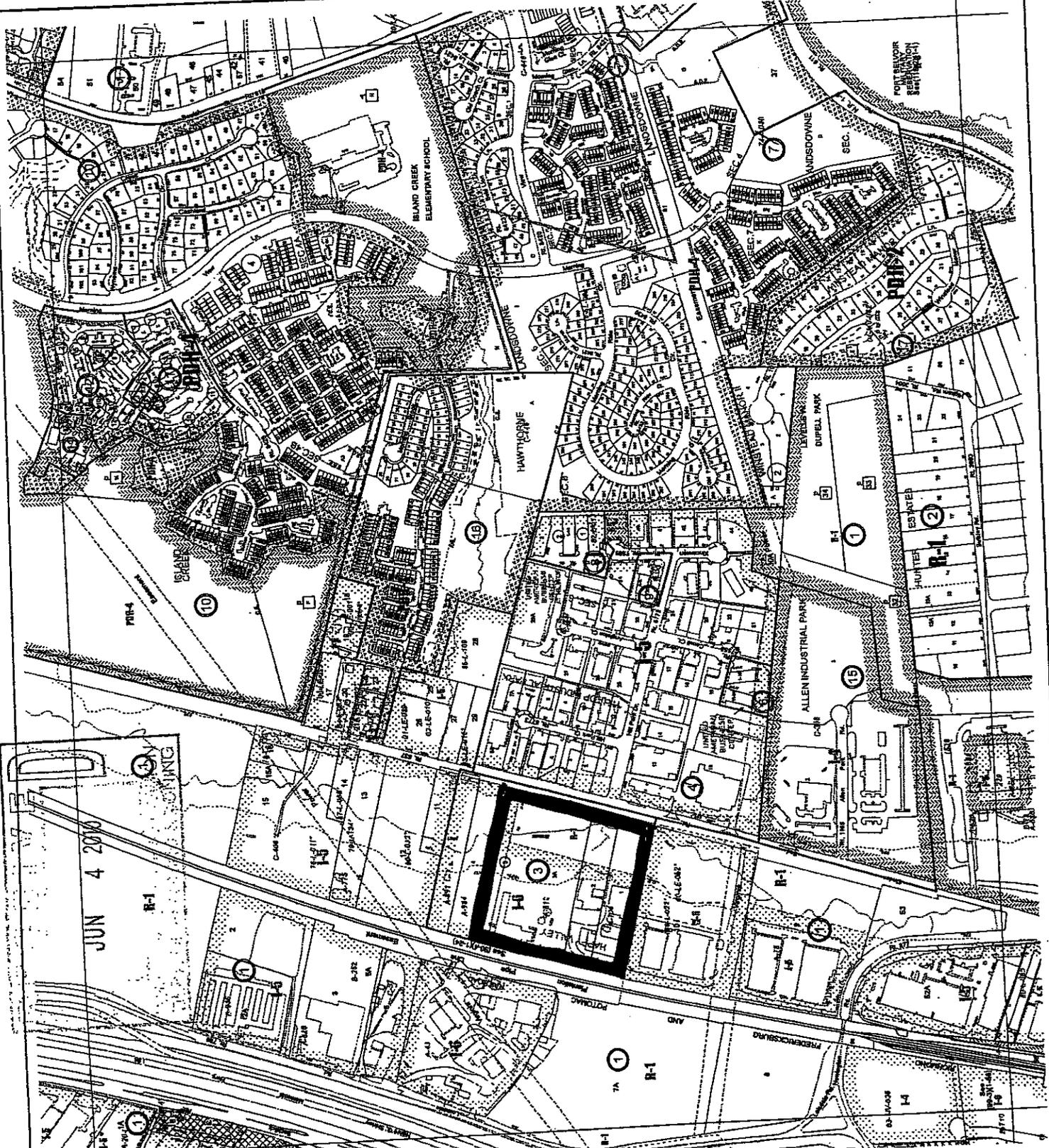
90-3	90-4	91-3
99-1	100-1	
99-3	99-4	100-3

PROPERTY MAP ZONING 99-2

Revised to: 01 - 01 - 2010

Prepared by:
COUNTY OF FAIRFAX
PLANNING DEPARTMENT
1000 MARKET STREET, SUITE 100
FAIRFAX, VA 22033
703-691-3333

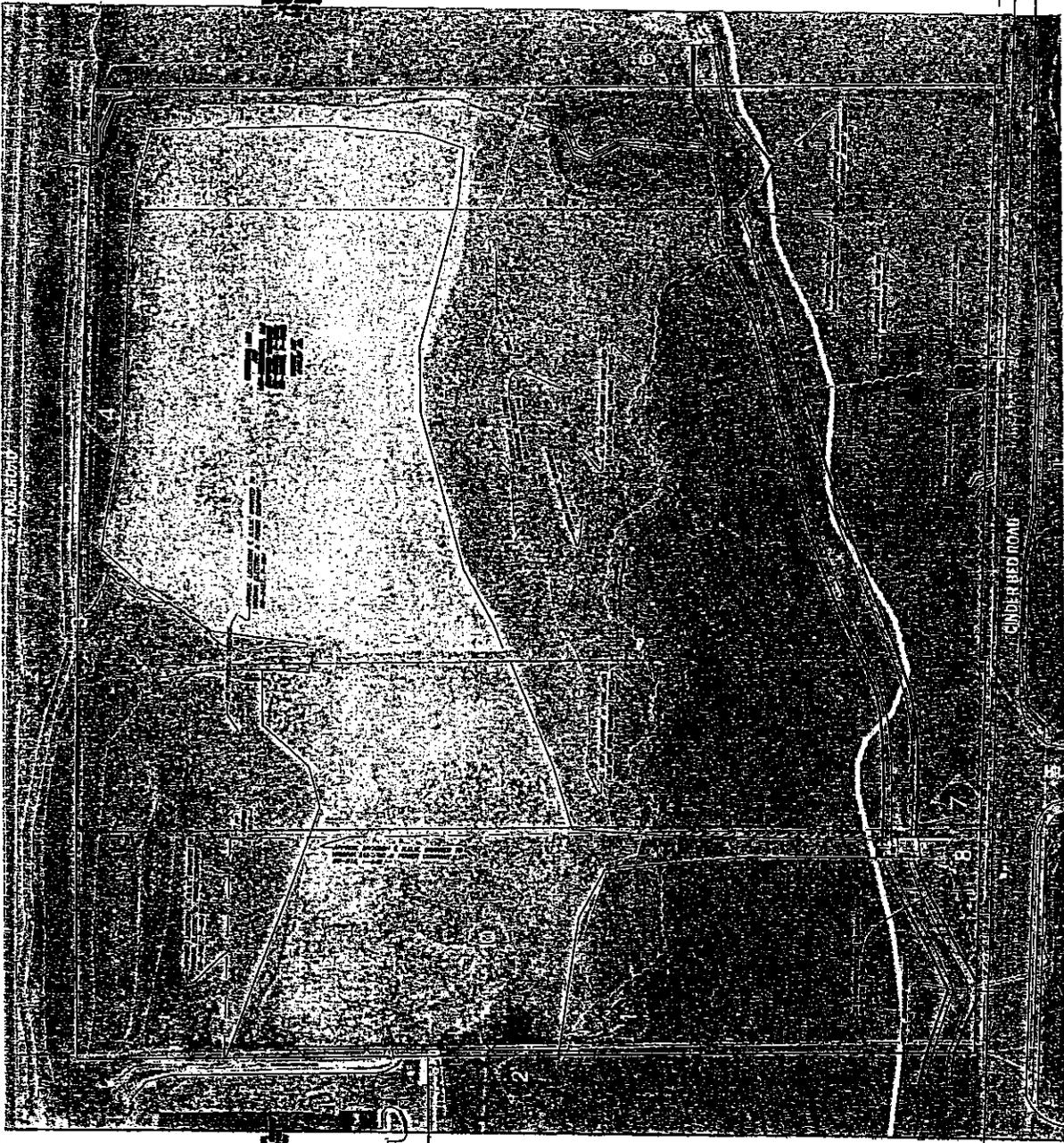
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JUN 4 2010

2222-L10-17

JUN 4 2010
DIVISION
ZONING



ISKALO DEV GBR LLC

JUNE 1, 2010



WASHINGTON AREA METROPOLITAN TRANSIT AUTHORITY
CINDER BED ROAD BUS DIVISION
SPECIAL EXCEPTION PHOTO EXHIBIT



2232-L10-17

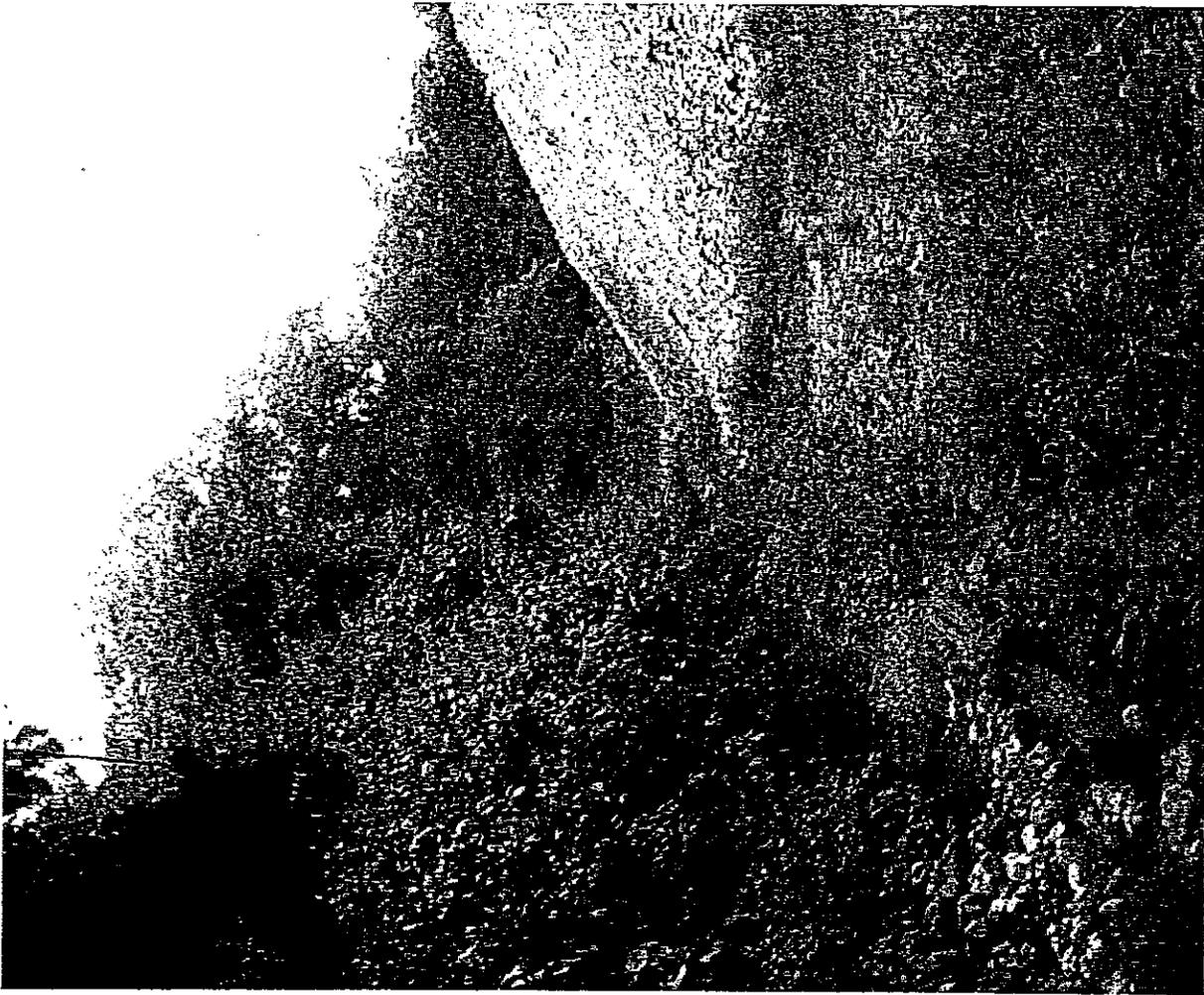


Photo 1: South Lot Line looking to the East. Photo was taken from application property on May 11, 2010.

2232-L10-17

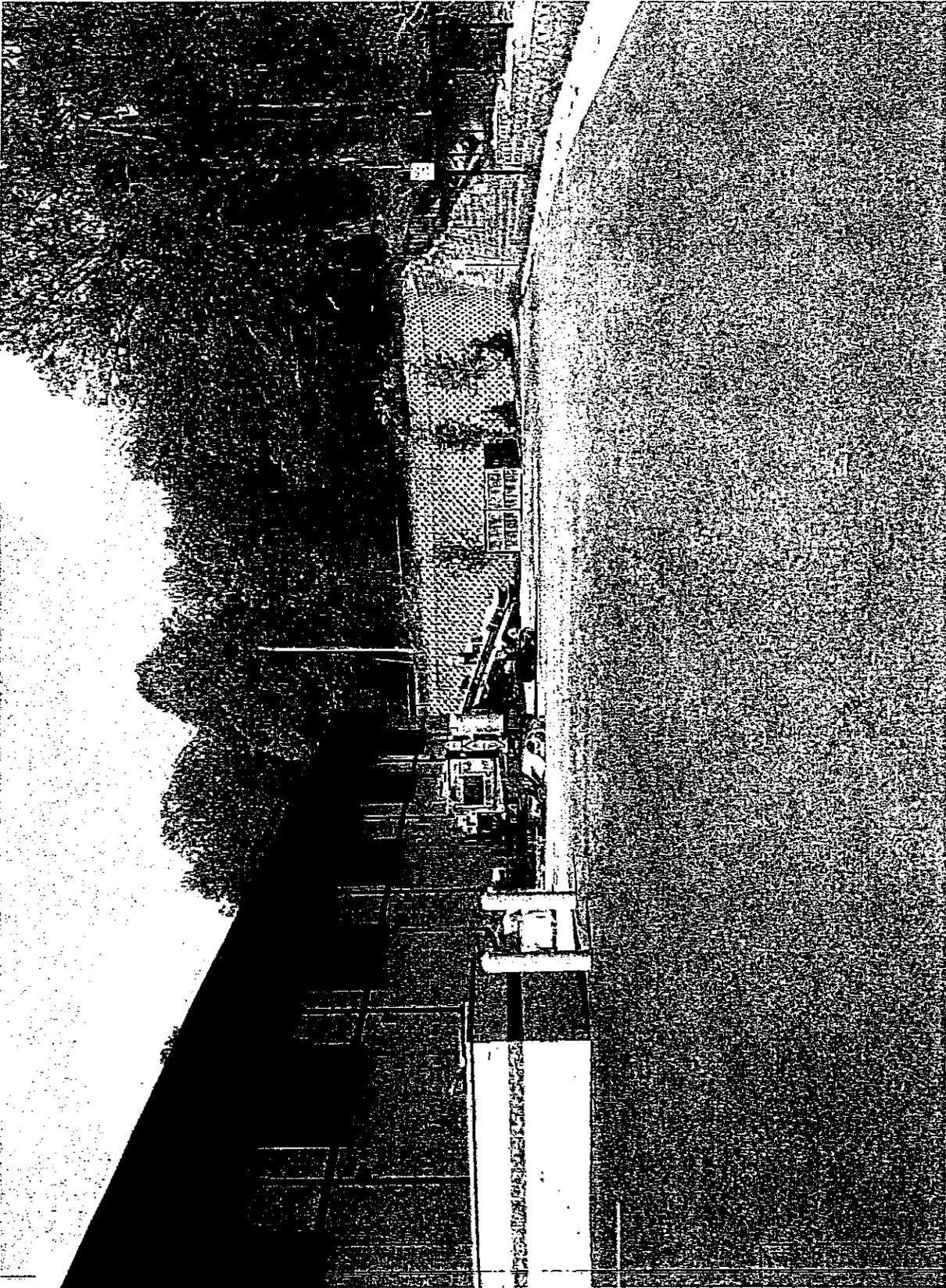


Photo 2: South Lot Line looking to the East. Photo was taken from abutting property on April 29, 2007.

JUN 4 2010

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2232-410-17

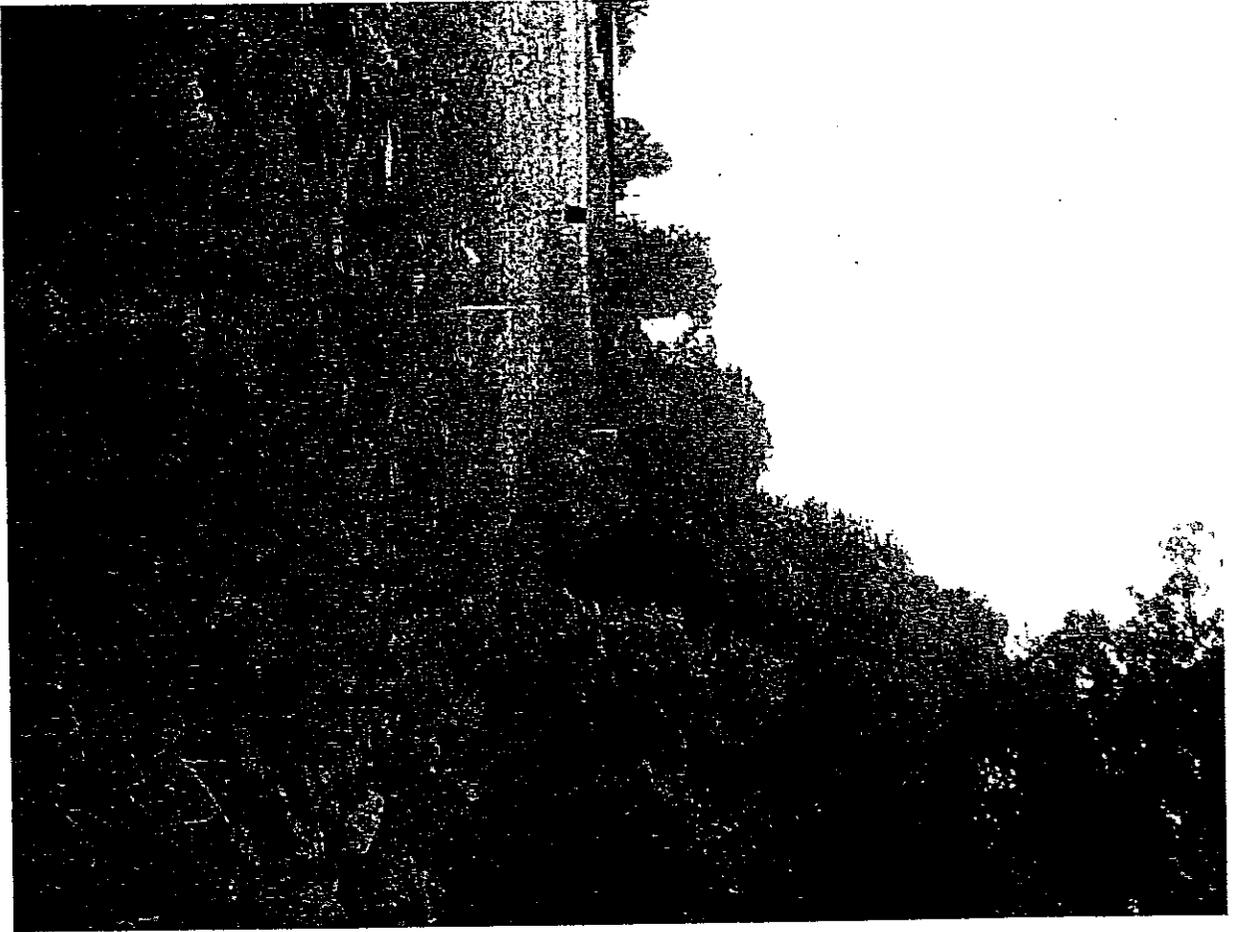


Photo 3: East Lot Line looking to the East. Photo was taken from abutting property on January 29, 2010

JUN 4 2010

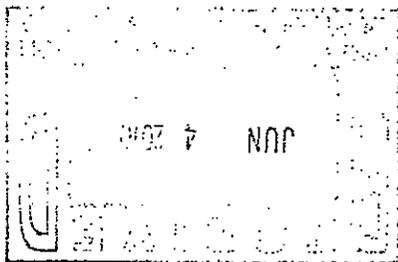
27
D

Photo 4: East Lot Line looking to the South. Photo was taken from application property on May 11, 2010.



2232-110-17

Photo 5: North Lot Line looking to the West. Photo was taken from application property on May 11, 2010.



2232-110-17

JUN 4 2010



Photo 6: North Lot Line looking to the East. Photo was taken from abutting property on April 29, 2007.



2232-110-17



Photo 7: West Lot Line looking to the North. Photo was taken from abutting property on May 11, 2010.



2232-610-17

JUN 4 2010

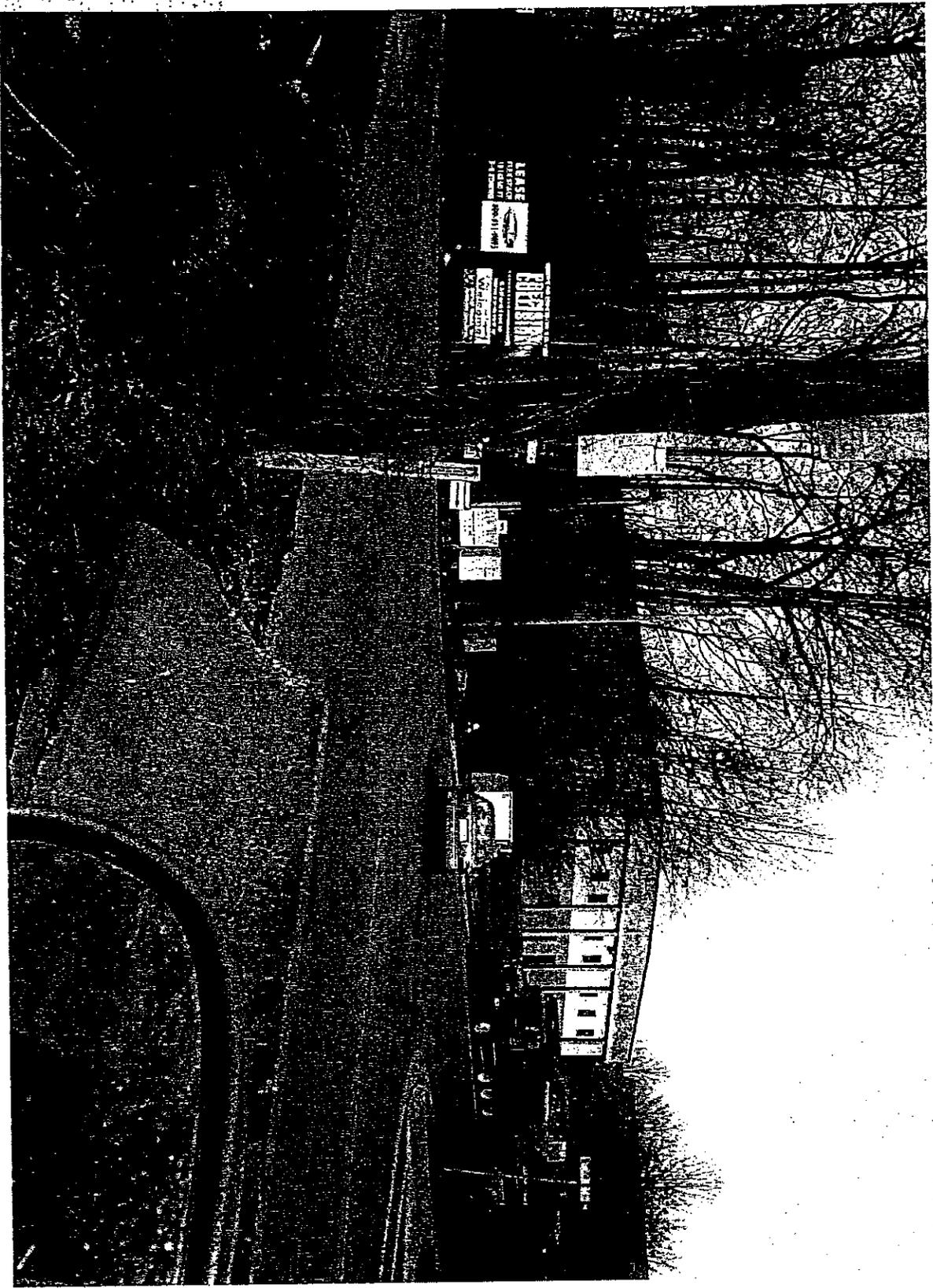


Photo 8: West Lot Line looking to the West. Photo was taken from application property on January 29, 2010.

2232-110-17

NON
JUN 4 2010



Photo 9: Southwest corner of the property looking to the North. Photo was taken from application property on December 9, 2008.

2232-210-17



JUN 4 2010

Photo 10: Southern end of the property near the RPA line, looking to the North. Photo was taken from application property on December 9, 2008.

2232-710-17

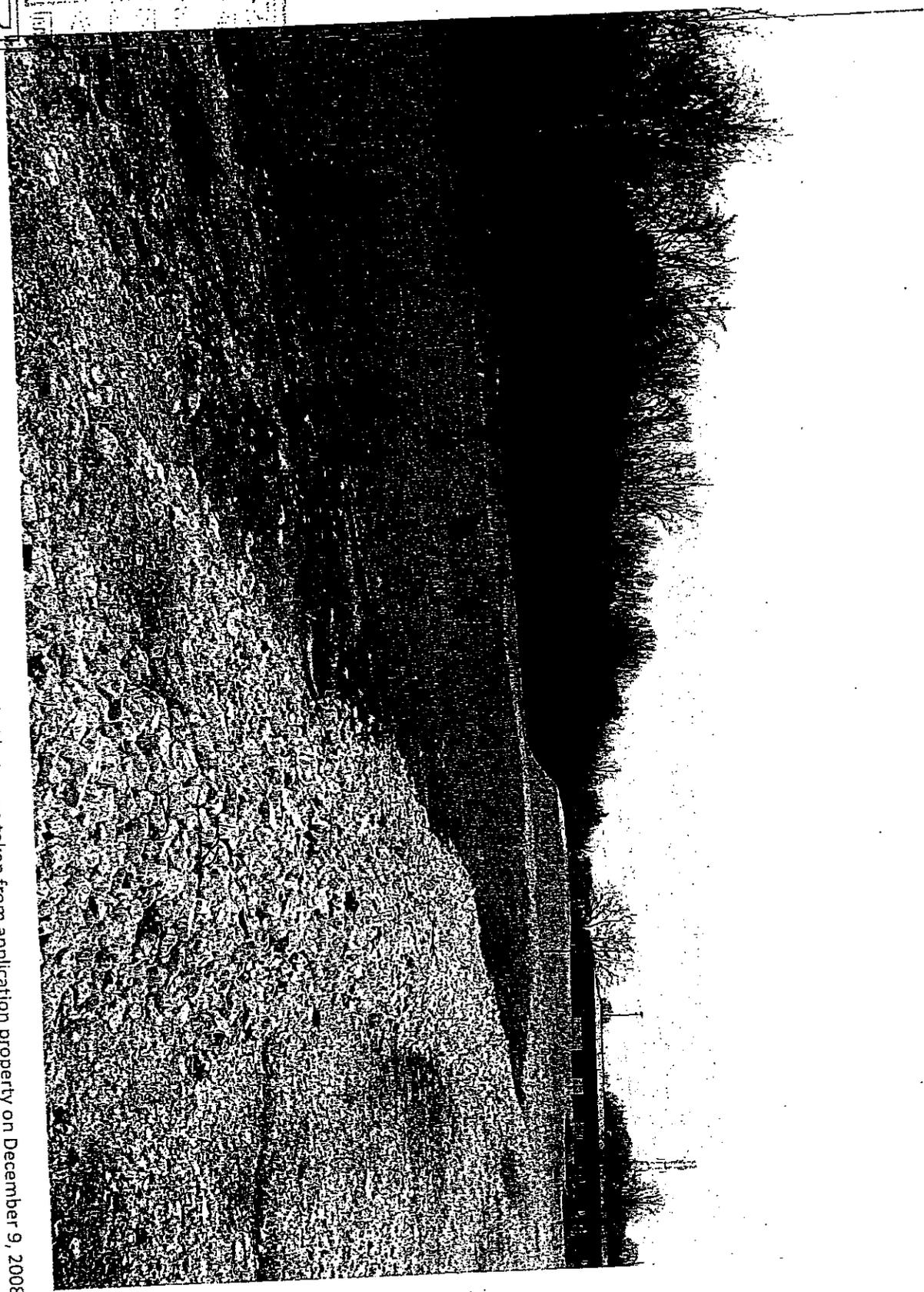
JUN 4 2010



Photo 11: Northern end of the property looking to the South. Photo was taken from application property on December 9, 2008.

2232-110-17

Photo 12: Northern end of the property near the RPA line, looking to the south. Photo was taken from application property on December 9, 2008.



2232-110-17

JUN 4 2010

2232-L10-17

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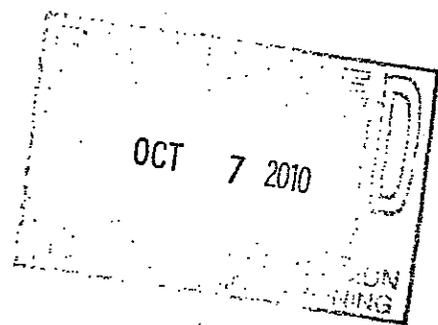
Lori Greenlief
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lgreenlief@mcguirewoods.com
Direct Fax: 703.712.5050

October 6, 2010

St. Clair Williams
David Jillson
12055 Government Center Parkway
8th floor
Fairfax, VA 22035



RE: Response to prestaffing comments, SE 2010-LE-017 and 2232-L10-17, Iskalo CBR, LLC

Dear Mr. Williams and Mr. Jillson:

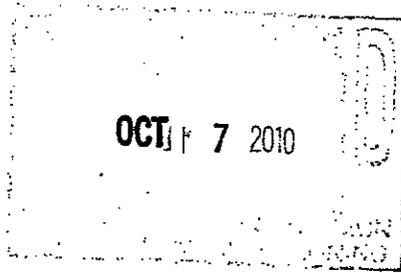
The information contained in this letter, together with the enclosures, are in response to the prestaffing comments supplied to the Applicant in our meeting with you on September 14, 2010. At that meeting, we obtained written comments regarding the 2232 application and verbal comments regarding the special exception application. Subsequent to the meeting, additional written comments were received from the Fairfax County Department of Transportation and VDOT on the special exception application.

Department of Public Works and Environmental Management - Environmental and Site Review Division(DPWES)

Chesapeake Bay Preservation Ordinance Clarifications

- The boundary of the major floodplain on the property will not change as a result of this development, therefore a re-delineation of the RPA is not necessary. A summary of this information is provided on Sheet 2 of the Cinder Bed Road Floodplain Study dated June 2, 2010 and detailed information is provided on the additional sheets within that study.
- The Applicant acknowledges that a Water Quality Impact Assessment for the storm drainage improvements will be required at the time of site plan review.
- The statement of justification for the 2232 application will be corrected to accurately reflect the width of the driveway as depicted on the plat.

September 30, 2010
Page 2



- The Applicant acknowledges that water quality controls will be required for this development. The Applicant will work with staff during Site Plan approval to confirm that the stormfilters are sized to meet the phosphorus requirements, including the use of the Santa Barbara method.

Floodplain Clarification

- A floodplain study, dated June 2, 2010 prepared by Wendel Duchscherer was submitted with the original application but not distributed to DPWES. Additional copies are enclosed with this letter. The floodplain study addresses the comments raised about water quality controls.

Stormwater Detention Clarification

- The Applicant will meet the applicable Public Facilities Manual requirements for stormwater detention at the time of site plan review.

Department of Public Works and Environmental Services, Forest Conservation Branch

1. The tree save area has been revised to show additional acreage in the upland forest area.
2. The Applicant understands the desire to protect trees in the southwest corner of the property, but due to topography and space constraints it will not be possible.
3. Similarly, the construction of a necessary retention wall will not allow for an undisturbed 10 foot buffer on the southern edge of the property. The change in topography itself will serve to protect the off-site trees which are located approximately 10 feet from the lot line.
4. A revised RPA restoration plan will be submitted.
5. The Applicant agrees that the 10-year canopy calculations should be modified to reflect the 148,253 sq. ft. of canopy. This still exceeds the required amount by over 90%.
6. An amount of parking lot landscaping sufficient to meet Ordinance requirements is provided within the employee and visitor parking lot in the northern section of the property. Par. 5 of Sect. 13-202 of the Zoning Ordinance allows the Director to waive or modify the interior parking lot landscaping requirement for any use in an industrial district wherein vehicles are parked or stored, provided the use is screened from view of adjacent properties and public streets. The bus parking

OCT 7 2010

area is screened from Cinder Bed Road by the vegetation within the RPA area. The bus maintenance facility has been specifically located within an industrial area of the county to avoid impacts, to include visual, to adjacent properties. As a general rule, no screening is required between these industrial uses. The need to buffer a storage lot without parking lot landscaping from adjacent residential uses is understandable but the subject property is surrounded by industrially zoned and developed properties. The statement of justification will be revised to include a justification for waiving the parking lot landscaping requirement in the bus parking lot in the southern portion of the site.

7. The eastern portion of the property will have an 8 foot high anti-climb chain link. This fence is shown on Sheet 4 of 27 and Sheet 5 of 27.
8. The Applicant acknowledges that tree preservation conditions will be a part of the recommended development conditions for approval.

General Environmental Response

By its very nature, this bus facility supports the environmental goal of facilitating the increased use of mass transit in the metropolitan area. Additionally, the facility will service and support WMATA's fleet of clean energy buses. Of a more specific nature, this application also presents the opportunity to further the steps that have already been taken to correct the negative effects of the previous infringement into the RPA on the site. Additional restoration (plantings) are proposed to include the restoration of the previous "second" road on the property in the southern portion of the RPA to a revegetated channel that will also serve to naturally slow the velocity of water flowing from the detention/water quality facilities to Long Branch Creek. The proposed bridge over Long Creek is a 60 foot span Conspan Arch bridge that is designed to minimize impact on the floodplain as well as allow wildlife to traverse the stream corridor through the site to the north and south. Stormwater detention requirements are met through the use of underground vaults and the proposed water quality measures will attain a phosphorus removal percentage in keeping with PFM requirements. The facility will also be designed to a minimum LEED silver certification standard for new construction and will also likely have clean technology buses such as those that run on Compressed Natural Gas at the facility, which furthers the Green building goals of the Comprehensive Plan.

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Page 4

Fairfax County Department of Transportation (FCDOT)

- All seven bullets within the Fairfax County Department of Transportation memo relate to requested revisions to the transportation impact study (TIS). These revisions will be reviewed and a revised TIS will be submitted.

Virginia Department of Transportation (VDOT)

- All comments within the VDOT Evaluation Report relate to requested revisions to the transportation impact study (TIS). These revisions will be reviewed and a revised TIS will be submitted.

Other transportation questions raised in meeting with staff.

- Improvements along Cinder Bed Road. Cinder Bed Road south of Hill Park Drive has been improved as part of previous development in the area. As illustrated in Photo 1, the existing roadway consists of two travel lanes and a dedicated northbound right turn lane at the Hill Park Drive intersection. The northbound travel lane includes a concrete gutter. The southbound travel lane includes a paved shoulder. As shown in Photo 2, the existing pavement south of Hill Park Drive is in good condition.



Photo 1

OCT 7 2010

2232-L10-17

- TDM provisions (Policies on Services, Obj. 5, Policies b, h, i) – Provide strategies as appropriate. In general, it should be noted that the purpose of the application is to enhance/improve a necessary element of the area's mass transit system so that mass transit can continue to be an option for the general public in Fairfax County. It should also be noted that employee trips to and from the facility will be out of peak for the surrounding area. WMATA employees at the facility will be allowed free ridership on WMATA bus and rail vehicles and bike racks will be provided at the facility to further encourage options to SOV transportation.
- Line of Sight Profile (Policies on Services, Obj. 7, Policy b) – Provide line of site profile. A line of sight section drawing has been provided which shows the relationship of the nearest residence on Rolling Creek Way in the Hawthorne subdivision to the proposed facility.
- Noise (Policies on Services, Obj. 7, Policy b) – Provide summary of noise impacts. WMATA conducted an Environmental Evaluation in the summer of 2009 with a Public Hearing in July 2009. A summary of the noise analysis performed as part of the Environmental Evaluation and is provided with this letter. In summary, the report predicts that the future predicted noise levels at the Hawthorne subdivision generated from the facility will be less than the existing ambient noise level in the Hawthorne subdivision, and as such would likely be non-detectable to the human ear.
- Traffic Routing (Policies on Services, Obj. 7, Policy b) – Provide traffic routing. Bus routing patterns were discussed above in the Transportation section.
- Lighting (Policies on Services, Obj. 7, Policy b) – Provide lighting information. Any proposed lighting on the property will be shielded and directed downward.
- Pedestrian access and safety during construction (Policies on Services, Obj. 7, Policy f) – Address pedestrian access and safety during construction. During construction, the site will be secured through the use of a temporary construction fence that will be at least 6' high. This will be replaced towards the end of the project once the permanent fence or other permanent site features are ready to be installed.
- On-site safety and security (Policies on Services, Obj. 9, Policy c) – Describe safety and security features. The facility will be fenced with an 8 foot high anti-climb barbed wire chain link fence. There will be a guard 24/7 at the entrance to the facility. Additionally, security cameras will be strategically placed on the property.

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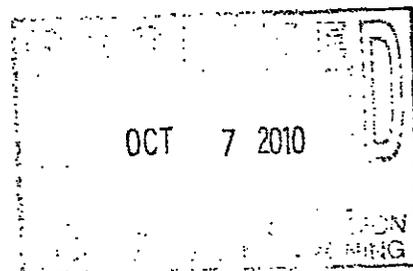
- Maintenance Facilities, Location, Service Area. (Countywide Objectives and Goals, (Obj. 38, Policy a) – Show service area. This policy has been addressed above.
- Maintenance Facilities, Location, Orientation to Arterial Roadway (Countywide Objectives and Goals, (Obj. 38, Policy b) – Show access to Fairfax County Parkway. Buses will travel south on Cinder Bed Road (north is a dead end) to the Fairfax County Parkway, an arterial roadway. No buses will use Newington Road.
- Maintenance Facilities, Character and Extent, Tree Save Areas (Countywide Objectives and Goals, (Obj. 39, Policy a) – Show tree save areas. Approximately 300 feet of existing trees will be preserved, with the exception of the proposed roadway which was already cleared with the previous use on the property, which will provide a buffer in excess of the County requirements to the residential uses which are located behind other existing industrial uses on the east side of Cinder Bed Road.

The respective statements of justification for the 2232 and the special exception applications have been revised, where necessary, to incorporate the responses above. The necessary revisions to the special exception plat set will be submitted at the appropriate time. Thank you for the opportunity to respond to the prestaffing comments and please feel free to call me if you have any questions.

Best Regards,

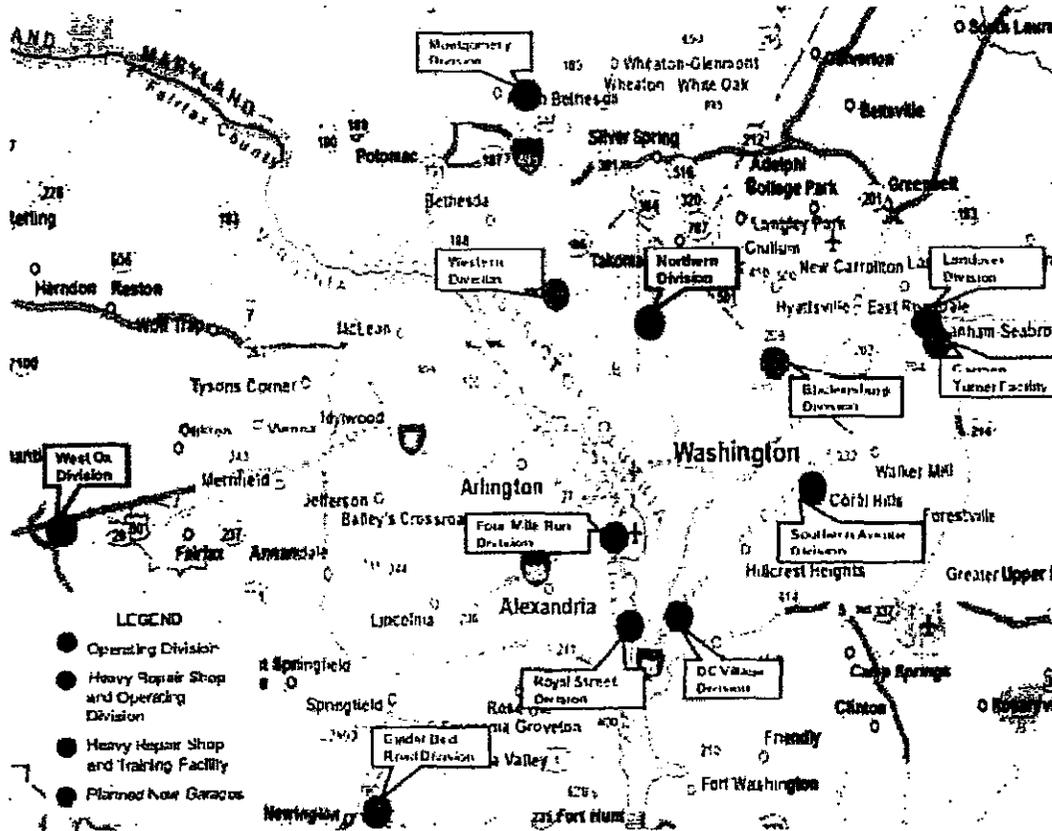

Lori Greenlief
Land Use Planner

cc: John Thomas, WMATA
Ed Shepperson, WMATA
David Duchscherer, Wendell Duchscherer
David Chiazza, Iskalo CBR LLC



OCT 7 2010

- Service area (Countywide Objectives and Goals, Obj. 1, Policy b) – Show service area for WMATA facility (Royal Street). The Cinder Bed Road bus facility will replace the Royal Street Bus facility, so the approximate service area will likely include a portion of Arlington and most of the eastern portion of Fairfax County, however the service area will be established prior to opening the facility.



- Capital Needs Information (Countywide Objectives and Goals, Obj. 1, Policy c, d) – Show need for facility. As previously stated, this facility will replace the obsolete 65 year old Royal Street garage. The recent Capital Needs Inventory (FY 2011- FY 2020) highlighted the rather urgent deficiency in the WMATA system of aging of the support infrastructure. The report indicated that seven of the ten bus garages in the Metro system are at, or near, their practical storage capacity. The three garages with storage capacity are not located near demand centers, meaning that large dead-head operating costs would result if

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Photo 2

Cinder Bed Road will be improved per jurisdictional standards along the site frontage extending north of Hill Park Drive to the north edge of the site. As shown on Drawing T-302, the proposed typical section includes two 12-foot travel lanes with 4-foot paved shoulders. Selection of the proposed typical section was based on criteria set forth in the Virginia Department of Transportation Design Manual based on the rural collector functional classification of the roadway and anticipated traffic volumes.

- Projected Bus Routes. The Applicant has committed that no buses will use Newington Road to or from the facility. As presented in the TIA, the projecting route for bus dispatch will be south on Cinder Bed Road towards the Fairfax County Parkway. They will then turn north on Backlick Road to the intersection of Backlick and the Fairfax County Parkway. There, it is projected that 55% of the buses will turn north on the Parkway and 45% will turn south. WMATA estimates that the bus assignments will be broken down approximately as follows: 45% head north on I-95; 5% head south on I-95; 35% head north on Telegraph Road; 5% head south on Telegraph Road; 5% head northwest on the Fairfax County Parkway, and 5% head southeast on the Fairfax County Parkway. The return trips to the facility will be a mirror image. The facility is designed for up to 160 buses and WMATA estimates that on a typical day, approximately 80% of the 160 total buses will be operational and not under maintenance, so the above percentages can roughly be multiplied by 129 buses to determine the number of buses along each route.

Responses to Policy Recommendations in the Comprehensive Plan (2232)

- Land Unit J, general recommendations – Address need for road improvements along full frontage. Improvements to Cinder Bed Road are discussed in the Transportation section above.

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overflow buses were assigned to these garages. Additionally, many of the maintenance facilities are not designed to handle articulated buses. It is further estimated that by 2011, only one additional storage space will be available at existing bus garages. When considering the additional storage for the buses necessary to meet growing demand (estimated at over 300 buses), the bus garage capacity, strategically located, becomes critical.

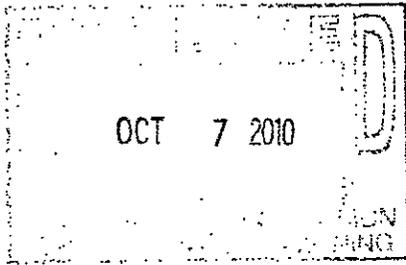
According to the WMATA Environmental Evaluation completed in June 2009, due to the significant additional time required to find a new site, design and build a new facility, the alternative to build a bus operations and maintenance facility on a different new site is not a preferable option. The characteristics of the Cinder Bed Road site that led the Applicant to issue a proposal to WMATA for the replacement of the Royal Street Bus Garage include the following:

- Industrial Area (I-6 zoning)
- Compatible with adjacent uses (other industrial uses)
- Sufficient size (17.4 total acres)
- Existing bus facilities in the vicinity (Fairfax County bus garage)
- Quick, efficient access to highway system, particularly I-95
- Reasonable proximity to service area
- Adjacent to high-pressure gas line for Compressed Natural Gas (CNG) fueling

Finally, the full costs of the Cinder Bed Road bus maintenance facility have been included within WMATA's recently approval Capital Funding Agreement

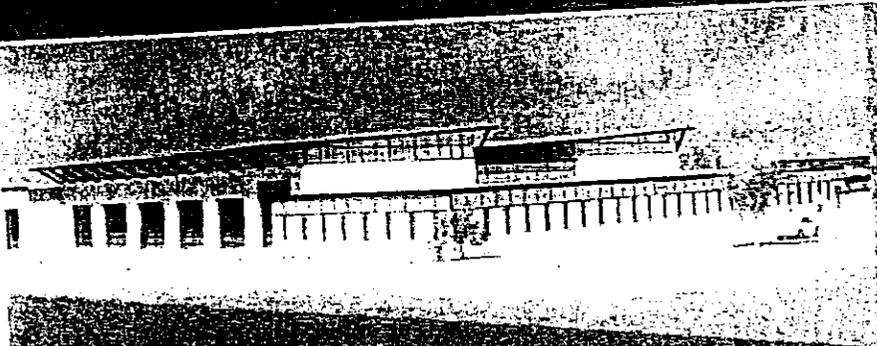
- Level of Need (Countywide Objectives and Goals, Obj. 2, Policy b) – Show requirements with level of need for facility. See response above regarding Capital Needs Inventory.
- Maintenance of Facility (Countywide Objectives and Goals, (Obj. 2, Policy c) – Describe how facility would be maintained. WMATA facilities are designed for a minimum lifespan of 50 years and are typically operated longer than 50 years, as evidenced by the existing facility stock ranging from 1 year (West Ox Road) to 102 years old Northern, DC). The facility will be staffed 24/7 and a routine maintenance schedule will be implemented.
- Engineering Considerations (Countywide Objectives and Goals, (Obj. 5, Policy d) – Confirm no marine clays on the site. Neither the official Fairfax County soils map nor the unofficial map indicate the presence of marine clay or marumsco soils on the property. Soils borings confirmed this.

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Environmental Evaluation

Cinder Bed Road Bus Operations and Maintenance Facility



Washington Metropolitan Area Transit Authority



JUNE 2009

OCT 7 2010



Construction Considerations

Construction activities can result in short-term impacts on ambient air quality. These potential impacts include direct emissions from construction equipment and trucks, increased emissions from motor vehicles on the streets due to disruption of traffic flow, and fugitive dust emissions. These impacts would be temporary, and would affect only the immediate vicinity of the construction sites and their access routes. Emissions from project-related construction equipment and trucks would be much less than the total emissions from other industrial and transportation sources in the region, and therefore, are expected to be insignificant with respect to compliance with the NAAQS.

The Cinder Bed Road bus operations and maintenance facility would involve construction activities and equipment to support construction of new maintenance buildings, parking areas, new access driveways and improvements to Backlick Road.

However, mitigation measures will be implemented during construction to minimize short-term air quality impacts. These "good housekeeping" practices include the following sample measures, which are in accordance with WMATA's goal to achieve sustainability provisions whenever possible by minimizing project impacts in the community.

- Use watering trucks to minimize dust;
- Cover materials (dirt) when hauling;
- Implement site-specific traffic management plans; and
- Minimize unnecessary vehicular and machinery activities.

3.8 Noise and Vibration

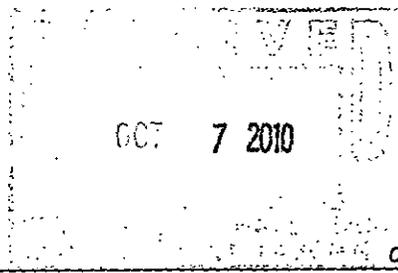
A preliminary noise and vibration assessment was conducted according to Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment* guidelines [FTA, May 2006]. Specifically, a general assessment was conducted to model future noise levels from the proposed bus garage operations and bus pass-bys along Cinder Bed Road in the design year 2012. The predicted noise levels were compared with applicable criteria from the FTA, Fairfax County [Chapter 108] and WMATA [Design Guidelines, 1980] to assess the potential for impact in the community.

3.8.1 Existing Conditions

The proposed bus operations and maintenance facility is located in an industrial area bordered by major transportation corridors (Interstate 95 [I-95] to the west and Fairfax County Parkway to the south) and mixed residential to the east. For example, the closest noise-sensitive receptors include two clusters of dense residential communities: (1) Hawthorne development east of the project site; and (2) single-family homes adjacent to the Hunter Estates development just east of the bus access route along Cinder Bed Road.

Existing noise exposure at these residences was estimated using the FTA's general assessment guidelines by looking at each receptor's proximity to major roads and railroad lines. Based on their approximate distances to two major transportation corridors, including I-95 and the CSX railroad, existing 24-hour day-night noise levels (or Ldn) are estimated at 50 decibels (or dBA). This level is representative of a suburban environment over one-half mile from a major interstate highway. Using the FTA guidelines, this estimated background level is used to develop the project threshold limits against which future project noise levels will be compared to assess the level of impact.

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Other evaluation criteria include the Fairfax County maximum permissible noise limit (L_{max}) of 55 dBA at residences and the WMATA stationary source design goal of 50 dBA L_{max} for ancillary transit facilities. The L_{max} noise limits are evaluated against individual bus events, such as a passby or maintenance activity, while the FTA L_{dn} criteria are evaluated against 24-hour cumulative noise levels.

3.8.2 Evaluation

Potential noise and vibration impacts have been assessed for both long-term operations as well as short-term construction considerations. Design Options 1 and 2 would have the same effects on noise and vibration.

Operational Impacts

Using the FTA general assessment guidelines, future project noise levels were predicted based on maximum bus operations at the proposed facility and along the Cinder Bed Road. Although the proposed bus garage has a capacity of 160 buses, only approximately 80 percent would flow in and out of the facility on a daily basis with the other 20 percent (or 32 buses) remaining at the facility for maintenance and cleaning service. As a result, future noise impacts were based on 582 bus movements and 721 personal vehicle movements for various periods of the day and night broken out as follows:

- 431 bus movements during the daytime (7:00 AM-10:00 PM)
- 151 bus movements during the nighttime (10:00 PM-7:00 AM)
- 530 personal vehicle movements during the daytime
- 191 personal vehicle movements during the nighttime

As summarized in Tables 3-10 and 3-11, future predicted L_{dn} noise levels at the closest residences range from 39 dBA at Site 1 (Hawthorne development) to 47 dBA at Site 2 (Hunter Estates development). These levels are well below the FTA thresholds for moderate impact of 53 dBA and for severe impact of 60 dBA. Similarly, future predicted maximum noise levels from the bus garage and bus passbys along Cinder Bed Road range from 40 dBA at Site 1 to 54 dBA at Site 2. Although these predicted levels are not predicted to exceed the Fairfax County Noise Ordinance limit of 55 dBA at either of the residential communities, they are predicted to exceed the WMATA ancillary facility design goal of 50 dBA for average or moderately quiet communities.

Table 3-10: Predicted Noise Levels Comparison with FTA Cumulative Impact Limits

Site	Receptor	Distance	L _{dn}	FTA Cumulative Impact Thresholds	
				Moderate	Severe
1	Hawthorne Development	1,300	39	53	60
2	Hunter Estates Development	670	47	53	60

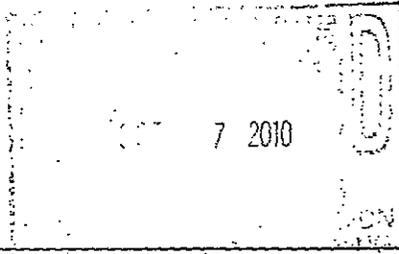


Table 3-11: Predicted Noise Levels Comparison with Fairfax County and WMATA Noise Limits

Site	Receptor	Distance	Lmax	Noise Limit Thresholds	
				Fairfax County	WMATA
1	Hawthorne Development	1,300	40	55	50
2	Hunter Estates Development	670	54	55	50

Although the predicted noise from bus passbys are predicted to exceed the WMATA ancillary facility design goal of 50 dBA, a review of the proposed operating conditions and maximum operating speed (currently 45 mph) is suggested before mitigation measures are recommended. Furthermore, depending on the existing background noise levels, which should be documented with actual measurements, the predicted maximum noise levels from bus passbys are expected to be at or below the current ambient levels. As a result, although no mitigation measures are currently recommended, careful attention to the design of the bus garage facilities is recommended to minimize unnecessary noise impacts on the community. Such "good neighbor" control measures could include barriers around stationary sources like compressors, generators and disk brake milling machines, keeping maintenance shop doors closed, and minimizing bus idling while at the facility.

No ground-borne vibration impacts are predicted at any of the closest residences since rubber-tired vehicles rarely result in elevated vibration levels due to the bus suspension systems.

Construction Considerations

As with air quality construction impacts, temporary noise and vibration impacts will occur as a result of constructing the Cinder Bed Road bus operations and maintenance facility. Where impacts are identified during final design of the facility, reasonably available control technologies will be implemented to mitigate potential noise and vibration impacts at nearby sensitive receptors. Typical control measures include, for example, the following:

- All exhaust systems on equipment should be in good working order;
- Properly designed engine enclosures and intake silencers should be used where appropriate;
- Equipment should be maintained on a regular basis;
- Stationary equipment should be located as far away from sensitive receivers as possible; and,
- Whenever possible, limit construction activities to the daytime between 7:00 AM and 9:00 PM in accordance with the Fairfax County Noise Ordinance [Section 108-4-1(b)].

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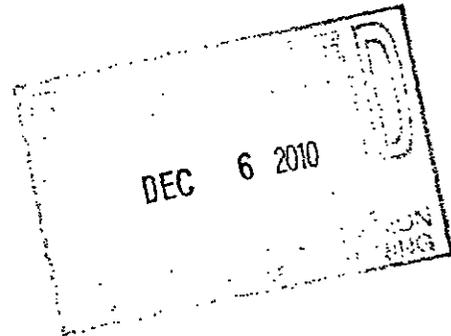
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December 6, 2010

St. Clair Williams
David Jillson
12055 Government Center Parkway
7th, 8th floor
Fairfax, VA 22035



RE: SE 2010-LE-017 and 2232-L10-017

Dear Mr. Williams and Mr. Jillson:

Enclosed please find revised plats (15 for the SE and 6 for the 2232) for the above referenced applications. We look forward to meeting with you on Wednesday, December 8 to discuss the transportation comments provided by Mike Garcia and Alan Kessler.

In response to the issues raised in the environmental memorandum prepared by John Bell and dated November 23, 2010, the applicant has submitted the required floodplain study which is currently under review in DPWES. The applicant does not anticipate any substantial plat changes as a result of that review. WMATA is committed to attaining a LEED silver certification but the details of how that certification will be obtained are currently being developed. It is also noted that even after certain elements are designed, these may change once in the certification process. The applicant is in the process of registering under LEED-NC v2009 with the U.S. Green Building Council. The applicant will agree to attaining the LEED silver certification, but cannot commit to specific elements at this time.

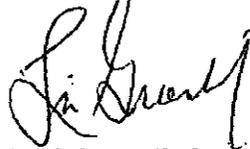
The project will be developed at a level of intensity that is less than many by-right uses which could locate on the property. This will be a state of the art facility, and as noted above, WMATA is committed to Green construction. Transportation improvements to include a traffic signal warrant study and if warranted, installation of a traffic signal at the reconfigured intersection of Newington Road and Cinder Bed Road is proposed with this application. Additionally, alterations to the northbound approach at Cinder Bed Road and Backlick Road and signal timing adjustments at the Fairfax County Parkway/Backlick Road intersection are also proposed. The Applicant is also willing to complete frontage improvements, the details of which we will discuss on Wednesday. These transportation improvements will adequately mitigate any foreseeable traffic impacts of the use.

December 6, 2010
Page 2

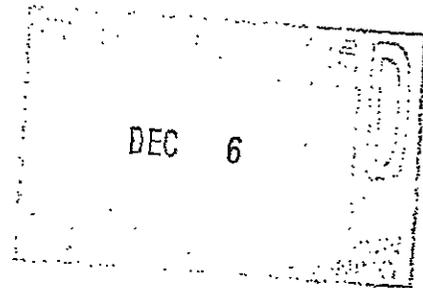
2232-L10-17

Please feel free to call me if you have any questions.

Best Regards,



Lori Greenlief
Land Use Planner



2232-L10-17

GREEN BUILDING CERTIFICATION INSTITUTE

Payment Receipt

Dear Aliesa Adelman,

Thank you for your order. Please print or save this email for your records. Your payment has been received.

Invoice Date : 12/06/2010
Invoice # : 90527435
Order # : 11118813
Credit Card # : *****002

Please see below for your order details:

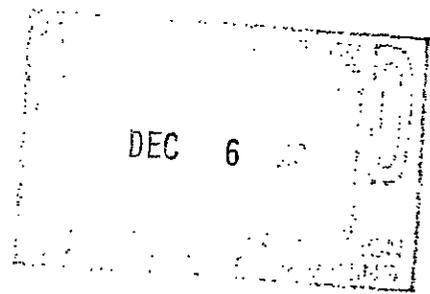
Project ID : 1000011321
Project Name : WMATA Bus Maintenance Facility

Product Description	Order Quantity	Shipping Handling	List Price	Sales Tax	Total Price
LEED-NC v2009 Registration	1 EA	0.00	900.00	0.00	900.00
Total Invoice (900.00)

Thank you,

GBCI

1-800-795-1746



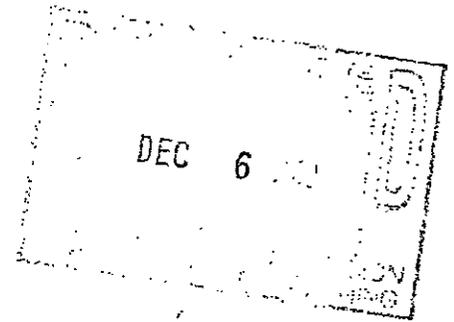
2232-L10-17

From: LEED Info
To: Aliesa Adelman
Subject: Thank you for your LEED Project Registration
Date: Monday, December 06, 2010 11:28:11 AM

Dear Aliesa Adelman,

Your LEED project has been successfully registered in LEED Online v3.

Project ID: 1000011321
Project Title: WMATA Bus Maintenance Facility
Project Access ID: 2688348122112421
Project Rating System: LEED-NC v2009
Registration Type: Individual Project
Registration Date: 12/06/2010
Project Location: Lorton, VA
US, 22079



You may now log into LEED Online v3 at <https://www.leedonline.com> to manage your project and begin the application process.

The first time you log in, you will be presented with a set of 'Getting Started' information that will help you kick off the certification process. Further technical LEED assistance is available through the following resources:

- The help section of LEED Online
- LEED Resources & Tools: <http://www.usgbc.org/projecttools>
- LEED Reference Guides:
http://www.usgbc.org/Store/PublicationsList_New.aspx?CMSPageID=1518
- LEEDuser, a third-party resource that offers a variety of supplemental LEED advice: <http://www.leeduser.com>

If you find an error within the LEED Online system, including any of the forms, please report it using of the feedback button, located in the menu bar. If you have questions about the technical content of LEED or the certification process, please contact the Green Building Certification Institute (GBCI).

If you experience any problems, please contact the Green Building Certification Institute (GBCI) at:
Phone: 1-800-795-1746
Email: www.gbci.org/ContactUs

Please note, only projects registered through LEED Online v3 will be visible in your LEED Online v3 project list. If you have previously registered a project under LOv2, you will only be able to access those projects in LEED Online v2.

Thank you,
GBCI

This is an automatically generated email. Please do not reply to this message.

McGuireWoods LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Phone: 703.712.5000
Fax: 703.712.5050
www.mcguirewoods.com

2232-L10-17

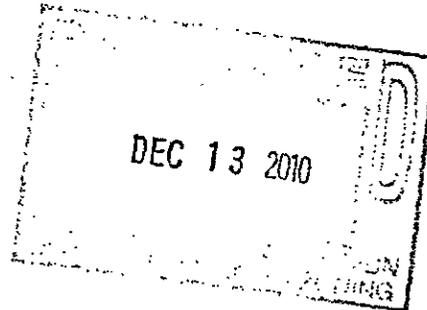
David R. Gill
Direct: 703.712.5039

McGUIREWOODS

drgill@mcguirewoods.com
Direct Fax: 703.712.5050

December 10, 2010

St. Clair Williams
David Jillson
12055 Government Center Parkway
7th, 8th floor
Fairfax, VA 22035



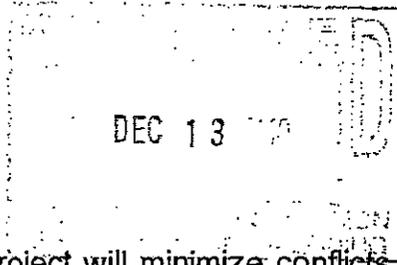
RE: SE 2010-LE-017 and 2232-L10-017. Iskalo CBR LLC

Dear Mr. Williams and Mr. Jillson:

As a follow-up to our meeting yesterday, the purpose of this letter is to clarify the Applicant's response to the transportation discussions we have had to date on the above-referenced applications and to memorialize the commitments the Applicant has made. The result of these commitments is a project that will likely improve the transportation network over its existing condition, all while creating a project that is critical for supporting public transit options. Further, the project will be "greener", less-intense, and generate less traffic than if the property was developed to its capacity under its current unproffered heavy industrial zoning.

The specifics of this response are based in large part on the Traffic Impact Study that was conducted for the project. This project did not generate a sufficient level of traffic during the AM or PM peak hours to warrant a 527 Traffic Impact Analysis, but based on community and staff feedback, the Applicant agreed to produce a traffic study to assess the impacts of the use. The Applicant is willing to commit to the recommendations of the study as outlined below. These commitments by the Applicant also reflect responses to issues raised in meetings with the surrounding neighborhood(s).

- Conduct a signal warrant study for the realigned intersection of Cinder Bed Road and Newington Road and install a traffic signal if such is warranted, as determined by VDOT. It is noted that the traffic study concludes that signaling this intersection will provide a considerable improvement in level of service (LOS) for the Cinder Bed Road approach, from a LOS F to a LOS C. This improvement would not occur if the property was developed "by-right."
- Commit to no buses utilizing Newington Road or Telegraph Road north of the Fairfax County Parkway. Unlike other industrial uses in the area, this



2232-L10-17

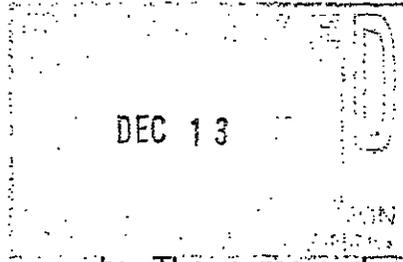
commitment ensures the project will minimize conflicts with nearby established residential communities.

- Commit to improving Cinder Bed Road along our frontage by dedicating 35 feet of right-of-way from the centerline along the site's frontage on Cinder Bed Road and reconstructing the present travels lane with two 13'-wide lanes (improving from their current 12'), with curb and gutter sections and a sidewalk on the east side of Cinder Bed Road, largely within the existing right-of-way. Besides creating a uniform right-of-way width, this is consistent with the Comprehensive Plan, which only recommends Cinder Bed Road to be a two lane section. However, Staff has requested construction to 26 feet from centerline which would equate to two southbound lanes or an ultimate 4-lane section for Cinder Bed Road.

Cinder Bed Road dead-ends just north of the property. Thus, the section of Cinder Bed Road adjacent to the property will carry less volume of traffic than the section near the realigned intersection where a 4-lane section will be constructed. Additionally, widening Cinder Bed Road to two lanes from the centerline toward the property will not only mean constructing such road within the RPA, but also within the Long Branch Stream as the actual stream bed currently runs adjacent to the existing road in the southern portion of the site. The property immediately to the south, the subject of a recent 2004 site plan approval, also did not construct two lanes along their frontage, but rather a one lane ditch section. In that context, the above commitment for frontage improvements is justified given the limited impact of the project.

- WMATA will endeavor to work with VDOT and FCDOT to modify/restripe the northbound approach at the Cinder Bed Road/Backlick Road intersection from a shared left/through lane and an exclusive right turn lane to an exclusive left turn lane and a shared through/right lane. This will increase the efficiency of this intersection, as the number of vehicles turning right on the northbound approach is minimal, compared to the number of vehicles turning left. This will improve the intersection and effectively mitigate impacts associated with the proposed development.
- WMATA will endeavor to work with VDOT and FCDOT to implement signal timing adjustments at the Fairfax County Parkway intersections to better accommodate traffic flow onto the Parkway from Backlick Road. The Applicant has revised the AutoTURN diagrams for this intersection as requested by staff and such are included with this submission.

The Office of Transportation, in response to the 2232 application, also recommended dedication of a 16-foot wide trail easement in the rear portion of the property. Because of topographic issues and the fact that the front half of the property is RPA, it is not possible to shift the development to any degree to accommodate a trail



2232-L10-17

easement in the rear portion of the property. The memorandum from VDOT, while we believe was addressing issues from another project, did indicate that an Access Management Exception is necessary for the site entrance. The Applicant has asked FCDOT to confirm if this applies to the subject property. VDOT classifies Cinder Bed Road as a local roadway. As such, a spacing of 50 feet between radii is required for commercial entrances. No other driveway is located within 50 feet of the proposed driveway, therefore a design exception for driveway spacing will not be required.

In response to the VDOT comment as to why the proposed entrance drive is not located directly opposite Hill Park Drive, the proposed location allows for a more environmentally sensitive road/bridge design and the spacing between the proposed entrance and existing Hill Park Drive meets VDOT spacing requirements. The proposed entrance was determined to be the preferred location at the time of the environmental evaluation. It is noted that the AutoTURN diagram for the site entrance was also revised and is included with this submission.

The Applicant also commits to the following environmental conditions relative to the RPA:

- Restoration/Preservation of RPA. For the areas in the RPA that are disturbed per an approved grading plan, a replanting/restoration plan shall be developed and implemented in accordance with the standards specified in Par. (f) of Section 118-3-3 of the Chesapeake Bay Preservation Ordinance and as reviewed and approved by Urban Forest Management and the Department of Public Works and Environmental Services. For those areas which are indicated as RPA on the special exception plat but which will not be disturbed, the Applicant shall submit documentation verifying that existing vegetation meets the above PFM requirements and is healthy. This plan and said documentation shall be submitted at the time of site plan review.
- Restoration in area of existing southern road. The existing entrance road in the southern portion of the property shall be replaced with a channel to convey stormwater flow to Long Branch. This channel shall be designed and constructed in a manner so as to appear to be a naturalized channel (vs. a man-made) including meanders along with pool and riffle structures, if appropriate. Special care shall be taken to control velocities as this new channel enters Long Branch. The design for said channel, which will include grading and landscaping, shall be submitted at the time of site plan review.
- New entrance road. All work on the northern entrance road and stream crossing shall be completed in such a way to minimize disruptions to the RPA and Long Branch. Disturbed areas along the new roadway and underneath the proposed 60' CONSPAN arch will be restored as per the requirements of the Public Facilities Manual of Fairfax County.

2232-L10-17

Lastly, the proposed bus operation facility will be state of the art and the Applicant is willing to commit to attaining a LEED silver certification.

In closing, the transportation and other improvements outlined above will not only mitigate the projected transportation impacts of the proposed use but also improve the traffic situation in the area. Again, the property is planned and zoned for industrial use and the project will be developed at a level of intensity that is less than many by-right uses which could locate on the property. With these commitments, the resulting project will be a significant benefit to the area and support transit in Fairfax County and the region for decades to come.

Please feel free to call me if you have any questions.

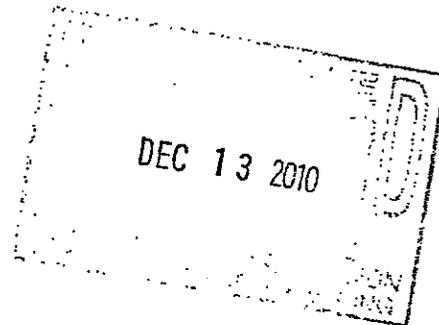
Kindest Regards,



David R. Gill
McGuireWoods LLP

cc: Supervisor McKay, Lee District Supervisor
Alan Kessler, FCDOT
John Thomas, WMATA
Matt Roland, Iskalo CBR, LLC

Enclosures



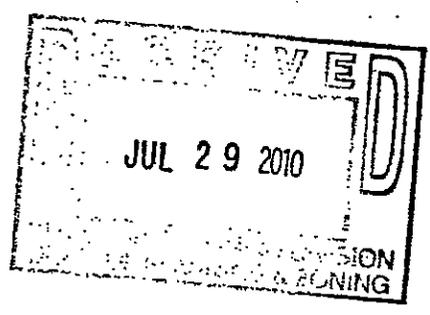
Jillson, David

ATTACHMENT 2

From: Kirst, Lorrie
Sent: Thursday, July 29, 2010 6:25 AM
To: Jillson, David
Subject: FW: Rev 2 - 2232-L10-17

232- L10-17
WMATA - Proposed Regional Bus Maintenance Facility
828, 7901, 7907 and 7915 Cinder Bed Road
ax Map 99-2 ((3)) 1, 2, 3A and 3B
oning Districts: R-1 and I-6

Under the Zoning Ordinance, the proposed use is a regional non-rail transportation facility which requires special exception approval in both the R-1 and I-6 Districts. WMATA has filed Special Exception Application SE 2010-LE-017 which has been accepted but not yet scheduled for public hearings.





County of Fairfax, Virginia

MEMORANDUM

ATTACHMENT 3

DATE: 9 August 2010

TO: David Jillson, Senior Planner

FROM: Linda Cornish Blank
Historic Preservation Planner

SUBJECT: 2232-L10-17, WMATA construction of regional bus maintenance, storage and operations facility at 7828, 7901, 7907, 7915 Cinder Bed Rd, Tax Map 99-2 ((3)) 1, 2, 3A 3B

Finding: The subject property is not included within the boundaries of a Fairfax County Historic Overlay District, is not listed on the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file. There are no properties in the immediate vicinity of the property which is the subject of this application that are within the boundaries of a Fairfax County Historic Overlay District, listed on the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file that would be negatively impacted by the proposed bus maintenance, storage and operations facility

Recommendation: No action concerning heritage resources is required.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcountv.gov/dnz/





County of Fairfax, Virginia

MEMORANDUM

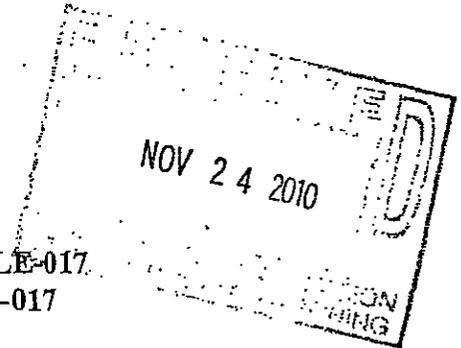
ATTACHMENT 4

DATE: November 23, 2010

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Pamela G. Nee, Chief *PNN*
Environment and Development Review Branch, DPZ

SUBJECT: ENVIRONMENTAL ASSESSMENT for: SE 2010-LE-017
2232-L10-017
WMATA Bus Facility – Cinder Bed Road



This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that provide guidance for the evaluation of the above referenced Development Plan dated as revised through July 27, 2010. Possible solutions to remedy identified environmental impacts are suggested. Other solutions may be acceptable, provided that they achieve the desired degree of mitigation and are also compatible with Plan policies.

COMPREHENSIVE PLAN CITATIONS:

The Comprehensive Plan is the basis for the evaluation of this application. The assessment of the proposal for conformity with the environmental recommendations of the Comprehensive Plan is guided by the following citations from the Plan:

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through July 27, 2010, on page 7 through 16, the Plan states:

“Objective 2: Prevent and reduce pollution of surface and groundwater resources. Protect and restore the ecological integrity of streams in Fairfax County....

Policy d. Preserve the integrity and the scenic and recreational value of stream valley EQCs when locating and designing storm water detention and BMP facilities....

Policy k. For new development and redevelopment, apply better site design and low impact development (LID) techniques such as those described below, and pursue commitments to reduce stormwater runoff volumes and peak flows, to increase groundwater recharge, and to increase preservation of undisturbed areas. In order to minimize the impacts that new development and redevelopment projects may have on the County's streams, some or all of the following practices should be considered where not in conflict with land use compatibility objectives:

- Minimize the amount of impervious surface created. . . .
- Encourage the use of innovative BMPs and infiltration techniques of stormwater management where site conditions are appropriate, if consistent with County requirements.
- Apply nonstructural best management practices and bioengineering practices where site conditions are appropriate, if consistent with County requirements. . . .
- Maximize the use of infiltration landscaping within streetscapes consistent with County and State requirements.

Development proposals should implement best management practices to reduce runoff pollution and other impacts. Preferred practices include: those which recharge groundwater when such recharge will not degrade groundwater quality; those which preserve as much undisturbed open space as possible; and, those which contribute to ecological diversity by the creation of wetlands or other habitat enhancing BMPs, consistent with State guidelines and regulations. . . .

Programs to improve water quality in the Potomac River/Estuary, and Chesapeake Bay will continue to have significant impacts on planning and development in Fairfax County. There is abundant evidence that water quality and the marine environment in the Bay are deteriorating, and that this deterioration is the result of land use activities throughout the watershed.

In order to protect the Chesapeake Bay and other waters of Virginia from degradation resulting from runoff pollution, the Commonwealth has enacted regulations requiring localities within Tidewater Virginia (including Fairfax County) to designate "Chesapeake Bay Preservation Areas". Within which land uses are either restricted or water quality measures must be provided. Fairfax County has adopted a Chesapeake Bay Preservation Ordinance pursuant to these regulations.

The more restrictive type of Chesapeake Bay Preservation Area is known as the "Resource Protection Area (RPA)." With a few exceptions (e.g. water wells, recreation, infrastructure improvements, "water dependent" activities, and redevelopment), new development is prohibited in these areas. In Fairfax County, RPAs include the following features:

- water bodies with perennial flow;

- tidal wetlands;
- tidal shores;
- nontidal wetlands contiguous with and connected by surface flow to tidal wetlands or water bodies with perennial flow;
- a buffer area not less than 100 feet in width around the above features; and
- as part of the buffer area, any land within a major floodplain.

The other, less sensitive category of land in the Preservation Areas is called the "Resource Management Area (RMA)." Development is permitted in RMAs as long as it meets water quality goals and performance criteria for these areas. These goals and criteria include stormwater management standards, maintenance requirements and reserve capacity for on-site sewage disposal facilities, erosion and sediment control requirements, demonstration of attainment of wetlands permits, and conservation plans for agricultural activities. In Fairfax County, RMAs include any area that is not designated as an RPA. . . .

Objective 3: Protect the Potomac Estuary and the Chesapeake Bay from the avoidable impacts of land use activities in Fairfax County.

Policy a. Ensure that new development and redevelopment complies with the County's Chesapeake Bay Preservation Ordinance. . . .

Objective 9: Identify, protect and enhance an integrated network of ecologically valuable land and surface waters for present and future residents of Fairfax County.

Policy a: Identify, protect and restore an Environmental Quality Corridor system (EQC). . . . Lands may be included within the EQC system if they can achieve any of the following purposes:

- **Habitat Quality:** The land has a desirable or scarce habitat type, or one could be readily restored, or the land hosts a species of special interest. This may include: habitat for species that have been identified by state or federal agencies as being rare, threatened or endangered; rare vegetative communities; unfragmented vegetated areas that are large enough to support interior forest dwelling species; and aquatic and wetland breeding habitats (i.e., seeps, vernal pools) that are connected to and in close proximity to other EQC areas.

- **Connectivity:** This segment of open space could become a part of a corridor to facilitate the movement of wildlife and/or conserve biodiversity. This may include natural corridors that are wide

enough to facilitate wildlife movement and/or the transfer of genetic material between core habitat areas.

- Hydrology/Stream Buffering/Stream Protection: The land provides, or could provide, protection to one or more streams through: the provision of shade; vegetative stabilization of stream banks; moderation of sheet flow stormwater runoff velocities and volumes; trapping of pollutants from stormwater runoff and/or flood waters; flood control through temporary storage of flood waters and dissipation of stream energy; separation of potential pollution sources from streams; accommodation of stream channel evolution/migration; and protection of steeply sloping areas near streams from denudation.
- Pollution Reduction Capabilities: Preservation of this land would result in significant pollutant reductions. Water pollution, for example, may be reduced through: trapping of nutrients, sediment and/or other pollutants from runoff from adjacent areas; trapping of nutrients, sediment and/or other pollutants from flood waters; protection of highly erodible soils and/or steeply sloping areas from denudation; and/or separation of potential pollution sources from streams.

The core of the EQC system will be the County's stream valleys. Additions to the stream valleys should be selected to augment the habitats and buffers provided by the stream valleys, and to add representative elements of the landscapes that are not represented within stream valleys. The stream valley component of the EQC system shall include the following elements

- All 100 year flood plains as defined by the Zoning Ordinance;
- All areas of 15% or greater slopes adjacent to the flood plain, or if no flood plain is present, 15% or greater slopes that begin within 50 feet of the stream channel;
- All wetlands connected to the stream valleys; and
- All the land within a corridor defined by a boundary line which is 50 feet plus 4 additional feet for each % slope measured perpendicular to the stream bank. The % slope used in the calculation will be the average slope measured within 110 feet of a stream channel or, if a flood plain is present, between the flood plain boundary and a point fifty feet up slope from the flood plain. This measurement should be

taken at fifty foot intervals beginning at the downstream boundary of any stream valley on or adjacent to a property under evaluation. . . .”

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through July 27, 2010, on pages 19-21, the Plan states:

“Objective 13: Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants.

Policy a. Consistent with other Policy Plan objectives, encourage the application of energy conservation, water conservation and other green building practices in the design and construction of new development and redevelopment projects. These practices can include, but are not limited to:

- Environmentally-sensitive siting and construction of development.
- Application of low impact development practices, including minimization of impervious cover (See Policy k under Objective 2 of this section of the *Policy Plan*).
- Optimization of energy performance of structures/energy-efficient design.
- Use of renewable energy resources.
- Use of energy efficient appliances, heating/cooling systems, lighting and/or other products.
- Application of water conservation techniques such as water efficient landscaping and innovative wastewater technologies.
- Reuse of existing building materials for redevelopment projects.
- Recycling/salvage of non-hazardous construction, demolition, and land clearing debris.
- Use of recycled and rapidly renewable building materials.
- Use of building materials and products that originate from nearby sources.

- Reduction of potential indoor air quality problems through measures such as increased ventilation, indoor air testing and use of low-emitting adhesives, sealants, paints/coatings, carpeting and other building materials.

Encourage commitments to implementation of green building practices through certification under established green building rating systems (e.g., the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED[®]) program or other comparable programs with third party certification). Encourage commitments to the attainment of the ENERGY STAR[®] rating where applicable and to ENERGY STAR qualification for homes. Encourage the inclusion of professionals with green building accreditation on development teams. Encourage commitments to the provision of information to owners of buildings with green building/energy efficiency measures that identifies both the benefits of these measures and their associated maintenance needs. . . .

Policy d. Promote implementation of green building practices by encouraging commitments to monetary contributions in support of the county's environmental initiatives, with such contributions to be refunded upon demonstration of attainment of certification under the applicable LEED rating system or equivalent rating system.

Policy e. Encourage energy conservation through the provision of measures which support nonmotorized transportation, such as the provision of showers and lockers for employees and the provision of bicycle parking facilities for employment, retail and multifamily residential uses."

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through July 27, 2010, page 18, the Plan states:

"Objective 10: Conserve and restore tree cover on developed and developing sites. Provide tree cover on sites where it is absent prior to development.

Policy a: Protect or restore the maximum amount of tree cover on developed and developing sites consistent with planned land use and good silvicultural practices.

Policy b: Require new tree plantings on developing sites which were not forested prior to development and on public rights of way."

In the Fairfax County Comprehensive Plan, 2007 Edition, Policy Plan, Environment, as amended through February 25, 2008, page 11, the Plan states:

Objective 4: Minimize human exposure to unhealthful levels of transportation generated noise.

Policy a: Regulate new development to ensure that people are protected from unhealthful levels of transportation noise.

Policy b: Reduce noise impacts in areas of existing development.”

ENVIRONMENTAL ANALYSIS:

This section characterizes the environmental concerns raised by an evaluation of this site and the proposed land use. Solutions are suggested to remedy the concerns that have been identified by staff. There may be other acceptable solutions.

Resource Protection Area(RPA)/Environmental Quality Corridor (EQC)

Issue:

The eastern portion of the subject area includes a portion of Long Branch stream valley. A resource protection area (RPA) and environmental quality corridor (EQC) is associated with this stream valley. In accordance with Policy Plan guidance, the EQC should be identified, protected and restored. The only access to the subject property is via a proposed crossing of this stream valley. The applicant proposes to eliminate an older crossing of the stream located south of the proposed crossing. The new crossing will provide for buses and other vehicles using this site. The applicant also proposes some restoration of portions of the RPA/EQC which have been disturbed. Because the stream crossing is located within the RPA it will require additional review and approval from the Department of Public Works and Environmental Services (DPWES). DPWES has also indicated that a floodplain study is required.

Resolution:

The applicant will be required to satisfy DPWES that the proposed RPA restoration is sufficient and that the proposed stream crossing will not result in any adverse impacts upstream or downstream. While staff feels that the proposed crossing is appropriate, the applicant will be required to satisfy any determination by DPWES that there will be no adverse impacts resulting from this crossing prior to final approval of any site plans for the proposed facility.

Green Buildings

The applicant has indicated that the proposed facility will be designed with standards for LEED Silver certification. The applicant intends to pursue LEED-NC silver certification. The

applicant should provide additional information regarding their proposed approach for LEED silver certification consistent with other acceptable green building commitments resulting from the development review process. A set of development conditions consistent with that approach should be drafted to address this green building commitment.

Noise

The Comprehensive Plan identifies transportation generated noise impacts on residential and other noise sensitive uses as a potential concern with any new development. The Plan guidance addresses mobile noise sources. While some of the proposed noise generated near this proposed facility will come from mobile source, there will also be some noise from stationary sources. The applicant has provided a brief noise study which indicates that noise from both mobile and stationary source will meet or exceed County standards. The applicant has also indicated that additional measures will be taken to ensure that onsite noise is contained to the greatest extent possible.

PGN:JRB



County of Fairfax, Virginia

MEMORANDUM

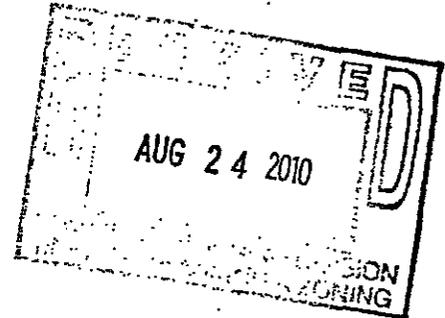
ATTACHMENT 5

DATE: August 24, 2010

TO: David Jillson, Facilities Planner
Facilities Planning Branch, Planning Division
Department of Planning and Zoning

FROM: Beth Forbes, Stormwater Engineer *BF*
Environmental and Site Review Division
Department of Public Works and Environmental Services

SUBJECT: 2232 Application #2232-L10-17, WMATA, Special Exception Plat dated July 15, 2010, LDS Project #3038-ZONA-001-1, Tax Map #99-2-03-0001, -0002, -0003A & -0003B, Lee District



We have reviewed the subject application and offer the following stormwater management comments.

Chesapeake Bay Preservation Ordinance (CBPO)

There is Resource Protection Area (RPA) on this site. A site-specific, field-verified RPA delineation was approved in 2004 under #3038-RPA-001. If the boundary of the major floodplain changes as a result of the update to the floodplain study, the RPA delineation will also need to be updated.

A driveway and storm drainage improvements are located within the RPA. The Water Quality Impact Assessment for the storm drainage improvement can be submitted within a site plan (LTI 06-07). Driveways are an allowed use in the RPA provided that the following conditions are met (CBPO 118-2-1(d)):

1. it can be demonstrated there are no reasonable alternatives to the alignment,
2. it can be demonstrated the alignment and design will minimize encroachment into the RPA,
3. the design and construction satisfies all applicable criteria of the CBPO including the approval of a Water Quality Impact Assessment, and
4. the road design is reviewed through a site plan or subdivision plan.

It appears that there is no reasonable alternative to access the property without encroaching into the RPA (Condition #1) and that the alignment chosen minimizes that encroachment (part of Condition #2).

The application states that the driveway would be 26 feet wide. The plans accompanying the application show the driveway at its narrowest to be 32 feet wide and up to 58 feet wide.



David Jillson, Facilities Planner
2232 Application #2232-L10-17, WMATA
August 24, 2010
Page 2 of 2

Water quality controls are required for this development (PFM 6-0401.2A). The locations of conservation areas and StormFilters are depicted on the plat. Conservation areas are only permitted to be dedicated in perpetually undisturbed areas (PFM Table 6.3 footnote 5). It may be possible to use reforestation area credit, at a 70% instead of a 100% phosphorus removal efficiency, for the areas which will be rehabilitated. In the site plan submission, the sizing calculations for the StormFilters must use the Santa Barbara Method (LTI 01-11).

Floodplain

There are regulated floodplains on the property. A floodplain study was approved for this area in 2001. An update to this study will be necessary to determine the impact of the roadway on the floodplain, particularly the impact on adjacent properties. If there is no adverse impact to other properties or any impacted areas can be set aside in an easement, then the roadway can meet the Zoning Ordinance's use requirements through a floodplain determination from this office (ZO 2-903 paragraph 6).

A floodplain determination for the storm drainage improvements will also need to be requested; this request can be made before the site plan submission.

Downstream Drainage Complaints

There are no recent downstream drainage complaints on file.

Stormwater Detention

Stormwater detention is required, if not waived (PFM 6-0301.3). Three underground detention vaults are depicted on the plat.

The applicant should be aware that the EPA has issued a Draft Benthic TMDL Development Report for Accotink Creek. Should the recommendations in this report be adopted, detention requirements more stringent than those currently in the PFM may be applied to this project.

Site Outfall

An outfall narrative has been provided.

Stormwater Planning Comments

The Accotink Creek Watershed Management Plan is now under development.

Please contact me at 703-324-1720 if you require additional information.

BF/

cc: St. Clair Williams, Staff Coordinator, Zoning Evaluation Division, DPZ
Craig Carinci, Director, Stormwater Planning Division, DPWES
Jeremiah Stonefield, Chief, Stormwater & Geotechnical Section, ESRD, DPWES
Zoning Application File



County of Fairfax, Virginia

MEMORANDUM

ATTACHMENT 6

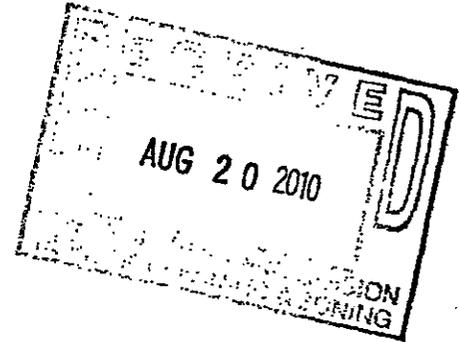
August 20, 2010

TO: David Jillson, Planner III
Planning Division, DPZ

FROM: Todd Nelson, Urban Forester II
Forest Conservation Branch, DPWES 

SUBJECT: Cinder Bed Road Bus Division (WMATA); 2232-L10-17

RE: Request for assistance dated July 28, 2010



This review is based upon a site visit conducted on August 15, 2010, and the 2232 Review Application 2232-L10-17 dated July 26, 2010, by the Department of Planning and Zoning.

Site Description: This is a vacant parcel with the eastern portion of the site consisting of an upland forest and the western portion of the site consisting of an open field. Overstory vegetation in the upland forest at the eastern portion of the site is located inside an RPA and consists primarily of red maple, sweetgum, tulip tree, birch, white oak, and red oak while the understory vegetation in this area consists primarily of ironwood, black gum, and red oak. The vegetation in this area appears to be in fair to good condition and should be considered a priority for preservation. There is also existing vegetation along the western property boundary, at the southwest corner of the site adjacent to the existing railroad tracks, consisting primarily of red oak, black gum, hickory, white oak, and willow oak. This vegetation appears to be in fair to good condition and should be considered for preservation.

- 1. Comment:** Overstory vegetation in the upland forest at the eastern portion of the site consists primarily of red maple, sweetgum, tulip tree, birch, white oak, and red oak while the understory vegetation in this area consists primarily of ironwood, black gum, and red oak. The vegetation in this area appears to be in fair to good condition and should be considered a priority for preservation.

Recommendation: A tree save area should be provided along the eastern portion of the site to preserve the existing upland forest located inside the RPA.

- 2. Comment:** Vegetation along the western property boundary, at the southwest corner of the site adjacent to the existing railroad tracks, consisting primarily of red oak, black gum, hickory, white oak, and willow oak. This vegetation appears to be in fair to good condition and should be considered for preservation.



Recommendation: A tree save area should be provided along the western property boundary at the southwest corner of the site to preserve the existing trees and vegetation.

- 3. Comment:** The proposed limits of clearing and grading at the southern property boundary will provide minimal preservation for the existing off-site trees located on parcel 10.

Recommendation: A contiguous 10-foot wide undisturbed buffer should be provided along the entire length of the southern property boundary to protect the existing off-site trees from construction damage.

- 4. Comment:** It appears an RPA restoration plan was implemented in the past as there are several landscaped areas located inside the RPA along the eastern portion of the site. Several of the RPA plantings in these areas are dead, dying, or in poor condition.

Recommendation: A revised RPA restoration plan should be provided to incorporate the proposed encroachment into the RPA and to replace the existing RPA plantings that are dead, dying, or in poor condition.

- 5. Comment:** The 296,704 sq. ft. claimed as total 10-year canopy provided through tree preservation is incorrect as it appears the 148,352 sq. ft. area of tree save is counted twice. Additional credit can not be claimed for the preservation of trees inside an RPA.

Recommendation: The 10-year tree canopy calculations should be revised indicating 148,253 sq. ft. of 10-year canopy provided through preservation.

- 6. Comment:** Preliminary interior parking lot landscaping calculations have not been provided and it is unclear how the interior parking lot landscaping requirement will be met.

Recommendation: Preliminary interior parking lot landscaping calculations in accordance with PFM 12-0513 should be provided demonstrating how the requirement will be met.

- 7. Comment:** Barrier D, E, or F is not shown or identified along the eastern portion of the property where the I-6 portion of the property faces the office across Cinder Bed Road.

Recommendation: Barrier D, E, or F should be shown and identified along the property boundary adjacent to the offices.

- 8. Comment:** Given the nature of the tree cover on this site, and depending upon the ultimate development configuration provided, several development conditions will be instrumental in assuring adequate tree preservation and protection throughout the development process.

Recommendation: Recommend the following development conditions to ensure effective tree preservation:

Tree Preservation: "The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and

shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees to be preserved, as well as all on and off-site trees, living or dead with trunks 8 inches in diameter and greater (measured at 4 ½ -feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture) located within 25 feet to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the 2232 and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0506 and 12-0508. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan.”

Tree Preservation Walk-Through. “The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant’s certified arborist or landscape architect shall walk the limits of clearing and grading with an UFMD, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump-grinding machine in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.”

Limits of Clearing and Grading. “The Applicant shall conform strictly to the limits of clearing and grading as shown on the 2232, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES, as described herein. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the 2232, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.”

Tree Preservation Fencing: “All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees shall be

erected at the limits of clearing and grading as shown on the demolition, and phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" proffer below.

All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFMD, DPWES, shall be notified and given the opportunity to inspect the site to ensure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by the UFMD, DPWES."

Root Pruning. "The Applicant shall root prune, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by the UFMD, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete."

Demolition of Existing Structures. "The demolition of all existing features and structures within areas protected by the limits of clearing and grading areas shown on the 2232 shall be done by hand without heavy equipment and conducted in a manner that does not impact individual trees and/or groups of trees that are to be preserved as reviewed and approved by the UFMD, DPWES."

Site Monitoring. "During any clearing or tree/vegetation/structure removal on the Applicant Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFMD. The Applicant shall retain the services of a certified arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD, DPWES."

Cinder Bed Road Bud Division (WMATA)
2232-L10-17
August 20, 2010
Page 5 of 5

Please feel free to contact me at 703-324-1770 if you have any questions.

TLN/
UFMID #: 152840

cc: RA File
DPZ File

Jillson, David

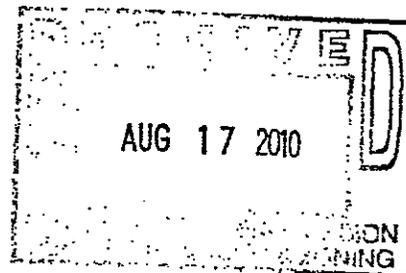
ATTACHMENT 7

From: Osei-Kwadwo, Gilbert
Sent: Tuesday, August 17, 2010 1:40 PM
To: Jillson, David
Subject: 2232 Review Application 2232-L10-17 99-2 ((3)) 1, 2, 3A, 3B

Dave:

There is ample capacity in our system to provide sewer service for the subject application. Any potential conflict with our existing sewer facilities will be need to be resolved during the normal construction plan review process.

Thanks
Gilbert





FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: David B. Marshall, Chief
Facilities Planning Branch, Planning Division
Department of Planning and Zoning

FROM: Sandy Stallman, Manager
Park Planning Branch, PDD *SS*

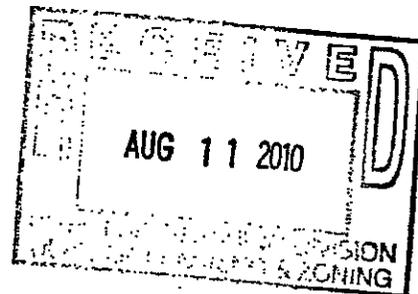
DATE: August 3, 2010

SUBJECT: 2232-L10-17, WMATA, Cinder Bed Road
Tax Map Number(s): 99-2 ((3)) 1, 2, 3A, 3B

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on land or resources of the Park Authority.

FCPA Reviewer: Gayle Hooper
DPZ Coordinator: David Jillson

Copy: Cindy Walsh, Director, Resource Management Division
David Jillson, Sr. Planner, Planning Division, Department of Planning and Zoning
Chron Binder
File Copy





County of Fairfax, Virginia

MEMORANDUM

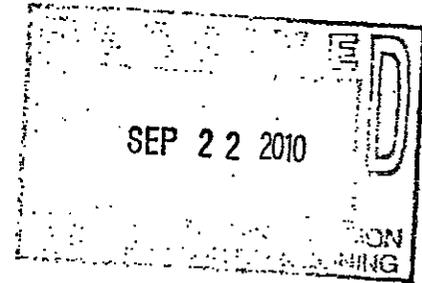
ATTACHMENT 9

DATE: September 21, 2010

TO: David Marshall, Chief
Facilities Planning Branch, DPZ

FROM: Leonard Wolfenstein, Chief
Transportation Planning Section
Department of Transportation

L.W.



FILE: 10-5

SUBJECT: Application for 15.2-2232 determination – 2232-L10-17 WMATA Cinder Bed Road Bus Maintenance Facility

The Fairfax County Department of Transportation (FCDOT) has reviewed the above 2232 application and has the following comments:

All bus traffic to and from the site will utilize the Backlick Road and Fairfax County Parkway intersection via Cinder Bed Road to access the regional road network. Based on a recently completed FCDOT Synchro analysis (Attachment #1) of this intersection, the overall intersection currently operates at an acceptable level of service (LOS) during both the AM and PM peak hours. However, the westbound left turn movement from Backlick Road to southbound Fairfax County Parkway currently has a failing level of service in both the AM and PM peak hours, which is a result of signal delay and not the volume. However, with the introduction of approximately another 160 buses from this site, the LOS could deteriorate to a point where the delay is no longer caused by the signal wait time but instead because of the volume of vehicles. Additionally, there is only 80 feet of storage length for buses and other vehicles to queue up on Backlick Road to enter onto Fairfax County Parkway. This is only enough storage to accommodate two regular-sized buses at any time with additional vehicles spilling back along Backlick Road. It should be stated in the application if the facility intends to house and maintain articulated buses as this could lead to additional storage capacity issues on Backlick Road. The left turn queuing could impede traffic from utilizing the right turn lane to enter the Fairfax County Parkway, which would exacerbate the delay. Therefore, the applicant should contribute to improvements at the Backlick Road and Fairfax County Parkway. The amount and type of improvement should be determined with the traffic impact analysis that is to accompany the concurrent special exception application.

Fairfax County is currently working on designs plans to reconstruct and realign a portion of Cinder Bed Road from Allen Park Road to Newington Road that is just south and east of the subject property. The intent is to correct the existing intersection of Cinder Bed Road with Newington Road for safety and operational purposes. The project will also widen the Newington Road bridge, which is currently substandard and crosses the Long Branch stream.

David Marshall
September 21, 2010
Page 2 of 3

The Newington Road and Cinder Bed Road improvements are being done in conjunction with the Newington DVS Maintenance Facility project. The Cinder Bed Road project is currently under design with an estimated construction completion date in the first half of 2013. See Attachment #2 for preliminary design of realigned Cinder Bed Road. The realigned Cinder Bed Road will have four lanes from Newington Road to Allen Park Drive. This is different from what is shown on the Fairfax County Transportation Plan Map, which shows Cinder Bed Road as an improved two-lane local road to Newington Road. However, development along Cinder Bed Road has historically been required to construct an industrial typical section 52 feet in width; therefore, the applicant should improve Cinder Bed to this section (52 feet to accommodate four lanes) from the northern portion of their site to the end of the County's project at Allen Park Road. Additionally, The Fairfax County Trails Plan Map shows a minor paved trail on the east side of Cinder Bed Road north of Newington Road. All sidewalk and trail improvements should be constructed on the east side of Cinder Bed Road since sidewalks will not be constructed on the west side. A signal at the intersection of Cinder Bed and Newington Road may be warranted; however, this should be determined with the traffic study that is being completed with the concurrent special exception application.

Newington Road is also shown on the Transportation Plan Map to be improved to four lanes between Backlick Road and Telegraph Road. Buses from this site will be prohibited from using Newington Road to access Telegraph Road except in emergencies. Additionally, there are no plans to improve Newington Road at this time. There are no Metrobus routes that operate around the site. The Fairfax Connector operates the I-95 Circulator Route (Route 331/332) in the vicinity of the site. Due to the operational logistics of the site, use of the transit system by employees could be limited.

As part of the County's continuing bicycle master planning efforts, a potential bikeway route will be evaluated connecting the Fairfax County Parkway to the Franconia-Springfield Metro Station/Joe Alexander Transportation Center. One alternative would utilize Cinder Bed Road, which could be accommodated in the existing typical section of 52 feet. A second alternative would explore routing the bikeway along the back of the applicant's property parallel to the CSX Railroad right of way. The bicycle master plan is not anticipated to be completed for another 18 - 24 months. Therefore, the applicant should reserve an access easement, 16 feet in width along their rear property line in order to accommodate this facility, should that route be chosen. Additionally, the applicant should provide on-site bicycle parking with the equipment type, quantity, and location to be coordinated through FCDOT prior to site plan approval.

Finally, the location and character of the site and development may be appropriate for the area; however, the extent of the proposed facility should be evaluated with the traffic study that is being prepared for the concurrent special exception application that is accompanying the 2232 application.

If you have any questions please feel free to contact Mike Garcia (tel. 703-877-5673) Michael.Garcia3@fairfaxcounty.gov.

David Marshall
September 21, 2010
Page 3 of 3

Attachments: #1) 2232 Newington Road Maintenance Facility – LOS for Backlick Road
#2) Preliminary Design of Realigned Cinder Bed Road

Cc: David Jillson, DPZ
Dan Rathbone, FCDOT
Angela Rodeheaver, FCDOT
Alan Kessler, FCDOT
Charlie Strunk, FCDOT
Tad Borkowski, FCDOT
Mike Garcia, FCDOT



County of Fairfax, Virginia

MEMORANDUM

DATE: July 6, 2010

TO: Kenneth Lim,
Department of Public Works and Environmental Services, DPWES

FROM: Leonard Wolfenstein, Chief
Transportation Planning Section
Department of Transportation *L.W.*

SUBJECT: Follow-up Memo regarding the Level of Service on Backlick Road for
Application 2232-V09-39 Newington Road Maintenance Facility

In a memorandum dated March 25, 2010, which contained comments on the 2232 application, the Fairfax County Department of Transportation (FCDOT) requested that the applicant (DPWES) for this facility provide traffic impact information (level of service by movement) at the Backlick Road and Fairfax County Parkway intersection during the peak hour of the maintenance facility. Upon further discussion with DPWES it was decided that FCDOT would conduct the analysis of the intersection on their behalf. The following are the findings from the analysis:

- The overall level of service (LOS) at the intersection is A in the AM peak hour and the PM peak hour.
- The left turn movement on Backlick Road has an LOS of F; however, this is all due to signal delay (not volumes) because Fairfax County Parkway is the major movement at the intersection. The overall LOS is an A because volume on Backlick Road is a small part of the total volume at the intersection.
 - Due to the signal delay at the intersection, the queue for the left turn lane extends back around 110 feet impeding the operations and safety of traffic entering and exiting the driveway (north of the railroad tracks). The development with the impacted driveway does have another point of egress/ingress to the site but it is located near the intersection of Terminal Road and the Fairfax County Parkway.
 - The left queuing also impedes traffic from utilizing the right turn lane to enter the Fairfax County Parkway. Compounding the problem is the fact that Backlick Road narrows to one lane in each direction both north and south of the intersection.

The memorandum from March 25 recommended that if the intersection is found to operate below a LOS D, then mitigation measures should be implemented to achieve this minimum level of service standard. If the LOS is D or better at the peak hour for the facility then no additional information or improvement is needed. Based on the analysis above, it is not recommended that additional improvements are needed at this time. If future development in

ATTACHMENT #1 - 2232 Newington Road Maintenance Facility - LOS for Backlick Road

Kenneth Lim
July 6, 2010
Page 2 of 2

the area causes this condition to change then improvements at this intersection may be warranted; however, the improvements should be responsibility of the developer.

If you have any questions please feel free to contact Mike Garcia (tel. 703-877-5673)
Michael.Garcia3@fairfaxcounty.gov.

Cc: Kathy Ichter, FCDOT
Dan Rathbone, FCDOT
Angela Rodeheaver, FCDOT
Karyn Moreland, FCDOT
Tad Borkowski, FCDOT
David Jillson, DPZ
Mike Garcia, FCDOT

Fairfax Water

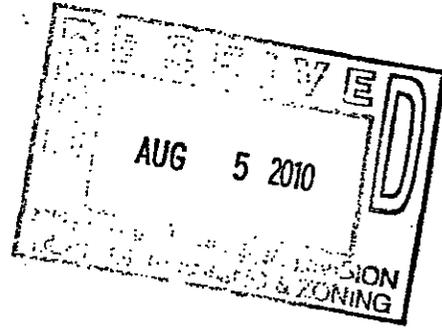
FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

ATTACHMENT 10

**PLANNING & ENGINEERING
DIVISION**

Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

August 2, 2010



Mr. David S. Jillson
Planner - Facilities Planning Branch
Fairfax County Department of Planning & Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035

Re: Application No. 2232-L10-17
WMATA Storage & Maintenance Facility
Tax Map: 99-2

Dear Mr. Jillson:

The following information is submitted in response to your request for comments on the above referenced application:

1. The proposed site can be served by Fairfax Water.
2. Adequate domestic water service and fire protection is available at the site from an existing 12-inch diameter water main in Cinder Bed Road adjacent to the property. See the enclosed water system map.
3. Depending upon the configuration of the on-site water mains, additional water main extensions may be necessary to satisfy fire flow requirements and accommodate water quality concerns.

If you have any questions regarding this information please contact Dave Guerra at (703) 289-6343.

Sincerely,

Traci K. Goldberg, P.E.
Manager, Planning

Enclosure

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.1-23.03 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within sixty days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within ten days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within sixty days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Virginia Public Broadcasting Board shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within ninety days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than sixty additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

(Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690.)



County of Fairfax, Virginia

MEMORANDUM

DATE: December 13, 2010

TO: Regina Coyle, Director
Zoning Evaluation Division,
Department of Comprehensive Planning

FROM: Angela Kadar Rodeheaver, Chief *AKR by CAA*
Site Analysis Section
Department of Transportation

FILE: 3-5 (SE 2010-LE-017)

SUBJECT: Transportation Impact

REFERENCE: SE 2010-LE-017; Iskalo CBR on behalf of Washington Metropolitan
Area Transit Authority/ Cinder Bed Road
Traffic Zone: 1572
Land Identification Map: 99-2 ((03)) 1, 2, 3A & 3B

Transmitted herewith are comments from the Department of Transportation with respect to the referenced application. These comments are based on the revised plat dated July 15, 2010, the revised traffic impact study dated October 2010, and revised autoturn schematics submitted December 10, 2010.

The applicant requests a special exception to permit development of a regional bus maintenance and operations facility off of Cinder Bed Road. The site's lots 1, 2 and 3A are split zoned I-6 in the rear portion of the site and R-1 that fronts Cinder Bed Road.

Site Trip Generation

The Institute of Transportation Engineers' Trip Generation manual does not include data for bus operations and maintenance facilities, or any other comparable use. Therefore, a comparable facility, the Landover Bus Garage was used for comparable bus and auto counts as it can be considered to be almost identical in operations.

Fairfax County Department of Transportation
4050 Legato Road, Suite 400 Fairfax, Virginia,
22033-2895
phone: (703) 877-5600 TTY: (703) 877-5602
Fax: (703) 877 5723
www.fairfaxcounty.gov/fcdot



Regina Coyle
December 13, 2010
Page two

AM Trip Generation Summary 1

Trip Type	AM Peak Hour of the Generator (4:45 to 5:45 AM)			AM Peak Hour of the Adjacent Street Traffic (7:15 to 8:15am)		
	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
Employee	99	13	112	32	20	52
Bus	2	69	71	8	11	19
Total	101	82	183	40	31	71

PM Trip Generation Summary 1

Trip Type	PM Peak Hour of the Generator (2:00 to 3:00 pm)			PM Peak Hour of the Adjacent Street Traffic (4:30 to 5:30 pm)		
	<u>In</u>	<u>Out</u>	<u>Total</u>	<u>In</u>	<u>Out</u>	<u>Total</u>
Employee	51	40	91	6	17	23
Bus	28	34	62	16	24	40
Total	79	74	153	22	41	63

1... Trip estimates per Landover Garage

This department has reviewed the subject application and offers the following comments:

This department provides the following comments:

VDOT Comments

1. The applicant has recently responded to VDOT's written comments of September 27, 2010. VDOT is requesting the applicant's engineer to determine if an Access Management Exception needs to be filed for the proposed site entrance that is not to be located opposite Hill Park Drive.
2. VDOT is also requesting that a plan sheet be submitted in the development plans that demonstrate the Newington/ Cinder Bed realignment project and the applicant should determine if at buildout the intersection warrants additional turn lanes.
3. VDOT is requesting additional information regarding the auto turns. See the Autoturn section below.

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Cinder Bed Road

1. Cinder Bed Road is on the Comprehensive Plan for a two lane improved roadway. A projected ADT of 3800 vehicles per day is anticipated on Cinder Bed Road. The two-lane improved section would include two through lanes along with additional pavement for left turning vehicles into the site. Frontage improvements to Cinder Bed Road should measure 26-ft. from centerline, including curb and gutter. This matches existing improvements in the immediate vicinity of Cinder Bed Road and also is in conformance with the previously approved DPWES improvement for the existing site.
2. The site's northern terminus at Cinder Bed Road is deteriorated beyond adequate use. The applicant should improve the entire cross-section with fresh asphalt and curb and gutter.
3. As per the recommendation from the traffic impact study, the development of the WMATA facility would include various improvements along the site's frontage including full depth reconstruction of the pavement...and transitions to the existing pavements sections outside of the site's frontage, all of which is to be constructed to VDOT standards. Therefore, this construction improvement, would support daily WMATA bus traffic, should extend south beyond the sites frontage to connect to the terminus of the Cinder Bed Road/ Newington Road reconstruction realignment project.
4. In lieu of a sidewalk along the site's frontage, a 5-ft. wide sidewalk or a 10-ft. wide asphalt trail should be provided on the opposite side of Cinder Bed Road across from the site. This will entice pedestrian activity away from the site's turning vehicles and lessen the impact to the site's tree save area.
5. The applicant should design, obtain easements and construct a traffic signal at the new (TIA intersection # 5) of Cinder Bed Road and Newington Road. Per VDOT's memo the applicant should submit analysis to determine if extra turn lanes are warranted, (See VDOT's memo for details)

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The Intersection of Fairfax County Parkway/ Backlick Road

Excerpts and paraphrases from the Environmental Evaluation- Cinder Bed Road Bus Operations and Maintenance Facility, June 2009- Existing Roadway Network... The intersection of Backlick Road and the Fairfax County Parkway which consists of two closely-spaced intersections: one signalized and the other non-signalized. The short distance between these two intersections (approximately 85-ft. of lane(s) length) creates an insufficient queuing area for vehicles and tends to create bottlenecks inhibiting efficient movement of vehicles on the short connecting Backlick Road. Vehicles traveling from Backlick Road to the Parkway do not have sufficient room to lineup while waiting for the signal on the Parkway to turn green. In addition, the stop signs on Backlick Road are rolled through by vehicles in an attempt to cross the limited green time provided for the Backlick Road approach....The environmental study also questions if the subject intersection for the proposed traffic movements are insufficient and would require additional review.

WMATA AM Site Generated Traffic Peak Hour (4:45 am to 5:45 am)

1. Per the applicant's Traffic Impact Study, the additional queues per the Backlick Road approach added on average, approximately one or two buses per green phase per cycle. Field observation revealed various heavy vehicles such as: auto, Fairfax Connector buses, bread/Fed ex type trucks, asphalt trucks, bucket trucks, trash/dumpster trucks, school buses and 50-ft, and 80-ft, tractor trailers, etc.

It is reasonable to extend some of the Backlick Road green time during this early peak hour without degrading the Route 7100 LOS, if permitted by VDOT..

WMATA PM Site Generated Traffic Peak Hour (2 pm to 3 pm)

2. The TIA demonstrates that WMATAs additional queuing per traffic per cycle would be approximately equivalent to one or two vehicles per green phase cycle. Vehicular queuing would tend to back up onto the Backlick Road overpass. The additional queuing anticipated by the WMATA facility could be mitigated by extending some of the green time for the Backlick Road phase, if permitted by VDOT. It should be noted that traffic volumes on the Fairfax County Parkway start to build at this hour and any significant green time extension for westbound Backlick Road would be very limited.

The AM Peak Hour of Adjacent Street Traffic 7:15 am to 8:15 am

3. Observed in the field at this traffic peak hour the queuing on the Backlick Road bridge did appear to lessen. This appears to also be in agreement with the analysis provided in the traffic study.

Per the TIA the additional WMATA bus traffic at the Backlick Road approach would add approximately one extra bus or vehicle for the westbound left turn lane, per each green phase.

The PM Peak Hour of Adjacent Street Traffic 4:30 pm to 5:30 pm

4. Observed in the field at this traffic peak hour the queuing on the Backlick Road bridge did consistently occur. This appears to confirm the analysis provided in the traffic study.

Per the TIA, the additional WMATA bus traffic at the Backlick Road approach would add approximately 53-ft. of extra queuing for the westbound left turn lane (as compared to the background traffic) and an extra 40-ft. of queuing for the westbound right turn (as compared to the background traffic), per each green phase. It would be desirable to add an additional left turn lane at the Backlick Road approach to help disperse some of the queuing on the Backlick Road bridge.

5. The Fairfax County Parkway's existing northbound right turn lane and the southbound left turn lane will have enough capacity or storage space to handle the additional WMATA bus traffic. The existing turning radius and existing pavement widths at Backlick Road and Rte 7100 will be further evaluated by examining the autoturn data.

The Autoturn

FCDOT and VDOT have reviewed the resubmitted Autoturns for both the standard 42-ft. WMATA buses and the articulated WMATA buses in comparison with the smoother turning movements. Our comments below pertain to the intersection of Fairfax County Parkway and Backlick Road.

- Resubmit the auto turns on a larger scale for easier viewing. Also provide greater detail for the survey data, and submit with a clearer background.
- From the submitted auto turns, in some locations the bus envelope may extend beyond the roadway's pavement edge, conflict with approaching buses/ lanes and not clear the existing guardrail.

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The Autoturn (continued)

- Also, requested along with the auto turns are the peak hour traffic volume data for both the signalized and unsignalized intersections.
- As such, the applicant should provide intersection improvements (e.g. additional pavement widths from the existing gore area) on Backlick Road to improve the turning radius and travel paths for the WMATA buses.

Additional Comments

A proffer should be provided to increase opportunities to refuel the Compressed Natural Gas Metro buses at locations along the scheduled route facilities in order to limit return trips to the Cinder Bed site just for refueling purposes.

Backlick Road/ Cinder Bed Road

The northbound approach at this unsignalized intersection degrades from a background LOS D to a buildout LOS F. The applicant should examine the parameters (sight distance) to determine if an all-way stop may be warranted for the future.

Fairfax County Parkway/ Terminal Road

The northbound through traffic queue is expected to queue up to the Backlick Road intersection during almost every traffic signal cycle during the pm peak hour for the background traffic as well as the buildout of the WMATA facility.

2-905 Use Limitations

All permitted uses and all special exception uses in a floodplain shall be subject to the following provisions:

1. Except as may be permitted by Par. 6 and 7 of Sect. 903 above, any new construction, substantial improvements, or other development, including fill, when combined with all other existing, anticipated and planned development, shall not increase the water surface elevation above the 100-year flood level upstream and downstream, calculated in accordance with the provisions of the Public Facilities Manual.
2. Except as may be permitted by Par. 8 of Sect. 903 above, the lowest elevation of the lowest floor of any proposed dwelling shall be eighteen (18) inches or greater above the water-surface elevation of the 100-year flood level calculated in accordance with the provisions of the Public Facilities Manual.
3. All uses shall be subject to the provisions of Par. 1 of Sect. 602 above.
4. No structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided.
5. To the extent possible, stable vegetation shall be protected and maintained in the floodplain.
6. There shall be no storage of herbicides, pesticides, or toxic or hazardous substances as set forth in Title 40, Code of Federal Regulations, Parts 116.4 and 261.30 et seq., in a floodplain.
7. For uses other than those enumerated in Par. 2 and 3 of Sect. 903 above, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which:
 - A. There are no other feasible options available to achieve the proposed use; and
 - B. The proposal is the least disruptive option to the floodplain; and
 - C. The proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property.
8. Nothing herein shall be deemed to prohibit the refurbishing, refinishing, repair, reconstruction or other such improvements of the structure for an existing use provided such improvements are done in conformance with the Virginia Uniform Statewide Building Code and Article 15 of this Ordinance.
9. Nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County.

10. Notwithstanding the minimum yard requirements specified by Sect. 415 above, dwellings and additions thereto proposed for location in a floodplain may be permitted subject to the provisions of this Part and Chapter 118 of The Code.

11. All uses and activities shall be subject to the provisions of Chapter 118 of The Code.

12. When as-built floor elevations are required by federal regulations or the Virginia Uniform Statewide Building Code for any structure, such elevations shall be submitted to the County on a standard Federal Emergency Management Agency (FEMA) Elevation Certificate prior to approval of the final inspection. If a non-residential building is being floodproofed, then a FEMA Floodproofing Certificate shall be completed in addition to the Elevation Certificate. In the case of special exception uses, the Elevation Certificate shall show compliance with the approved special exception elevations.

General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-104 Standards for all Category 1 Uses

In addition to the general standards set forth in Sect. 006 above, all Category 1 special exception uses shall satisfy the following standards:

1. Category 1 special exception uses shall not have to comply with the lot size requirements or the bulk regulations set forth for the zoning district in which located.
2. No land or building in any district other than the I-5 and I-6 District shall be used for the storage of materials or equipment, or for the repair or servicing of vehicles or equipment, or for the parking of vehicles except those needed by employees connected with the operation of the immediate facility.
3. If the proposed location of a Category 1 use is in an R district, there shall be a finding that there is no alternative site available for such use in a C or I district within 500 feet of the proposed location; except that in the case of electric transformer stations and telecommunication central offices, there shall be a finding that there is no alternative site available in a C or I district within a distance of one (1) mile, unless there is a substantial showing that it is impossible for satisfactory service to be rendered from an available location in such C or I district.
4. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans.

9-606 Provisions for Uses in a Floodplain

The Board may approve a special exception for the establishment of a use in a floodplain in accordance with the provisions of Part 9 of Article 2.

9-616 Driveways for Uses in a C or I District

The Board may approve, as a Category 6 special exception use, the location on residentially zoned land of a driveway for a commercial or industrial use, but only in accordance with the following:

1. It shall be determined that:
 - A. No other means of access is reasonably available; or
 - B. The proposed access will result in a minimized traffic impact on the streets in the vicinity.
2. It shall be determined that the proposed driveway will not unduly impact the use or development of adjacent properties in accordance with the adopted comprehensive plan.

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of-way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dBa: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBa value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code; includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		