**APPLICATION ACCEPTED**: October 28, 2008
**PLANNING COMMISSION**: January 28, 2009
**BOARD OF SUPERVISORS**: Not Yet Scheduled

# County of Fairfax, Virginia

January 14, 2009

## DULLES CORRIDOR METRORAIL PROJECT PHASE I
## STAFF REPORT PART II

## SPECIAL EXCEPTION APPLICATION SE 2008-PR-033
## CONCURRENT WITH 2232-P08-010

## PROVIDENCE DISTRICT

| | |
|---|---|
| **APPLICANT**: | Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority |
| **ZONING**: | C-3, HC |
| **PARCEL(S):** | 29-4 ((5)) A1; 29-4 ((5)) B1 part<br>29-4 ((5)) C1 part; 29-4 ((5)) D<br>29-4 ((5)) E; 30-3 ((28)) B3 part<br>30-3 ((28)) C1 part |
| **ACREAGE**: | 4.4 acres |
| **FAR**: | .31 |
| **OPEN SPACE:** | 20% |
| **PLAN MAP**: | Office |
| **SE CATEGORY:** | Category 4 Special Exception for an electrically-powered regional rail transit facility.<br>Category 6 Special Exception for uses in a floodplain |

**Peter Braham/Suzanne Lin**

**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/

**PROPOSAL:** Applicant proposes to build a new Metrorail facility (Tysons East) including the station with platform, kiss and ride facility and associated components with features in a floodplain

**STAFF RECOMMENDATIONS**:

Staff recommends that the Planning Commission find that the facility proposed under 2232-P08-010 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 further recommends approval of SE 2008-PR-033 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a waiver of the transitional screening and barrier requirements in favor of 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 recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning 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.

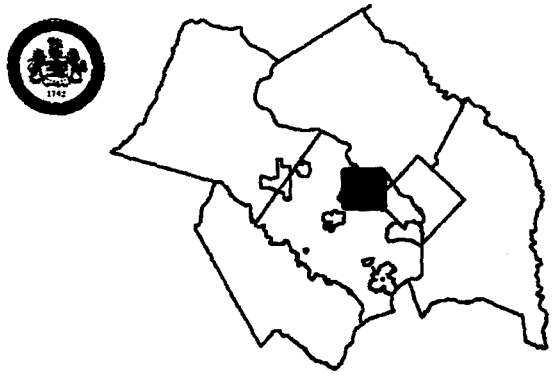
For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

*O:\slin00\SE\Tysons Metro Stations\Tysons East\Tysons East Cover.doc*

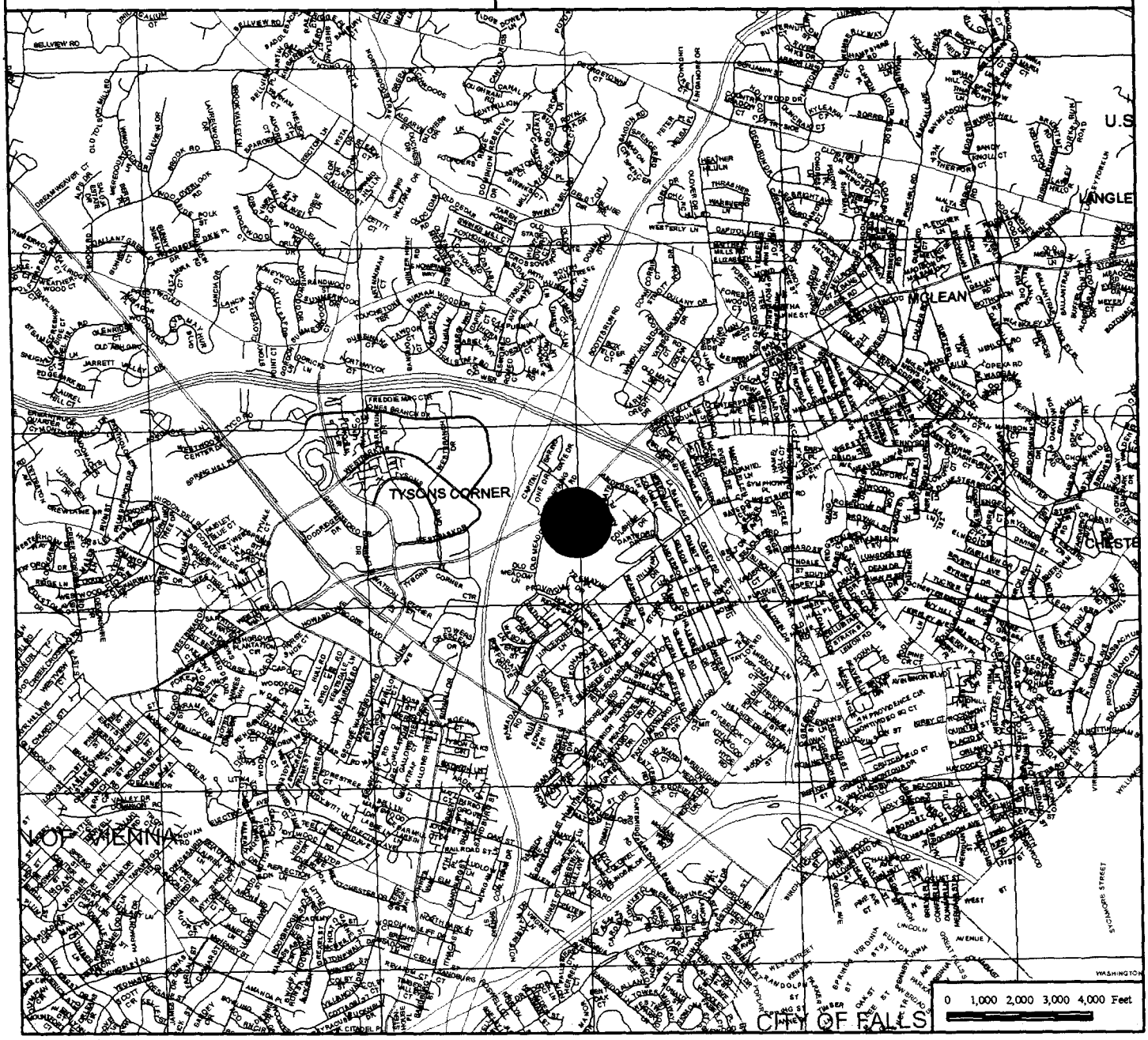
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

# Special Exception

## SE 2008-PR-033

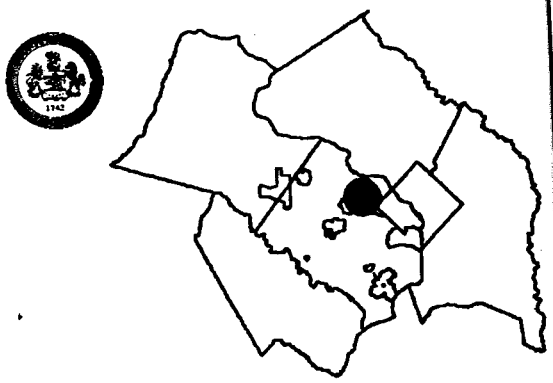


| | |
|---|---|
| Applicant: | METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY |
| Accepted: | 10/28/2008 |
| Proposed: | TO PERMIT AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY AND ASSOCIATED COMPONENTS AND USES IN A FLOODPLAIN |
| Area: | 4.4 AC OF LAND; DISTRICT - PROVIDENCE |
| Zoning Dist Sect: | 04-0304 02-0904 9-401 |
| Art 9 Group and Use: | 4-A 6-02 |
| Located: | SOUTHWEST QUADRANT OF THE INTERSECTION OF DOLLEY MADISON BOULEVARD AND COLSHIRE DRIVE AND NORTH SIDE OF DOLLEY MADISON BOULEVARD |
| Zoning: | C-3 |
| Plan Area: | 2, |
| Overlay Dist: | HC |
| Map Ref Num: | 029-4- /05/ / A1 /05/ / B1 pt. /05/ / C1 pt. /05/ / D /05/ / E 030-3- /28/ / B3 pt. /28/ / C1 pt. |



# Special Exception

## SE 2008-PR-033



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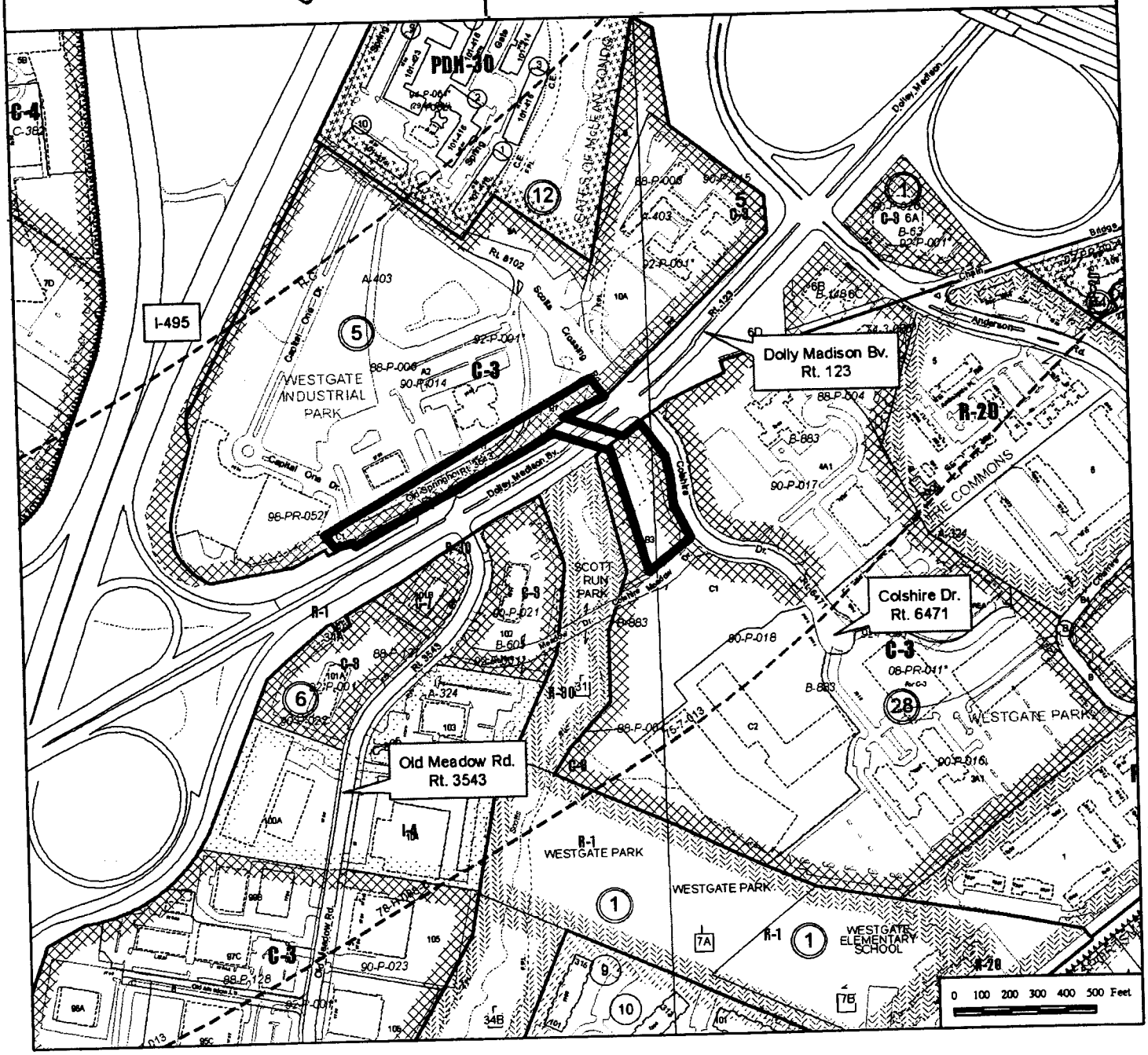
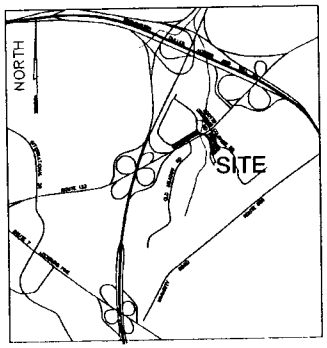


# TYSONS EAST STATION

## DULLES CORRIDOR METRORAIL PROJECT

Providence District  Fairfax County, Virginia

## Special Exception Plat and 2232 Plan




VICINITY MAP
SCALE : 1"= 2,000'

Applicant:
Metropolitan Washington Airports Authority
in coordination with the
Virginia Department of Rail and Public Transportation
on behalf of the Washington Metropolitan Area Transit Authority
1593 Spring Hill Road, Suite 300
Vienna, VA 22182

Sheet Index

1. COVER SHEET
2. SPECIAL EXCEPTION PLAT
3. LANDSCAPE PLAN AND SIGN PLAN
4. PERSPECTIVE, ILLUSTRATIVE, NOTES & TABULATION
5. STATION PLAN VIEW DETAILS
6. ENTRANCE PAVILION AND PEDESTRIAN BRIDGE DETAILS
7. ELEVATIONS AND SECTIONS
8. EXISTING VEGETATION MAP

Tysons East Station
Dulles Corridor Metrorail Project
Special Exception Plat
and 2232 Plan

Dewberry

Dewberry & Davis LLC
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FAIRFAX, VA 22031
PHONE: 703.849.0100
FAX: 703.849.0518
www.dewberry.com

DRPT
Virginia Department of Rail and Public Transportation

DULLES TRANSIT PARTNERS, LLC
1593 SPRING HILL RD, STE 300
VIENNA, VA 22182

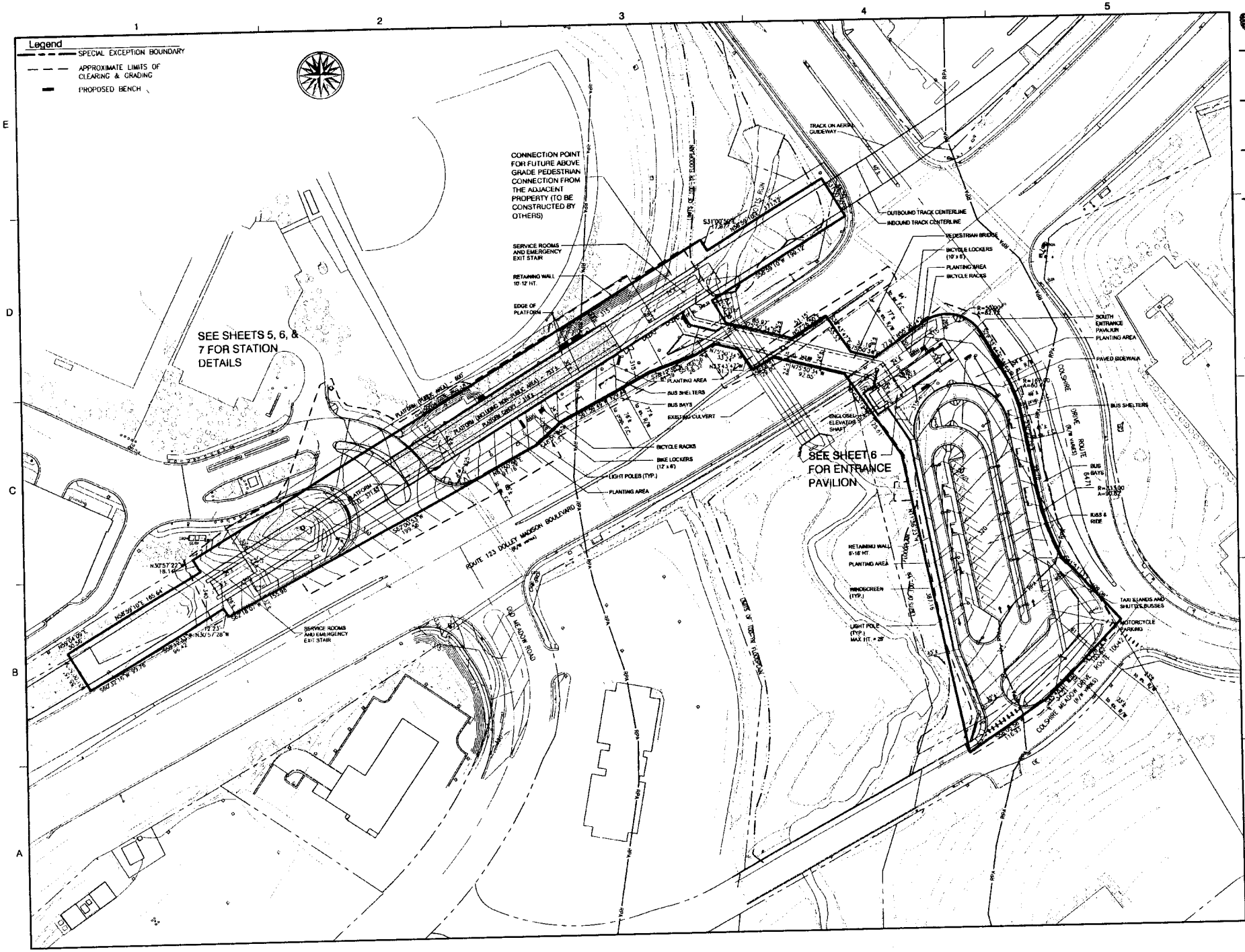
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

SEAL
COMMONWEALTH OF VIRGINIA
RUSSELL A. WERNER
Lic. No. 011377
10/2/08
PROFESSIONAL ENGINEER

Revised October 1, 2008
Revised June 4, 2008
Revised December 19, 2007
August 28, 2007

M-10647




**Dewberry**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DULLES TRANSIT PARTNERS, LLC
1345 SPRING HILL RD, STE 600
MCLEAN, VA 22102

# TYSONS EAST STATION

Dulles Corridor Metrorail Project

SPECIAL EXCEPTION PLAT

2232 PLAN

PROVIDENCE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
RUSSELL A. WERNER
Lic. No. 018377
PROFESSIONAL ENGINEER

KEY PLAN

SCALE
0' 50' 100'

| No. | DATE | BY | Description |
|---|---|---|---|
| 3 | 10.01.08 | JMC | |
| 2 | 06.04.08 | JMC | |
| 1 | 12.19.07 | JMC | |

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE AUGUST 28, 2007

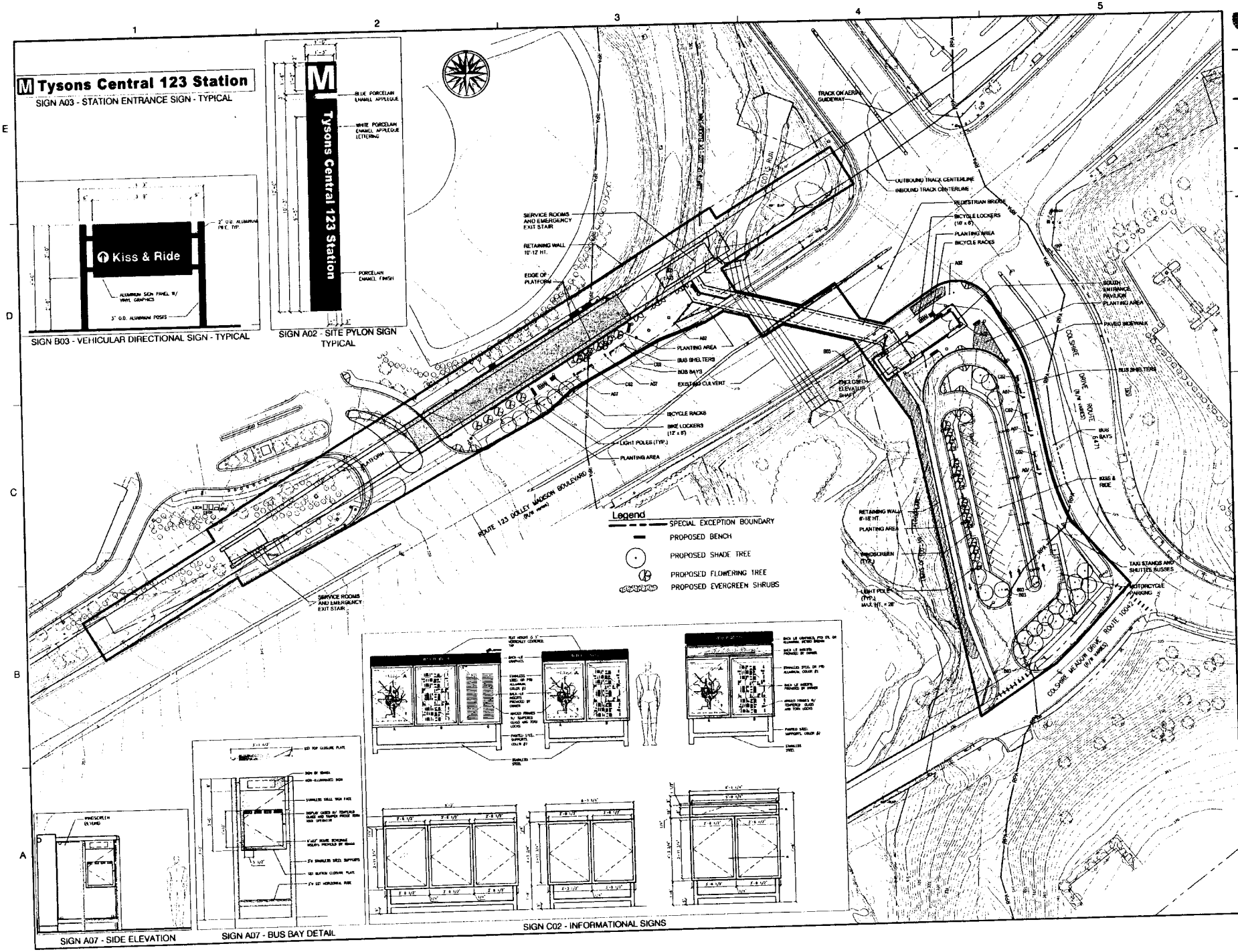
TITLE
Tysons East Station
Dulles Corridor Metrorail Project
Special Exception Plat
2232 Plan

PROJECT NO. M-10647

2

SHEET NO. 2 OF 8

M-10647

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1595 SPRING HILL RD. STE. 600
VIENNA, VA 22182

# TYSONS EAST STATION

Dulles Corridor Metrorail Project

SPECIAL EXCEPTION PLAT

2232 PLAN

PROVIDENCE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
ROBBIE A. WERNER
Lic. No. 016377
PROFESSIONAL ENGINEER

KEY PLAN

SCALE
0' 50' 100'

| No. | DATE | BY | Description |
|---|---|---|---|
| 3 | 10.01.08 | JMC | |
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REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE AUGUST 28, 2007

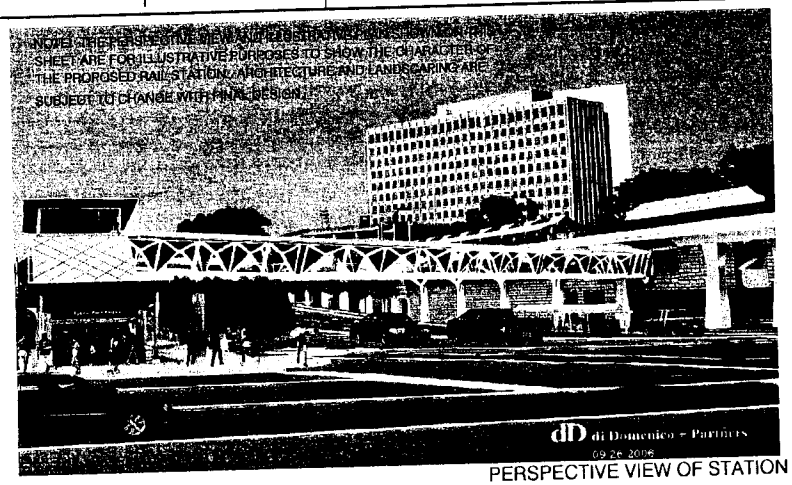
TITLE
Tysons East Station
Dulles Corridor Metrorail Project
Landscape Plan
& Sign Plan

PROJECT NO. M-10647

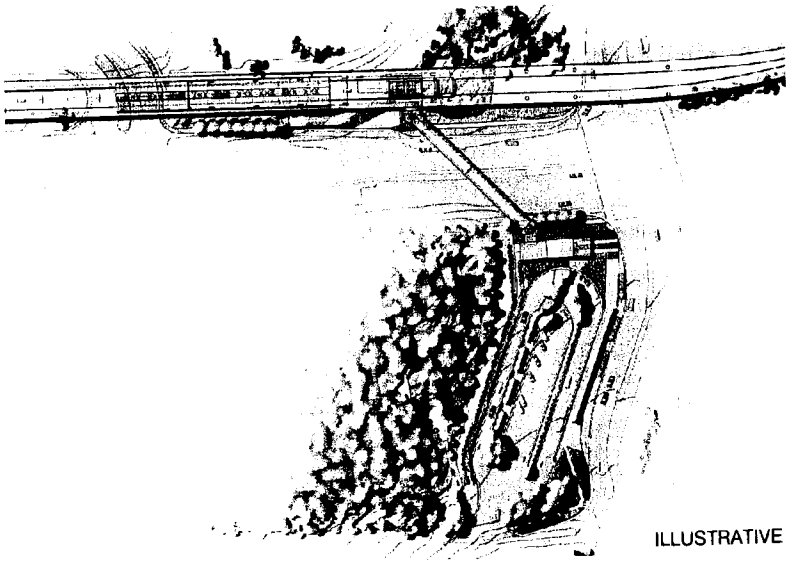
3

SHEET NO. 3 OF 8

M-10647




PERSPECTIVE VIEW OF STATION



ILLUSTRATIVE

## NOTES:

1. THE PROPERTY THAT IS THE SUBJECT OF THIS SPECIAL EXCEPTION PLAT IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 29-4 ((5)) A1, B1(PART) AND C1 (PART), D, AND E; AND 30-3 ((8)) B3 (PART) AND C1 (PART) AND IS ZONED C-3
2. THE TOTAL LAND AREA OF THIS SPECIAL EXCEPTION IS APPROXIMATELY 4.40 ACRES.
3. THIS SPECIAL EXCEPTION PLAT ACCOMPANIES AN APPLICATION TO PERMIT THE ESTABLISHMENT OF AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY. SPECIFICALLY, A RAIL STATION AND ACCESSORY USES THERETO AND TO PERMIT THE USE WHICH IS PARTIALLY WITHIN A FLOODPLAIN AND THE REQUIRED FILLING IN THE FLOODPLAIN TO ACCOMMODATE THE USE
4. THE BOUNDARY INFORMATION SHOWN HEREON IS ESTABLISHED TO INCLUDE ALL THE FACILITIES SUBJECT TO THIS SPECIAL EXCEPTION AS DEFINED BY DULLES TRANSIT ENGINEERS, JV DURING PRELIMINARY ENGINEERING.
5. THE TOPOGRAPHY SHOWN HEREON IS AT A CONTOUR INTERVAL OF ONE (1) FEET FROM SURVEY INFORMATION PROVIDED BY DULLES TRANSIT ENGINEERS, JV.
6. A STATEMENT WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY AND THE NATURE OF THE APPLICANT'S INTEREST IN SAME IS PRESENTED IN A SEPARATE DOCUMENT.
7. MINIMUM YARD REQUIREMENTS FOR THE C-3 DISTRICT ARE AS FOLLOWS:

   FRONT: CONTROLLED BY A 25° ANGLE OF BULK PLANE, BUT NOT LESS THAN 40 FEET.

   SIDE: NO REQUIREMENT

   REAR: CONTROLLED BY A 20° ANGLE OF BULK PLANE, BUT NOT LESS THAN 25 FEET.
8. AS STATED IN SECT. 9-404 AND 9-405 OF THE FAIRFAX COUNTY ZONING ORDINANCE THIS USE NEED NOT COMPLY WITH THE BULK REGULATIONS OR THE MINIMUM DISTRICT SIZE REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THE USE IS LOCATED.
9. SANITARY SEWER AND PUBLIC WATER ARE AVAILABLE AND WILL BE EXTENDED TO THE SITE AS NEEDED.
10. PARKING FACILITY REQUIREMENTS WERE DETERMINED AS PART OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS ) AND ARE PRESENTED IN THE TABULATION HEREON. IT IS UNDERSTOOD THAT THERE ARE NO SPECIFIC PARKING STANDARDS SET FORTH IN THE ZONING ORDINANCE FOR THIS SPECIFIC USE. FURTHER, THE APPLICANT RESERVES THE RIGHT TO INCREASE OR DECREASE THE NUMBER OF PARKING SPACES PROVIDED THAT SUCH SPACES ARE IN SUBSTANTIAL COMPLIANCE, IN TERMS OF LOCATION , WITH THAT PRESENTED HEREON.
11. THIS FACILITY IS PROPOSED TO BE PARTIALLY LOCATED WITHIN A DESIGNATED RESOURCE PROTECTION AREA ( RPA ) AS PRESENTED ON THIS GRAPHIC. AN ALTERNATIVES ANALYSIS WAS PERFORMED DURING PRELIMINARY ENGINEERING TO MINIMIZE THE FOOTPRINT OF THE STATION FACILITIES AND RESULTANT ENCROACHMENT ON THE RPA AS COMPARED TO THE FEIS. BEST MANAGEMENT PRACTICES ARE EMPLOYED THROUGH THE USE OF RAIN GARDENS AND WATER QUALITY INLETS FOR PRETREATMENT OF STORMWATER RUNOFF.
12. THE PROPOSED FACILITY IS LOCATED PARTIALLY IN THE EXISTING FLOODPLAIN AS SHOWN THEREON. A FLOODPLAIN ANALYSIS WAS PERFORMED DURING PRELIMINARY ENGINEERING AND THE RESULTS INDICATED THAT THE POST-DEVELOPMENT ELEVATION IS LOWERED BY APPROXIMATELY 0.1 FEET.
13. STORMWATER MANAGEMENT WILL BE REVIEWED BY THE DEPARTMENT OF CONSERVATION AND RECREATION (DCR), BASED ON FAIRFAX COUNTY CRITERIA. THEREFORE, A WAIVER OF PAR. 3 OF SECT 9- 011 OF THE ZONING ORDINANCE IS HEREBY REQUESTED.
14. THERE ARE NO EXISTING OR PROPOSED UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE ON THE SUBJECT PROPERTY.
15. THE COMPREHENSIVE PLAN TRAILS MAP SHOWS A PAVED TRAIL AND AN ON ROAD BIKE TRAIL ADJACENT TO THE SUBJECT PROPERTY.
16. SEE REFERENCE DRAWINGS, WHICH HAVE BEEN PROVIDED UNDER SEPARATE COVER, FOR THE LOCATIONS, NUMBER AND SIZES OF ALL PROPOSED SIGNS.
17. BASED ON HISTORICAL AND ARCHEOLOGICAL INVESTIGATIONS PERFORMED IN THE FEIS, THERE ARE NO GRAVES LOCATED ON THE SUBJECT PROPERTY.
18. THE PROPOSED USE WILL NOT GENERATE, UTILIZE, STORE, TREAT AND/OR DISPOSE OF ANY HAZARDOUS OR TOXIC SUBSTANCE AS SET FORTH IN TITLE 40, CODE OF FEDERAL REGULATIONS PARTS 116.4, 302.4 AND 355; ANY HAZARDOUS WASTE AS SET FORTH IN COMMONWEALTH OF VIRGINIA/DEPARTMENT OF WASTE MANAGEMENT VR 672-10-1 VIRGINIA HAZARDOUS WASTE MANAGEMENT REGULATIONS; AND/OR ANY PETROLEUM PRODUCTS DESIGNED IN TITLE 40, CODE OF FEDERAL REGULATIONS PART 280. HOWEVER, ANY SUCH SUBSTANCES THAT MAY BE UTILIZED, STORED AND/OR DISPOSED OF IN CONJUNCTION WITH THE USE WILL BE IN ACCORDANCE WITH SAID REGULATIONS.
19. THE EXACT LOCATION OF THE PROPOSED VEHICULAR ACCESS POINTS TO THE SUBJECT PROPERTY IS SUBJECT TO MODIFICATION BASED ON FINAL DESIGN AND ENGINEERING.
20. EXCEPT AS QUALIFIED ABOVE, THE PROPOSED DEVELOPMENT CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES AND ADOPTED STANDARDS

## TABULATION:

| | |
|---|---|
| EXISTING/PROPOSED ZONING | C-3 |
| TOTAL LAND AREA | 4.40± AC |
| MAXIMUM FLOOR AREA RATIO PERMITTED | 1.0 |
| PROPOSED FLOOR AREA RATIO | 0.31 |
| MAXIMUM GROSS FLOOR AREA PERMITTED | 191,664± SF |
| PROPOSED GROSS FLOOR AREA | 60,811± SF |
| PARKING SPACES REQUIRED/PROVIDED | 34 SPACES |
| AUTOMOBILE | 23 |
| TAXI CAB/SHUTTLE | 11 |
| MAXIMUM BUILDING HEIGHT PROPOSED | 75 FT |
| OPEN SPACE REQUIRED (5%) | 0.66± AC |
| OPEN SPACE PROVIDED (20%) | 0.89± AC |

### ZONING ORDINANCE SUBMISSION REQUIREMENTS FOR FILLING IN THE FLOODPLAIN

PAR. 2A OF SECT. 2-904 OF THE FAIRFAX COUNTY ZONING ORDINANCE:

(1) THE EXISTING FLOODPLAIN IS DELINEATED ON THE SPECIAL EXCEPTION PLAN (SE) FROM FAIRFAX COUNTY DPWES SUPPLIED INFORMATION.

(2) THE TOPOGRAPHY PRESENTED HEREON IS AT CONTOUR INTERVALS OF ONE (1) FEET FROM SURVEY INFORMATION FROM THE DULLES TRANSIT ENGINEERS, J.V.

(3) INGRESS AND EGRESS IS SHOWN ON SE PLAT. THE ACCESS POINT WILL SERVE AS ACCESS FOR BOTH NORMAL AND EMERGENCY USES.

(4) THE NATURE OF AND EXTENT OF THE PROPOSED FILL IS TO INSTALL A RETAINING WALL WITH A HEIGHT BETWEEN 6' AND 16'-6". THE AREA WITHIN THE FLOODPLAIN FILL AREA IS PROPOSED TO ENCOMPASS PORTION OF THE TRAVELWAY AND A PORTION OF THE PLAZA AND SOUTH ENTRANCE PAVILION AS SHOWN ON THE SE PLAT. BASED ON A FLOODPLAIN STUDY THERE WILL BE NO INCREASE IN THE FLOODPLAIN ELEVATION, THEREFORE, NO COMPENSATORY AREAS WILL BE REQUIRED.

CLEAN FILL WILL BE USED AS APPROVED BY THE VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY AND WILL SATISFY THE REQUIREMENTS OF 9VAC 20-80-700. BENEFICIAL RE-USE SOIL FROM ELSEWHERE ON THE SITE WILL BE PRIORITIZED FOR ALL LOCATIONS REQUIRING FILL.

(5) SEE (4) ABOVE

(6) THE ELEVATION OF THE NEAREST 100-YEAR FLOODPLAIN IS 308' AND IS 12.5 FEET FROM THE NEAREST STRUCTURE, WHICH IS AN ENCLOSED ELEVATOR SHAFT.

(7) THE SOUTH ENTRANCE PAVILION FOOTPRINT IS WITHIN THE EXISTING FLOODPLAIN, BUT THE PROPOSED FLOODPLAIN BOUNDARY WILL BECOME THE RETAINING WALL FACE IN THIS AREA. THE BUILDING FOUNDATION, ELEVATOR AND ESCALATOR PITS ARE ABOVE THE FLOODPLAIN ELEVATION.

PAR. 2B OF SECT. 2-904

(1) SCOTTS RUN ORIGINATES IN THE INTENSELY DEVELOPED TYSON'S CORNER AREA. THE MAIN STEM OF SCOTTS RUN AND ITS HEADWATER TRIBUTARIES DRAIN MAJOR CENTERS WITH VERY HIGH LEVELS OF IMPERVIOUS COVER. PORTIONS OF SCOTTS RUN HAVE BEEN DIVERTED THROUGH A SERIES OF ROAD CULVERTS THAT HAVE ALTERED THE STREAM IN THE WATERSHED. OVER-WIDENING AND CHANNELIZATION OF THE STREAM NEAR THESE CULVERTS HAVE CAUSED EROSION DOWNSTREAM. HOWEVER, THE SEGMENT OF SCOTTS RUN SOUTH OF THE DEVELOPMENT ALONG ROUTE 123 FLOWS THROUGH A FORESTED STREAM VALLEY THAT HAS REDUCED THE RATE OF BANK AND CHANNEL EROSION. TO ABATE FLOODING OR EROSION IMPACT, EVERGREEN SHRUBS FROM THE VIRGINIA DEPARTMENT OF CONSERVATION AND RECREATION LISTING OF NATIVE AND RIPARIAN PLANT SPECIES WILL BE PLANTED IN THE AREA DISTURBED BY THE RETAINING WALL PROPOSED TO BE CONSTRUCTED AT THE KISS AND RIDE LOT.

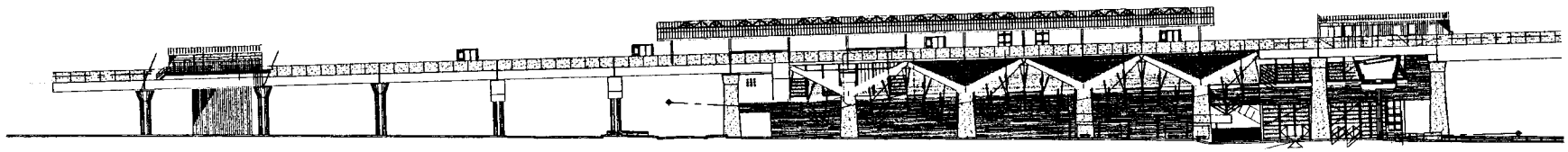
(2) NO ADDITIONAL FEDERAL OR STATE PERMITS ARE REQUIRED.

PAR. 2C OF SECT. 2-904

(1) THE RETAINING WALL STRUCTURE PROPOSED TO BE CONSTRUCTED WITHIN THE FLOODPLAIN IS USED TO SUPPORT THE WEST SIDE OF THE KISS AND RIDE SURFACE LOT.

(2) THE RETAINING WALL WILL BE DESIGNED TO WITHSTAND LOADS AND FORCES OF FLOODWATERS. FLOOD PROOFING CERTIFICATION TO BE PROVIDED UNDER SEPARATE COVER.

(3) NOT APPLICABLE



STATION ELEVATION - SOUTH

Dewberry

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DULLES TRANSIT PARTNERS, LLC
1600 SPRING HILL RD, STE
MCLEAN, VA 22102

TYSONS EAST STATION
Dulles Corridor Metrorail Project
SPECIAL EXCEPTION PLAT
2232 PLAN
PROVIDENCE DISTRICT

SEAL

COMMONWEALTH OF VIRGINIA
RUSSELL K. WERNER
Lic. No. 018677
1/2/08
PROFESSIONAL ENGINEER

KEY PLAN

SCALE

| No. | DATE | BY | Description |
|---|---|---|---|
| 3 | 10.01.08 | JMC | |
| 2 | 06.04.08 | JMC | |
| 1 | 12.19.07 | JMC | |

REVISIONS

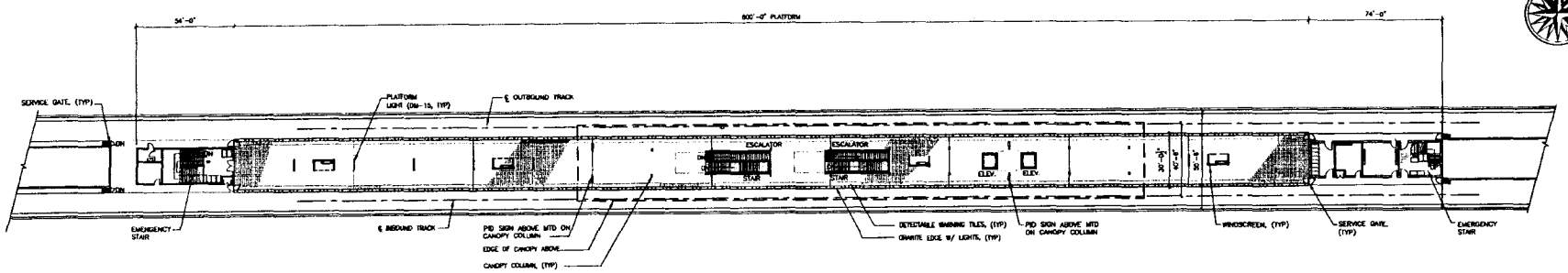
DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE AUGUST 28, 2007

TITLE
Tysons East Static
Dulles Corridor Metrorail I
Station Perspective, Illust
Notes, & Tabulatior

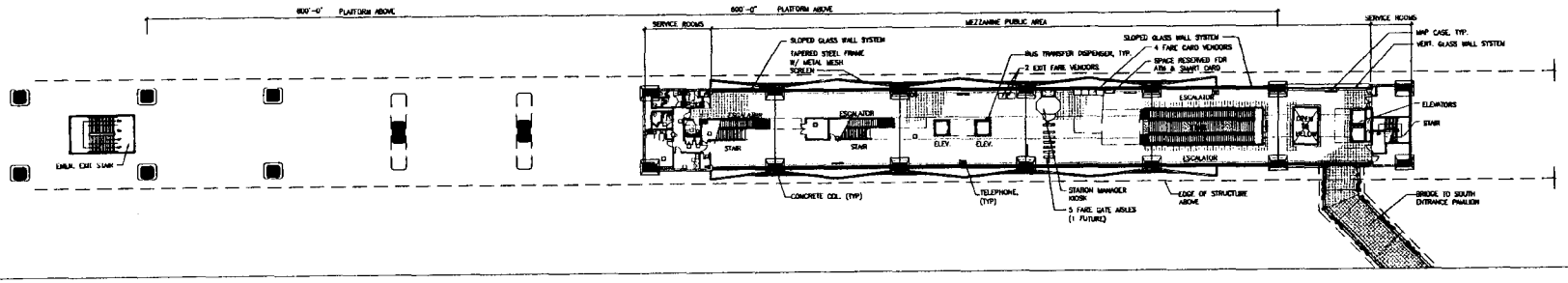
PROJECT NO. M-10647

4

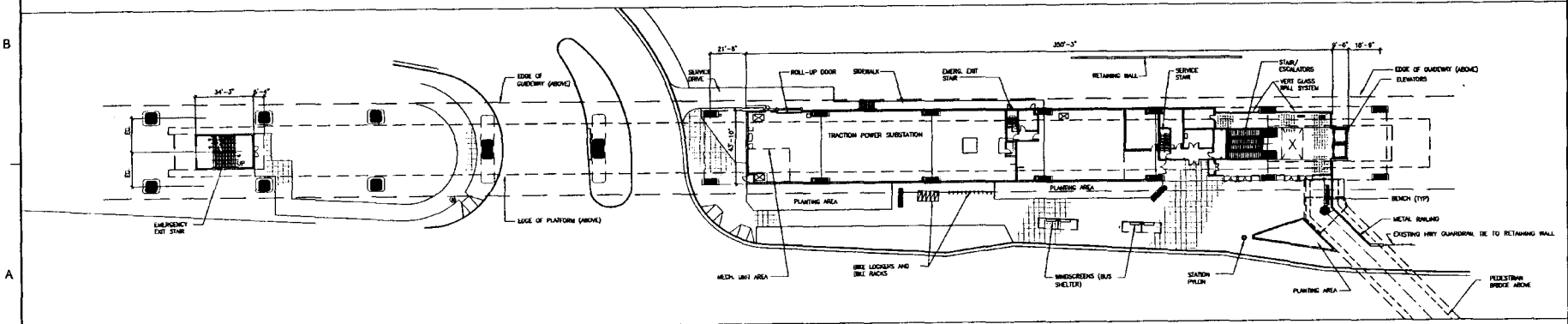
SHEET NO. 4
M-10647




PLAN VIEW - PLATFORM LEVEL




PLAN VIEW - MEZZANINE LEVEL




PLAN VIEW - GROUND LEVEL

Dewberry

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TYSONS EAST STATION
Dulles Corridor Metrorail Project
SPECIAL EXCEPTION PLAT
2232 PLAN
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
RUSSELL A. WERNER
Lic. No. 018377
1/31/08
PROFESSIONAL ENGINEER

KEY PLAN

SCALE
0' 30' 60'

| No. | DATE | BY | Description |
|---|---|---|---|
| 3 | 10.01.08 | JMC | |
| 2 | 08.04.08 | JMC | |
| 1 | 12.19.07 | JMC | |

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Tysons East Station
Dulles Corridor Metrorail Project

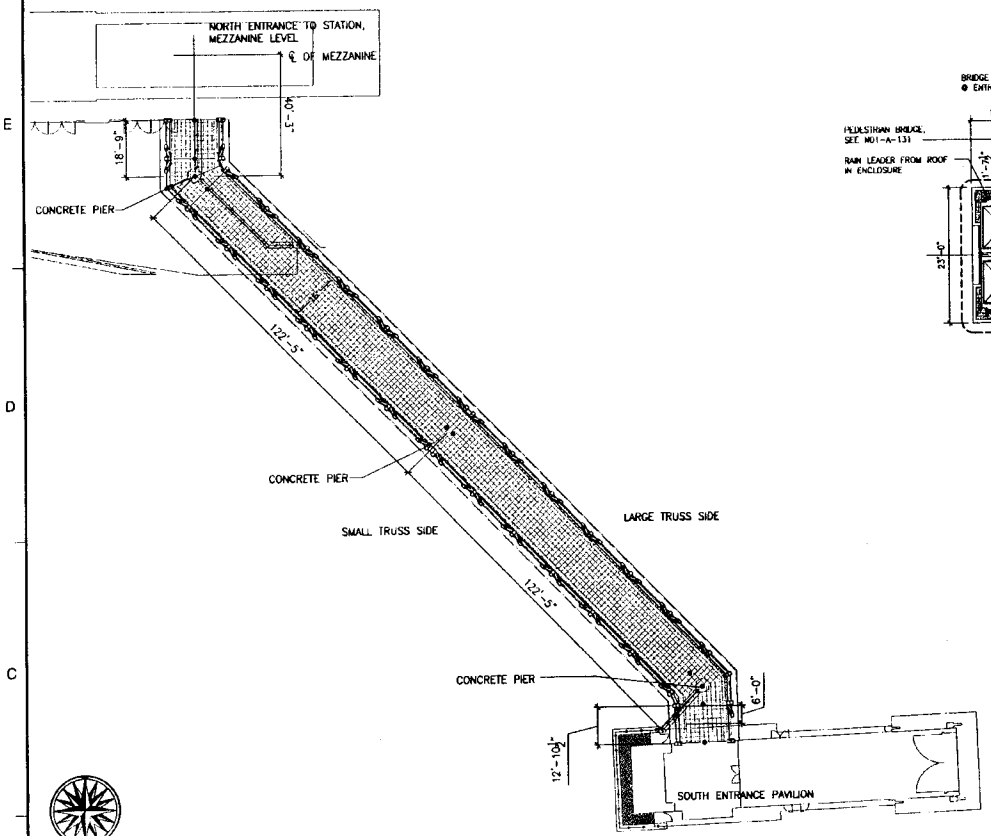
Station Plan View Details

PROJECT NO. M-10647

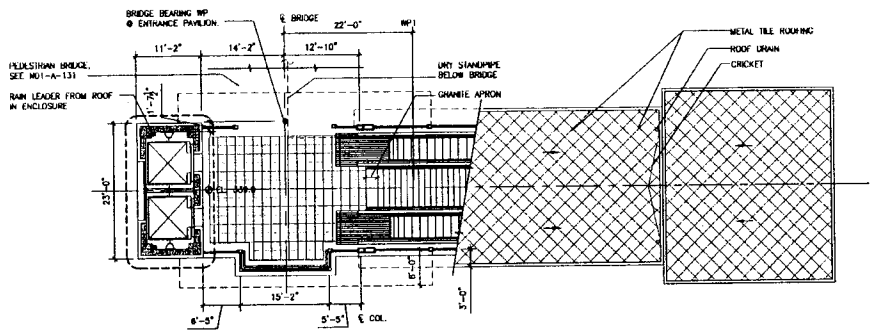
5

SHEET NO. 5 OF 6

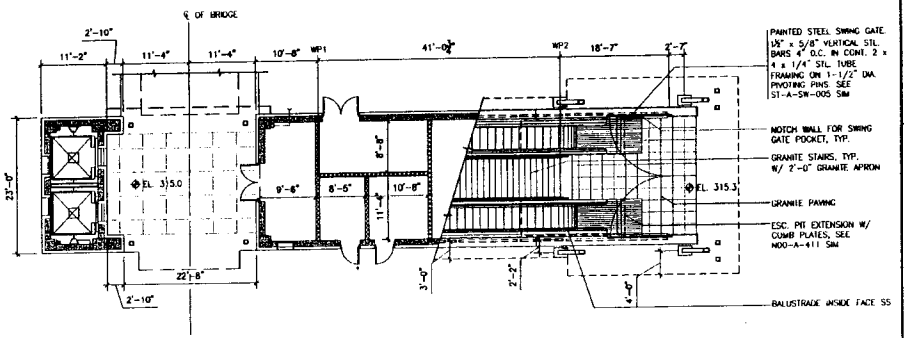
M-10647




BRIDGE LEVEL FLOOR PLAN




SOUTH ENTRANCE PAVILION - BRIDGE LEVEL




SOUTH ENTRANCE PAVILION - GROUND LEVEL

Dewberry

Dewberry & Davis LLC
8401 ARLINGTON BLVD.
FAIRFAX, VA 22031
PHONE: 703.849.0100
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DULLES TRANSIT PARTNERS, LLC
1360 SPRING HILL RD, STE 600
MCLEAN, VA 22102

TYSONS EAST STATION
Dulles Corridor Metrorail Project
SPECIAL EXCEPTION PLAT
2232 PLAN
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

COMMONWEALTH OF VIRGINIA
BARBARA A. WERNER
REG. No. 019077
10/4/05
PROFESSIONAL ENGINEER

KEY PLAN

SCALE
0' 40' 80'

| No. | DATE | BY | Description |
|---|---|---|---|
| 3 | 10.01.08 | JMC | |
| 2 | 08.04.08 | JMC | |
| 1 | 12.19.07 | JMC | |

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE AUGUST 28, 2007

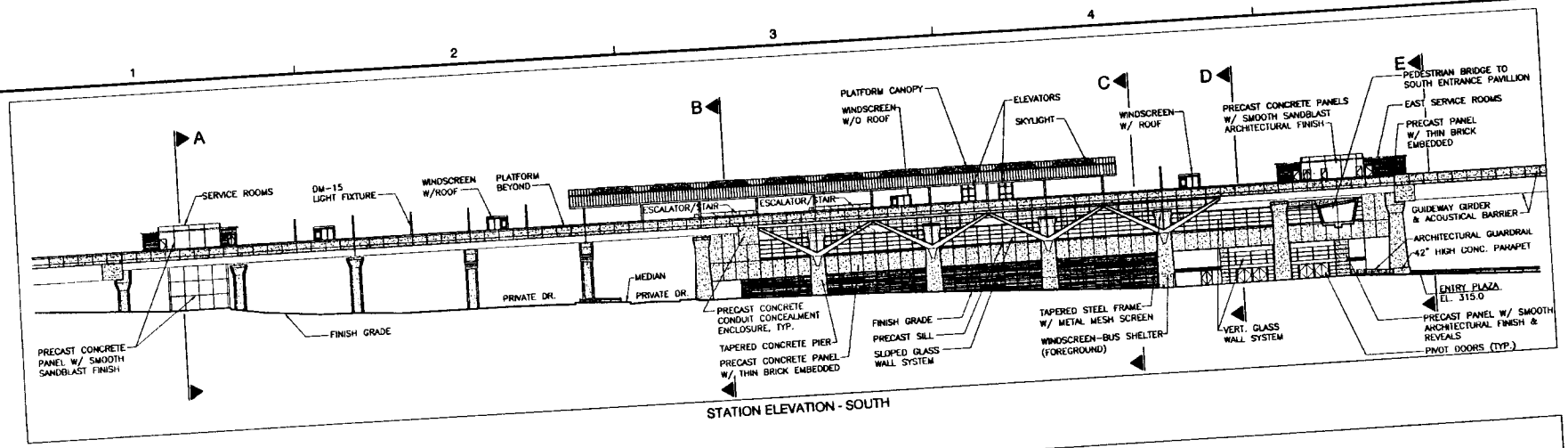
TITLE
Tysons East Station
Dulles Corridor Metrorail Project
Entrance Pavilion and Ped Bridge Details

PROJECT NO M-10647

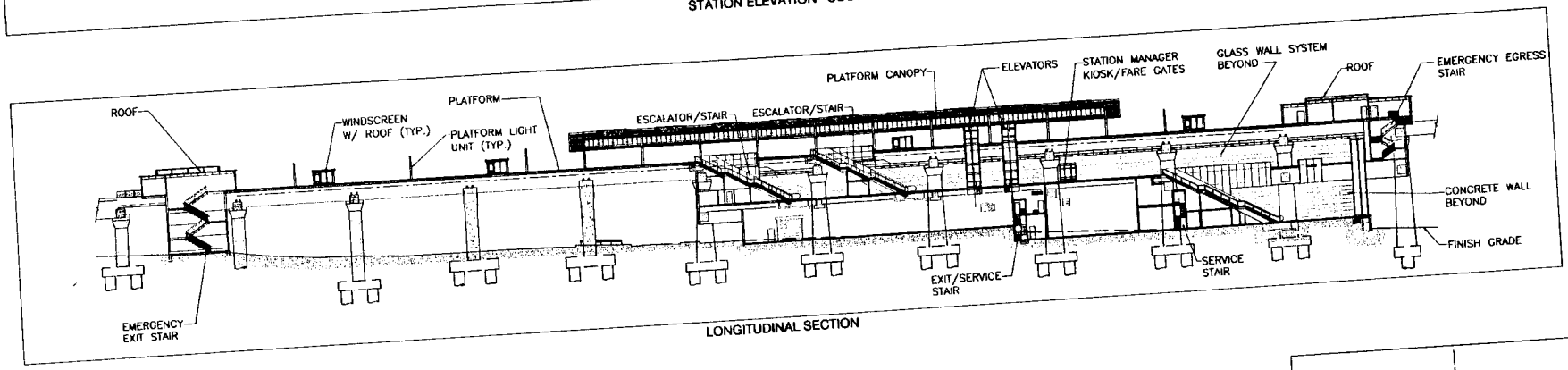
6

SHEET NO. 6 OF 8

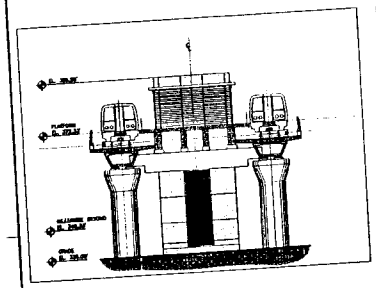
M-10647



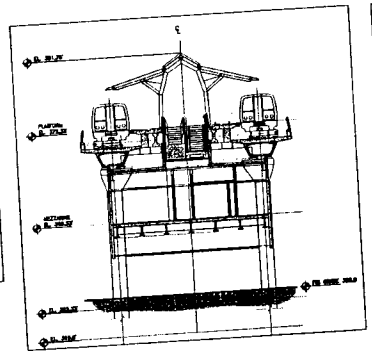

STATION ELEVATION - SOUTH



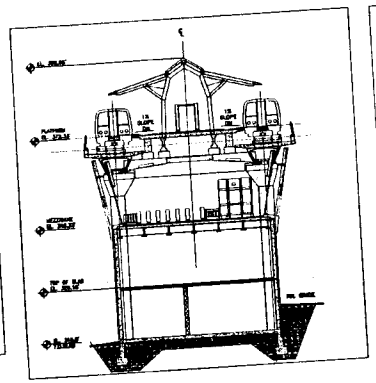

LONGITUDINAL SECTION



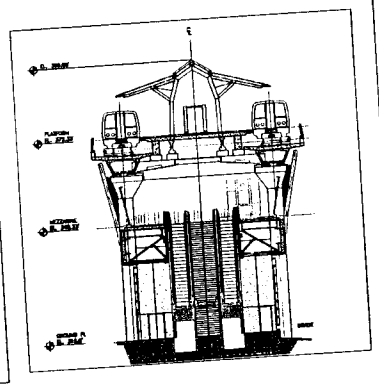
SECTION A
BETWEEN COLUMNS 01 & 02



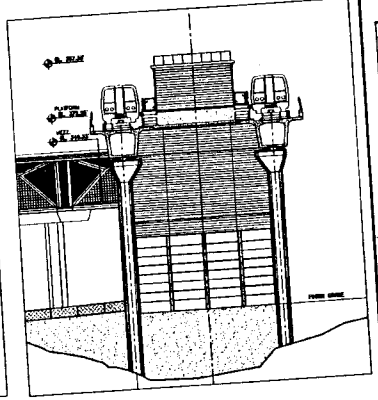
SECTION B
BETWEEN COLUMNS 09 & 10



SECTION C
BETWEEN COLUMNS 16 & 17



SECTION D
BETWEEN COLUMNS 18 & 19



ELEVATION - E
STATION ELEVATION - EAST

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TYSONS EAST STATION
Dulles Corridor Metrorail Project
SPECIAL EXCEPTION PLAT
2232 PLAN
PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL
COMMONWEALTH OF VIRGINIA
JESSE A. WERNER VI
Lic. No. 018077
10/2/08
PROFESSIONAL ENGINEER

KEY PLAN

SCALE
0' 30' 60'

| No. | DATE | BY | Description |
|---|---|---|---|
| 3 | 10.01.08 | JMC | |
| 2 | 08.04.08 | JMC | |
| 1 | 12.19.07 | JMC | |

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE AUGUST 28, 2007

TITLE
Tysons East Station
Dulles Corridor Metrorail Project

Elevations and Sections

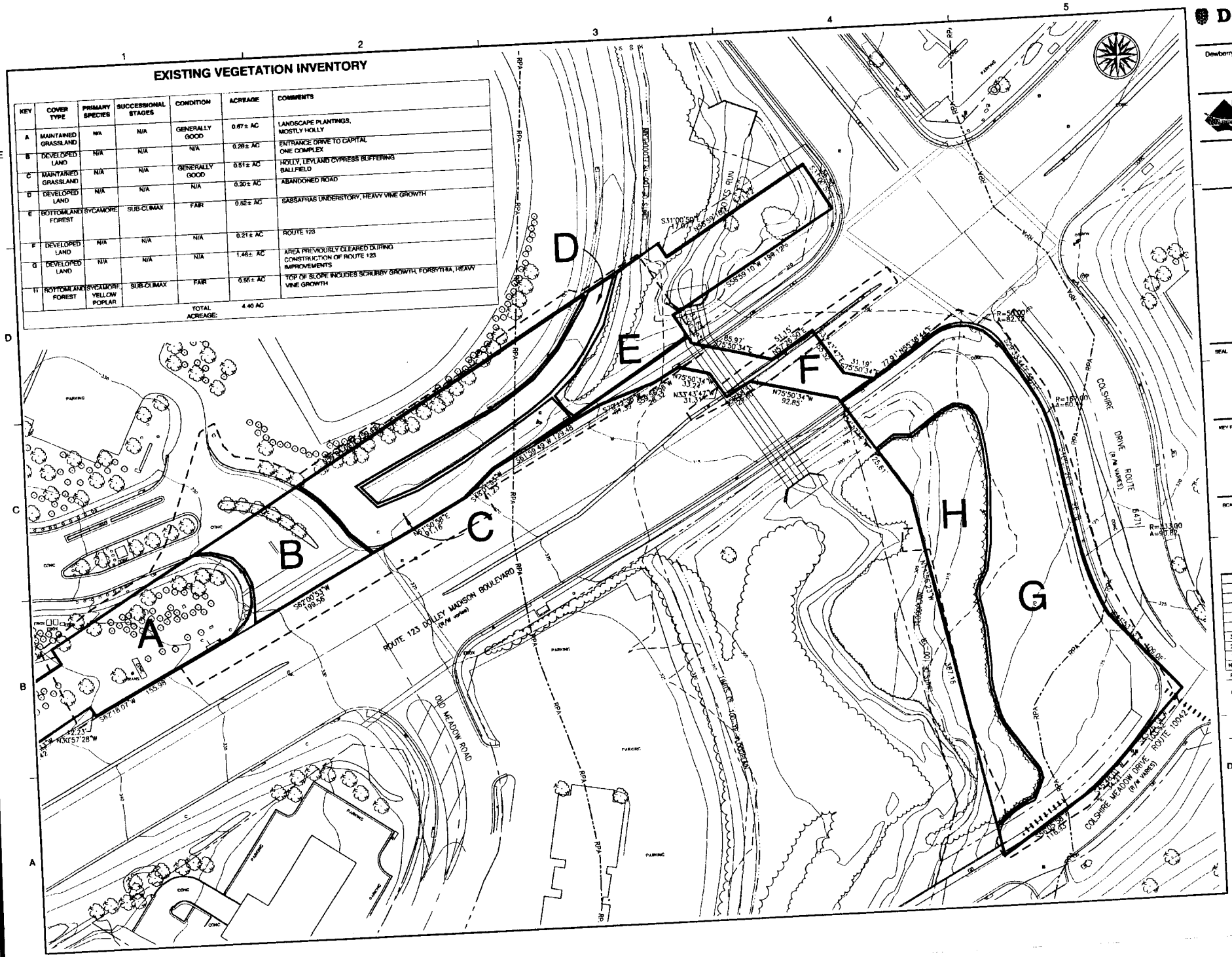
PROJECT NO. M-10647

7

SHEET NO. 7 OF 8
M-10647

## EXISTING VEGETATION INVENTORY

| KEY | COVER TYPE | PRIMARY SPECIES | SUCCESSIONAL STAGES | CONDITION | ACREAGE | COMMENTS |
|---|---|---|---|---|---|---|
| A | MAINTAINED GRASSLAND | N/A | N/A | GENERALLY GOOD | 0.67± AC | LANDSCAPE PLANTINGS, MOSTLY HOLLY |
| B | DEVELOPED LAND | N/A | N/A | N/A | 0.28± AC | ENTRANCE DRIVE TO CAPITAL ONE COMPLEX |
| C | MAINTAINED GRASSLAND | N/A | N/A | GENERALLY GOOD | 0.51± AC | HOLLY, LEYLAND CYPRESS BUFFERING BALLFIELD |
| D | DEVELOPED LAND | N/A | N/A | N/A | 0.20± AC | ABANDONED ROAD |
| E | BOTTOMLAND FOREST | SYCAMORE | SUB-CLIMAX | FAIR | 0.52± AC | SASSAFRAS UNDERSTORY, HEAVY VINE GROWTH |
| F | DEVELOPED LAND | N/A | N/A | N/A | 0.21± AC | ROUTE 123 |
| G | DEVELOPED LAND | N/A | N/A | N/A | 1.46± AC | AREA PREVIOUSLY CLEARED DURING CONSTRUCTION OF ROUTE 123 IMPROVEMENTS |
| H | BOTTOMLAND FOREST | SYCAMORE, YELLOW POPLAR | SUB-CLIMAX | FAIR | 0.55± AC | TOP OF SLOPE INCLUDES SCRUBBY GROWTH, FORSYTHIA, HEAVY VINE GROWTH |
| | | | | TOTAL ACREAGE: | 4.40 AC | |

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NEMAL, VA 22102

# TYSONS EAST STATION
Dulles Corridor Metrorail Project

EXISTING VEGETATION MAP

PROVIDENCE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

RUSSELL A. WEBNER
Lic. No. 019377
10/8/08

KEY PLAN

SCALE
0' 40' 80'

| No. | DATE | BY | Description |
|---|---|---|---|
| 3 | 10.01.08 | JMC | |
| 2 | 06.04.08 | JMC | |
| 1 | 12.19.07 | JMC | |

REVISIONS

DRAWN BY JMC
APPROVED BY
CHECKED BY LAM
DATE AUGUST 28, 2007

TITLE
Tysons East Station
Dulles Corridor Metrorail Project

Existing Vegetation Map

PROJECT NO. M-10647

8

SHEET NO. 8 OF 8

M-10647

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

## DESCRIPTION OF THE APPLICATION

The applicant seeks a Category 4 Special Exception for an electrically powered regional rail transit facility to construct the proposed Tysons East Metro Station and a Category 6 Special Exception to allow construction of associated lines in the floodplain. The station is proposed in an area adjacent to Scotts Run floodplain located on the northern and southern sides of Route 123. The proposed electrically powered regional rail transit facility will be the easternmost station in the Dulles Corridor Metrorail Project Silver Line which, as currently designed, proposes to extend the Metrorail system past the Dulles International Airport to a terminus in Loudoun County.

The project will be developed in phases and the proposed Tysons East Metrorail Station, hereinafter referred to as Tysons East, is also the easternmost station in Phase I. Phase I proposes to extend Metrorail from a point east of the existing station at West Falls Church through Tysons Corner to a proposed Wiehle Avenue station.

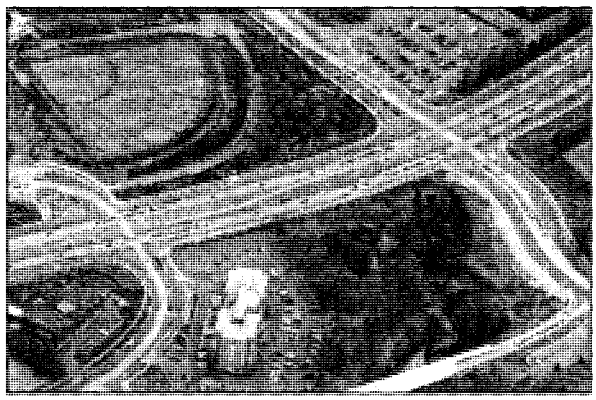
The hours of the station will follow the WMATA schedules, currently operating from 5:00 am to midnight on weekdays and 7:00 am to 3:00 am on weekends. Patronage has been estimated to include 3,803 boardings at this station. There will be one employee assigned full time to the station per shift, with additional employees as needed for maintenance, security and operations assistance.

As discussed at length below, the proposed station includes two main components—a train platform on the north side of Dolley Madison Boulevard on Tax Map Parcels 29-4 ((5)) A1, B1 pt and C1 pt and a kiss and ride lot to the south of Dolley Madison Boulevard on Tax Map Parcels 30-3 ((28)) B3 pt and C1 pt. The kiss and ride lot will include approximately 24 short term parking spaces, 11 taxicab/shuttle bus spaces, and 9 motorcycle spaces.

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

Tysons East is located along Dolley Madison Boulevard approximately 1/3 of a mile south of the interchange with the Dulles Airport Access Road (DAAR). The project is directly adjacent to a portion of Scott's Run Stream Valley Park. The land areas to be developed contain a total of 4.40 acres and include the station and kiss and ride area on both the north and south sides of Dolley Madison Boulevard.



| SURROUNDING AREA DESCRIPTION | | | |
|---|---|---|---|
| **Direction** | **Use** | **Zoning** | **Plan** |
| **North** | Office (Capital One) | C-3 | Office |
| **South** | Office | C-3 | Office |
| **East** | Office | C-3 | Office |
| **West** | Scotts Run | C-3 | Public Park |

## BACKGROUND

### Site History:

The history of this site is governed by the land use applications associated with the West*Gate office park. On June 22, 1992, the Board of Supervisors (BOS) approved RZ 92-P-001 to rezone 128.63 acres, which comprised the West*Gate site, from I-3, I-4, C-2, C-7, R-1 and Highway Corridor (HC) Districts to the C-3 and HC Districts, subject to proffers dated June 19, 1992. This rezoned area consisted of most of the parcels within Sub-unit R-2 of the Tysons Corner Urban Center in the Comprehensive Plan. The proffers also created three land bays, known as the Old Springhouse Road, Colshire Drive, and Old Meadow Road Land Bays (Land Bays A, B, and C, respectively).

On March 22, 1999, the Board of Supervisors (BOS) approved PCA 92-P-001. Under this application, the approved proffers were amended in order to, among other things, dedicate a 2.35 acre parcel within the Colshire Drive Land Bay for public use (it is expected that this use will be the Tysons East metro rail station) and reserve and dedicate land within the Old Springhouse Road Land Bay for the future Beltway widening and the future Metrorail extension. Therefore, this site has been identified as the location for a transit station for approximately a decade.

Several other PCAs have been approved since the original PCA, however, these did not change the dedication required under PCA 92-P-001. Copies of the relevant historical cases can be found at Appendix 4.

## COMPREHENSIVE PLAN PROVISIONS (See Staff Report Part I)

**Plan Area**: McLean Planning District, Area II

**Planning Sector**: Tysons Corner Urban Center

**Unit/Subunit** R-2

**Plan Map**: Office

## ANALYSIS

**Special Exception Plat** (Copy at front of staff report)

| | |
|---|---|
| Title of SE Plat: | Tysons East Station |
| Prepared By: | Dewberry & Davis, LLC |
| Original and Revision Dates: | August 28, 2007 as revised through October 1, 2008. |

The Special Exception Plat consists of 8 sheets.

| Tysons East Station | |
|---|---|
| **Sheet #** | **Description of Sheet** |
| 1 of 8 | Title Sheet, Vicinity Map |
| 2 of 8 | Site Layout, Special Exception Plat |
| 3 of 8 | Landscape and Sign Plan |
| 4 of 8 | Station Perspective, Illustrative Notes & Tabulations |
| 5 of 8 | Station Plan View Details |
| 6 of 8 | Entrance Pavilion and Pedestrian Bridge Details |
| 7 of 8 | Elevations and Sections |
| 8 of 8 | Existing Vegetation Map |

*Site Layout:*

**Figure 1 Photo simulation from http://www.dullesmetro.com/stations/tyson_east.cfm**

The proposed station consists of two main areas, the kiss and ride lot located to the south of Dolley Madison Boulevard, and the station itself, with platforms and public areas, to the north. The two sections will be connected by an elevated pedestrian bridge that will traverse the Dolley Madison Boulevard right of way. The southern portion of this station consists of the kiss and ride lot, an entrance pavilion, sidewalks and landscaping. The 120' by 33' entrance pavilion will house covered escalators to access the elevated pedestrian bridge above. The lot will also have bus bays, taxi stands, spaces for shuttle buses, and motorcycle parking. Sidewalks are shown along the bus lanes and parking areas. The proposed kiss and ride lot and southern entrance pavilion will be located partially in the 100-year floodplain and Resource Protection Area (RPA) associated with Scotts Run. There is also 100-year floodplain and RPA on the north side of Dolley Madison Boulevard.

To the north of Dolley Madison Blvd. the station will include the ground level of the station with landscaping, bus bays and shelters, and a future connection point to connect the station to future development.

*Station Layout:*

The majority of the station structure will be located to the north of Dolley Madison Boulevard. The station will consist of three levels to include ground, mezzanine and a platform level. Patrons will be expected to access the two top levels, either from the ground level on the north of Dolley Madison Blvd., or by crossing the elevated pedestrian bridge to buy farecards and accessing the trains at the station.

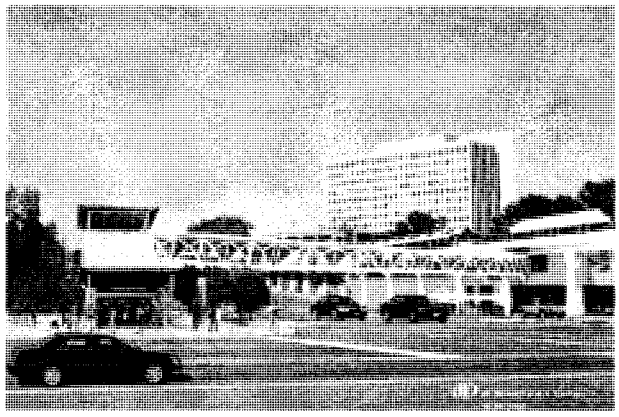
The ground level has escalators and elevators used to access the main levels of the station. The ground level will also feature planting areas for trees and shrubs along the Dolley Madison Boulevard side of the structure. There will also be bike lockers and racks as well as two bus shelters and bus bays along the station wall near Dolley Madison Boulevard. Finally, there will be also a sidewalk along both the north and south sides of the station.

The mezzanine level will be accessed directly from the elevated pedestrian bridge from the kiss and ride lot or from the ground level below. This area will include the fare card machines, station manager kiosk, and fare gate aisles. The mezzanine level will also have space for smart card and ATM machines. Escalators, stairs and elevators on this level will also provide access to the platform level where patrons will board and disembark trains.

The platform level will be approximately 753 feet long and 30 feet wide and will consist of a center platform with the east and westbound trains approaching on the north and south bound sides of the platform.

*Station Architecture:*

The proposed station architectures id depicted below and will be brick veneer and concrete, and will feature glass walls and woven metal mesh screens.



*Stormwater Management*

The stormwater management is proposed to be managed through a combination of measures introduced on site and at the construction staging area. At the kiss and ride lot, water quality inlets (Filterra) will be used which will exceed best management practice requirements for water treatment for the station and parking areas. In addition, an extended detention pond will be introduced at the constructions staging area in order to provide quantity and additional quality controls within the Scotts Run Watershed.

*Parking and Access:*

The kiss and ride area shall be accessed through a full service vehicular entrance off of Colshire Meadow Drive. The applicant is proposing 34 parking spaces for automobiles and tax cab/ shuttles. In addition, the SE Plat depicts motorcycle parking spaces. The station is not envisioned as a station where patrons will park and ride, but instead, as a station where patrons can be dropped off or to which they can walk bike, of take a bus from the surrounding neighborhood. There are bus bays in the kiss and ride lot as well as along the westbound side of Dolley Madison Blvd.

*Landscaping and Tree Preservation:*

The applicant is proposing landscaping around the station including shade and flowering trees and evergreen shrubs. The plan depicts six shade trees on the ground level near the station along Dolley Madison Blvd. with flowering trees closer to the station wall. Shade trees are also shown in the kiss and ride lot, most notably near the intersection of Colshire Meadow Drive and Colshire Drive. However, the islands within the lot also feature flower trees and areas of evergreen shrubs. Approximately 20% open space is proposed on the site as well.

*Noise Mitigation Features*

The applicant has noted that noise impact studies were performed as part of the Final Environmental Impact Statement (FEIS) which considered ambient conditions and future operations of the station. No impacts were identified requiring mitigation. However, the tracks will have parapet walls on either side to reduce wheel noise. In addition, during construction, the project is subject to the requirements of the Fairfax County Noise Ordinance.

*National Historic Preservation Act (NHPA)*

The impact of known archeological resources and historic architectural resources was assessed as part of the Final Environmental Impact Report. The possibility of impacts at this station initially raised some concern as a County archival cultural resources review indicated that the adjacent park land contained a prehistoric archaeological site that appears to extend into the area of the proposed development. Staff notes that the entire project was reviewed and Section 106 compliance was provided by a Memorandum of Agreement which is part of the project's Record of Decision that is discussed in Part I of the Dulles Rail Project Phase I Staff Report. No adverse impacts on architectural or historic were revealed at the Tysons East station. However, staff notes that the project is required per the Memorandum of Agreement to maintain ongoing contact with the Virginia Department of Historic Resources who has jurisdiction over archaeological and historic resources.

**Land Use Analysis**

The application presents no land use issues. The staff report for the companion 2232 applications notes that all of the stations are in conformance with the Comprehensive Plan.

**Transportation Analysis** (Appendix 5)

There are no transportation issues associated with this application. As requested by FCDOT, the applicant has coordinated the location and type of bike lockers placed at this station with the Fairfax County Department of Transportation.

**Environmental Analysis** (Appendix 6)

Disturbance within Resource Protection Area (RPA)

A portion of this station, and the attendant kiss and ride lot, will be located within the RPA associated with Scotts Run. Staff notes that, per the June 2007 letter from the Virginia Secretary of Transportation, the Department of Conservation and Recreation (DCR) shall be the regulatory authority for all land disturbing and construction activity in Chesapeake Bay Preservation Areas under the provisions of the Chesapeake Bay Preservation Ordinance (CBPO). Not only will DCR continue to fully review the project's proposal under the strictest set of standards, but that the project has provided sufficient details to Fairfax County staff regarding their efforts to obtain DCR approval.

As detailed in Part I of this Dulles Rail Project Phase I Staff Report. The project has consulted with the DCR on the placement of the station and parking areas associated with Tysons East since at least 2002. In June 2005, DCR provided comments to the project, suggesting alternative locations, and if it were not feasible to relocate, required that the design be modified to the extent practical to minimize impervious surface and land disturbance. It was not feasible to relocate the station and its components, but in response to these comments, the project made design modifications and DCR has, at the time of this writing, reviewed the modifications and provided favorable feedback.

Archeological Impacts (Appendix 7)

As noted previously, there was some initial concern expressed about the possible impact on known archeological resources for this station. The project recognized this concern and the impact on known archeological resources was addressed by the project as a part of the Final Environmental Impact Report. Therefore, the area was studied in a Phase 1 survey in 2004. While the site was identified originally as an area of concern, further study found that no remains of these sites were found within the Phase I Metrorail Extension Area to Wiehle Avenue (to include Tysons East) and therefore, these sites would not be affected by the extension. Further, the project is required per the Memorandum of Agreement to maintain ongoing contact with the Virginia Department of Historic Resources who has jurisdiction over archeological resources associated with this project. With the finding of no adverse impact, and the project's continuing requirements of coordination with DHR, staff concludes that this project presents no adverse impact on known archeological resources.

Tree Preservation and Landscaping(Appendix 8)

Since this station and the park and ride are proposed to be located in an area with existing vegetation, staff has questioned the project about the possibility of preserving as many trees as reasonably possible. To that end, staff has recommended development conditions specific to this site that require the use of a certified arborist and development of a tree preservation plan designed to explore tree save possibilities. The plan shall include, among other things, tree identification, monitoring of the site during construction, and submittal of the plan to UFMD for review and comment. Therefore, staff concludes that the tree preservation efforts are sufficient to preserve as many trees onsite as possible.

Landscaping on this site will follow the layout depicted on Sheet 3 of the SE Plat, but specific details regarding types and varieties of vegetation and tree cover calculations that are typically provided in SE Plats are simply not available at this time. In order to assure compliance with the Fairfax County standards, staff has developed a series of development conditions relating to the development of a detailed landscape plan at a later date. The conditions specify that the landscape plans shall conform to the Public Facilities Manual and the Zoning Ordinance and that the project will consult with UFMD during development and implementation of the plan. Staff notes that these conditions allow the project to proceed and develop innovative solutions to landscaping issues, such as minimum planting areas. Staff concludes therefore, that the landscaping plan will be in full compliance with Fairfax County standards.

**Public Facilities Analysis** (See 2232 Report)

Development within a Floodplain

The applicant proposes to encroach within the floodplain associated with Scotts Run. Specifically, portions of the kiss and ride lot are proposed to be built within the existing floodplain on the southern side of Route 123, prompting the project to modify the currently delineated floodplain by use of a retaining wall to contain the floodplain behind the wall. In addition, two piers are to be placed within the floodplain on the north side of Route 123 under station and tracks on the eastern end of the platform. While staff notes that, per the Memorandum of Agreement, the final site plan will be reviewed by the DCR, the Metrorail project has provided staff with a copy of the floodplain study which notes, in pertinent part, that the 100 year water surface elevations are not affected by the proposed construction of the retaining wall. Staff further notes the Record of Decision notes that the piers built within the floodplain will not increase the 100 year water surface elevation. However, with regard to the effects of any of the development in the floodplain, DCR will be the final reviewing agency ultimately responsible for assuring that flooding will not be worsened by this development, either up or downstream from the station. Information provided to DCR indicates this location is the most feasible alternative to satisfy the goals of the Comprehensive Plan and the Metrorail extension and that all required standards will be enforced per the MOU and Record of Decision. Given the information provided and the DCR oversight and review, staff feels that issues surrounding the development in the floodplain have been adequately addressed and resolved.

**Sanitary Sewer Analysis, Fairfax County Water Authority and Fire and Rescue Analysis**

Analysis of the impacts of this proposal on the public facilities of Fairfax County can be found in the attached 2232 staff report.

## ZONING ORDINANCE PROVISIONS

Electrically-powered regional rail transit facilities are exempted by the Zoning Ordinance from several of the minimum requirements which apply to most development. Specifically, Section 9-405 notes that, *electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located.*

Section 9-404 of the Zoning Ordinance notes that, *except for electrically-powered regional rail transit facilities, as further qualified in Sect. 405 below, all buildings and structures shall comply with the bulk regulations of the zoning district in which located.* Section 405 qualifies that parking structures associated with these rail transit facilities are required to meet bulk standards. There are no parking structures associated with this proposed station.

ection 13-301 of the Zoning Ordinance requires transitional screening and/or

barriers for rail stations adjacent to all residential uses, child care/church/school uses, and community uses. While the existing development around these stations is primarily retail and office , staff is aware that as the areas within ½ mile of this transit station redevelop under the site specific Rail-related recommendations and Transit Oriented Development guidelines of the Comprehensive Plan, uses may be proposed that would have triggered the transitional screening and/or barrier requirements in the Zoning Ordinance. However, staff has determined that the current landscaping plans, with the proposed development conditions that envision the provision of supplemental landscaping in coordination with UFMD, are well designed to soften the architecture of the structures and therefore negates the need for requiring transitional screening and/or barrier requirements as they would serve to frustrate efforts to integrate the station into any newly proposed pedestrian friendly nearby transit oriented development. Therefore, staff recommends a modification of all transitional screening and barrier requirements for this Metrorail Station in favor of that depicted on the SE Plat as may be supplemented by the proposed development conditions.

**General Special Exception Standards**

General Standards (Sect. 9-006)

**Paragraph 1** requires that the proposed use be in harmony with the Comprehensive Plan. As noted in the 2232 report that is attached, this application is substantially in accord and in harmony with provisions of the adopted Comprehensive Plan.

**Paragraph 2** requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The C-3 District is established to provide areas where predominantly non-retail commercial uses may be located such as offices and financial institutions; the electrically powered regional rail facilities are in harmony with the purpose of the C-3 District as they provide multi-modal transportation choices to the regional retail and commercial uses in the Tysons Corner area. As such, staff believes this standard is satisfied.

**Paragraph 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. 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. As detailed above, the Zoning Ordinance notes the special nature of this use by exempting it from specific guidelines relating to lot size and bulk requirements. However, even so, staff finds that the station will not adversely affect the use or development of neighboring properties as transit is envisioned in the Comprehensive Plan for Tysons Corner generally and this station in particular will have a small footprint, will not displace any existing structures and will, in fact, provide improved access to many of the retail and commercial uses within the ¼ to ½ mile radius of the entrances. As such, staff believes that this standard is satisfied.

**Paragraph 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 pedestrian and vehicular traffic associated with this station will not create a hazard or conflict with the anticipated traffic in the neighborhood. In fact, the policy goals that rail achieves include relief of traffic congestions and improvement of multi-modal transit opportunities. As such, staff believes that this standard is satisfied.
**Paragraph 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. The applicant is providing landscaping on this site where the particular use does not generally have a landscaping requirement. In addition, proposed development conditions require coordination with UFM during the development and installation of the landscaping plan. As such, with implementation of the proposed development conditions and the landscaping already proposed, staff has concluded that this standard is satisfied.

**Paragraph 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. The Zoning Ordinance requires 15% open space in these Zoning Districts, and the applicant is proposing 20% open space. Therefore, staff believes that this standard is satisfied.

**Paragraph 7** states that adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Staff finds that there are adequate utilities for the needs of this station as the site is served by public water and the Metrorail system will adequately provide electricity to run the trains and operate the stations. Staff notes that the stormwater management and drainage will be reviewed by the DCR per the Memorandum of Agreement but that staff also finds that the site will not increase the impervious nature of the area in any significant way, and that there is no reason to find that this use will affect the drainage of the area. In addition, as previously noted that stormwater runoff in the station and pavilion is being routed into the roadway system with quality and quantity controls in the median areas as a series of shallow ponds connected by an underdrain. This design is currently under review by DCR. The use has no parking or loading requirements per the Zoning Ordinance and therefore staff finds that this standard has been satisfied.

**Paragraph 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. The applicant proposes typical metro signage, as depicted on the SE Plat and staff notes that the signs are consistent with most Metrorail stations. The signs will be regulated by WMATA policy, which has been established by the area jurisdictions with representation of Fairfax County. Therefore, staff finds that this standard has been satisfied.

**Standards for all Category 4 Uses**

In addition to the general standards set forth in Sect. 006 above, all Category 4 special exception uses shall satisfy specific standards as listed below.

**Paragraph 1** states that, except for electrically-powered regional rail transit facilities, as further qualified in Sect. 405 below, all buildings and structures shall comply with the bulk regulations of the zoning district in which located. Sect. 405 indicates that parking structures associated with electrically-powered regional rail facilities shall comply with the bulk regulations of the zoning district in which located. There is no parking structure associated with this station. Thus, staff notes that the station is not required to meet the bulk regulations of these zoning districts.

**Paragraph 2** states that any rooftop surface or touchdown pad which will be utilized as an elevated helistop shall be designed and erected in a manner sufficient to withstand the anticipated additional stress. There are no rooftop surfaces or touchdown pads associated with the Metrorail station.

**Paragraph 3** states that, except in the I-6 District, all maintenance, repair and mechanical work, except that of an emergency nature, shall be performed in enclosed buildings. The applicant does not plan to conduct ordinary maintenance, repair or mechanical work on the trains at this station, thus staff feels that this standard, which seems to apply to aircraft repair, has been satisfied.

**Paragraph 4** states that all facilities shall be so located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels. Parapet walls along the tracks will reduce wheel noise of the rail cars, and all construction work is subject to County noise regulations. The applicant states that a noise impact study conducted as part of the Final Environmental Impact Statement (FEIS) concluded that noise will not exceed Federal Transit Administration (FTA) or WMATA criteria during operation of Metrorail, and that no noise impacts requiring mitigation were identified, consistent with Plan guidelines. Therefore, staff finds that this standard is satisfied.

**Paragraph 5, 6 7** concern uses associated with aircraft and are thus not applicable to this application.

**Paragraph 8** 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. Regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County. Staff has included the Memorandum of Agreement governing the extension project and staff finds this standard satisfied.

**Additional Standards for Electrically-Powered Regional Rail Transit Facilities**

**Paragraph 1** states that electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located. Staff simply notes that this provision allows the lot size to be the minimum required to site the station and finds the standard satisfied.

**Paragraph 2** notes that notwithstanding Par. 1 of Sect. 404 above, parking structures associated with electrically-powered regional rail transit facilities shall comply with the bulk regulations of the zoning district in which located. There are no parking structures associated with this application, therefore, staff notes that this standard is not applicable to this application.

**Category 6 Standards, Provisions for Uses in a Floodplain (Sect. 9-606)**

This standard states that 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 (See Appendix 9 and below for these provisions). Staff has determined that the requested application meets the requirements of Part 9 of Article 2.

**Floodplain Regulations- Use Limitations (Sect. 2-905)**

*Standard 1* states that except as may be permitted by Par. 6 and 7 of Sect. 903, 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. The applicant has supplied a Floodplain Study which found that the flood elevations were not increased by the proposed fill and retaining wall used to reestablish the limits of the floodplain. The Record of Decision notes that the piers in the floodplain on the north side of Route 123 also will not increase the water surface elevation. Therefore, this standard has been satisfied.

*Standard 2* states that except as may be permitted by Par. 8 of Sect. 903, 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 (which is 10 feet) calculated in accordance with the provisions of the Public Facilities Manual. There are no proposed dwellings associated with this application, therefore, this standard has been satisfied.

*Standard 3* states that all uses shall be subject to the provisions of Par. 1 of Sect. 602, which states that notwithstanding the provisions of Sect. 601, 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. Staff notes that the County has agreed, per the Memorandum of Agreement, that all drainage issues shall be reviewed by the DCR in connection with these stations. The MOA notes that the DCR shall review all plans on the rules that are most strict—whether they be County or State regulations. As discussed above, the design of the stormwater management plan for the site is currently under review by DCR. Staff has further highlighted this requirement by a

proposed development condition reinforcing the state review requirement. Therefore, this standard has been satisfied.

*Standard 4* states that no structure or substantial improvement to any existing structure shall be allowed unless adequate floodproofing as defined in the Public Facilities Manual is provided. Since the applicant is proposing a retaining wall to reduce the floodplain on the south side of 123, there will be no structures on the southern side of Route 123 built within the floodplain. The piers on the northern side will be reviewed by DCR for compliance with applicable regulatory standards relating to floodproofing. Therefore, this standard has been satisfied.

*Standard 5* states that to the extent possible, stable vegetation shall be protected and maintained in the floodplain. This proposal will alter the floodplain in this area, but the proposal does not include any further clearing within the altered floodplain. On the north side of Route 123, the applicant has tightened the limits of clearing and grading, with the plans proposing very little vegetation loss. Therefore, this standard has been satisfied.

*Standard 6* states 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., in a floodplain. A development condition to this effect has been proposed to reinforce the federal requirements; therefore this standard has been satisfied.

*Standard 7* states that for uses other than those enumerated in Par. 2 and 3 of Sect. 903, the applicant shall demonstrate to the satisfaction of the approving authority the extent to which: there are no other feasible options available to achieve the proposed use; the proposal is the least disruptive option to the floodplain; and the proposal meets the environmental goals and objectives of the adopted comprehensive plan for the subject property. The applicant has submitted a full Final Environmental Impact Assessment discussing the impacts associated with the entire system extension as well as with the Tysons East station in particular. Indeed, DCR commented in 2005, suggesting that the applicant consider if there were any alternative locations, and if not feasible to relocate, requiring that the design be modified to the extent practical to minimize impervious surface and land disturbance. The station design is thus a result of this review and evaluation with DCR. Staff also points out that this area has been shown as a possible transit station location on land use cases since at least 1999. As such, while staff recognizes that it would certainly be preferable to site the station away from a floodplain, there are no other feasible options available to provide service to this area of Tyson Corner. Staff believes that the proposal does meet the environmental goals and objectives of the adopted comprehensive plan and that this standard has been satisfied.

*Standard 8* states that 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. This standard is not applicable.

*Standard 9* states that nothing herein shall be deemed to preclude public uses and public improvements performed by or at the direction of the County. This standard is is noted.

*Standard 10* states that 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. As the proposed use does not include dwellings, this standard is not applicable.

*Standard 11* states that all uses and activities shall be subject to the provisions of The Chesapeake Bay Preservation Ordinance, Chapter 118 of The Code. As per the MOU, DCR shall be the regulatory authority for all land disturbing and construction activities taking place within Chesapeake Bay Preservation areas under the provisions of the Chesapeake Bay Preservation Ordinance. As noted above, DCR shall apply the stricter of the state or County standards where applicable. Therefore, this standard is satisfied.

*Standard 12* states that 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. It appears that there will be no as-built floors built in the floodplain with this application, therefore the first section of this standard is not applicable. However, a proposed development condition has been added to require that the proper floodproofing certificate for any structure built within the floodplain be completed and kept with the project files and provided to the Department of Planning and Zoning upon its completion. Therefore, this standard is satisfied.

**Overlay District Requirements**

**Highway Corridor (HC) (Sect. 7 600)**

The Highway Corridor Overlay District has been established in this area to limit certain automobile oriented, fast service, or quick turn-over uses. The proposed use in this application does not include these types of uses. Therefore, this proposal is in conformance with the Highway Corridor Overlay District.

**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 an electrically powered regional rail facility is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance Provisions.

### Recommendation

Staff recommends that the Planning Commission find that the facility proposed under 2232-P08-010 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 further recommends approval of SE 2008-PR-033 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a waiver of the transitional screening and barrier requirements in favor of 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.

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.

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.

## APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Clerk's Letter for RZ 92-P-001 and PCA 92-P-001
5. Transportation Analysis
6. Environmental Analysis
7. Park Authority Analysis
8. Urban Forestry Analysis
9. Historic Preservation Analysis
10. Fairfax Water County Analysis
11. Applicable Zoning Ordinance Provisions

**APPENDIX 1**

## PROPOSED DEVELOPMENT CONDITIONS

SE 2008-PR-033

January 14, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-PR-033 located at Tax Map 29-4 ((5)) A1,29-4 ((5)) B1 part, 29-4 ((5)) C1 part, 29-4 ((5)) D, 29-4 ((5)) E, 30-3 ((28)) B3 part, 30-3 ((28)) C1 part, for an electrically powered regional rail transit facility and uses in a floodplain pursuant to Sect. 9-401 and 9-601 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

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

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

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

4. Certification from DGS shall be provided to the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

5. Noise attenuation measures as specified in the Amended Record of Decision (ROD) dated November 17, 2006 shall be provided unless modifications are approved by the Fairfax County Department of Planning and Zoning.

6. Vibration attenuation measures as specified in the amended ROD dated November 17, 2006 shall be provided unless modifications are approved by the Fairfax County Department of Planning and Zoning.

7. Stormwater management plans shall be implemented as determined by the Virginia Department of Conservation and Recreation (DCR).

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

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

10. Lighting shall be in conformance with WMATA standards and the Outdoor Lighting Standards contained in the Zoning Ordinance.

11. Erosion and Sediment control plans shall be implemented as determined by DCR.

12. In order to maximize the survivability of vegetation onsite and to encourage innovative landscaping techniques, development of the landscape plan, including the selection of plantings to be used, shall be coordinated with Urban Forest Management Division of Fairfax County Department of Public Works and Environmental Services (UFMD), and UFMD shall be contacted for input during its development. Upon its completion of a landscape plan, a copy of the landscape plan shall be submitted to the Department of General Services (DGS) and UFMD for comment. Comments from UFMD received by DGS, or their designee, within 10 working days shall be considered for implementation.

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

14. The services of a certified arborist shall be secured to determine any possibility for tree preservation at the proposed station. The limits of clearing and grading shall be developed in consultation with the Arborist. A tree preservation plan, prepared by the arborist, shall be provided to UFMD for review. The arborist shall also monitor the site periodically to ensure that the implementation of all tree preservation measures is in conformance with the tree preservation plan.

15. The Tree Preservation Plan shall include the size, species, location, and condition rating of all trees 10 inches in diameter and larger located within 20 feet of the proposed limits of clearing and grading. The type of tree protection fence shall be specified in the plan. The plan shall also include any maintenance activities recommended to increase the survival potential of trees designated for preservation. A monitoring schedule shall also be provided to ensure the necessary oversight during implementation and conformance with the approved plan.

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

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

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

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty-six (36) months after the date of approval unless the use has been established or construction has commenced on the elevated and/or at grade guideway as applicable. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

**APPENDIX 2**



**Special Exception Attachment to Par. 1(a)**

DATE: DEC 19 2008
(enter date affidavit is notarized)

1023071

for Application No. (s): SE-2008-PR-033
(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) |
|---|---|---|
| Fairfax County Board of Supervisors, a body corporate and politic<br>Agent: Anthony H. Griffin | 12000 Government Center Parkway<br>Fairfax, VA 22035 | Title Owner of Tax Map No. 30-3 ((28)) B3; 29-4((5)) A1, B1, part, C1, part, D, E, Old Springhouse Road |
| Commonwealth of Virginia, a body corporate and politic<br>Agent: Peter E. Vigliotti | 14685 Avion Parkway<br>Chantilly, VA 20151 | Title Owner of Right-of-Way of Rt. 123/ Colshire Road |
| Dulles Transit Partners, LLC<br>Agents: Frank G. Turpin<br>Ernest S. Lee<br>George B. Morschauser | 1595 Spring Hill Road, Suite 600<br>Vienna, VA 22182 | Engineer/Agent for Applicant |
| Dewberry & Davis LLC<br>Agent: Lawrence A. McDermott | 8401 Arlington Boulevard<br>Fairfax, VA 22031 | Engineer/Agent for Applicant |
| McGuireWoods LLP<br>Agents: Carson Lee Fifer, Jr.<br>Joanna C. Frizzell<br>David R. Gill<br>Jonathan P. Rak<br>Gregory A. Riegle<br>Mark M. Viani<br>Kenneth W. Wire<br>Lisa M. Chiblow<br>Lori R. Greenlief<br>Sheri L. Hoy | 1750 Tysons Boulevard, Suite 1800<br>McLean, VA 22102 | Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Attorney/Agent<br>Planner/Agent<br>Planner/Agent<br>Planner/Agent |
| WEST*GROUP PROPERTIES LLC<br>Agent: G.T. Halpin | 1600 Anderson Road<br>McLean, VA 22102 | Title Owner of Tax Map No. 30-3 ((28)) C1, part |
| WEST*GROUP MANAGEMENT LLC<br>Agent: Keith S. Turner | 1600 Anderson Road<br>McLean, VA 22102 | Agent for Title Owner of Tax Map No. 30-3 ((28)) C1, part |

(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

DATE: DEC 19 2008
(enter date affidavit is notarized)

I, Jonathan P. Rak, Esquire, 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

10230 7 d

in Application No.(s): SE-2008-PR-033
(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) |
|---|---|---|
| The Virginia Department of Rail and Public Transportation<br>Representative: Charles M. Badger | 1593 Spring Hill Road, Suite 600<br>Vienna, VA 22182 | Applicant with Metropolitan Washington Airports Authority (MWAA) on behalf of Washington Metropolitan Area Transit Authority (WMATA) |
| Metropolitan Washington Airports Authority (MWAA)<br>Agents: Charles S. Carnaggio<br>Marcia S. McAllister<br>James L. Van Zee | 1593 Spring Hill Road, Suite 300<br>Vienna, VA 22182 | Applicant with Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority (WMATA) |
| Washington Metropolitan Area Transit Authority (WMATA)<br>Agents: Gary (nmi) Malaski<br>John D. Thomas<br>Neil E. Nott | 600 - 5th Street, N.W.<br>Washington, D.C. 20001 | Applicant |

(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 AFFIDAVIT**

DATE: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(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)

The Virginia Department of Rail and Public Transportation
1595 Spring Hill Road, Suite 600
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 SHAREHOLDERS:** (enter first name, middle initial and last name)

The Virginia Department of Rail and Public Transportation is a governmental authority, not a corporation

(check if applicable) [✓] 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: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

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

Metropolitan Washington Airports Authority (MWAA)
1593 Spring Hill 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)

The Metropolitan Washington Airports Authority, a body corporate and politic created by interstate compact between the Commonwealth of Virginia and the District of Columbia under Chapter 598 of the 1985 Acts of Virginia Assembly, as amended, codified at Va. Code §5.1-152 et seq. (2001), and by the District of Columbia Regional Airports Authority Act of 1985, as amended, codified at D.C. Code ann. §§9-901 et seq. (2001). There are no shareholders.

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

Washington Metropolitan Area Transit Authority (WMATA)
600 - 5th Street, N.W.
Washington, DC 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: DEC 19 2008
(enter date affidavit is notarized)

1023076

for Application No. (s): SE 2008-PR-033
(enter County-assigned application number (s))

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
Dulles Transit Partners, LLC
1595 Spring Hill Road, Suite 600
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)
Bechtel Infrastructure Corporation,
a Nevada corporation
Washington Group International, Inc., an
Ohio corporation

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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
Bechtel Infrastructure Corporation, a Nevada corporation
5275 Westview Drive
Frederick, MD 21703

**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)

Bechtel Infrastructure Corporation is an
indirect wholly owned subsidiary of Bechtel
Group, Inc.

==========

(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: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

==========

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
Washington Group International, Inc., an Ohio corporation
720 Park Boulevard
Boise, ID 83712

**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 Holdings Inc., a Delaware corporation

==========

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
Washington Holdings, Inc., a Delaware corporation
720 Park Boulevard
Boise, ID 83712

**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)

URS Holdings, Inc., a Delaware 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: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

==========

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

URS Holdings, Inc., a Delaware corporation
600 Montgomery Street
26th Floor
San Francisco, CA 94111

**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)

URS Corporation, a Delaware corporation

==========

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

URS Corporation, a Delaware corporation
600 Montgomery Street, 26th Floor
San Francisco, CA 94111

**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 Attachment to Par. 1(b)**

DATE: DEC 19 2008
(enter date affidavit is notarized)

1023076

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

==========

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

Bechtel Group, Inc.
50 Beale Street
San Francisco, CA 94105-1895

**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)

==========

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
Dewberry & Davis LLC
8401 Arlington Boulevard
Fairfax, VA 22031

**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)
The Dewberry Companies LC
James L. Beight
Dennis M. Couture

==========

(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: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

==========

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

The Dewberry Companies LC
8401 Arlington Boulevard
Fairfax, VA 22031

**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)
Sidney O. Dewberry
Barry K. Dewberry
Karen S. Grand Pre
Michael S. Dewberry
Thomas L. Dewberry

==========

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
Commonwealth of Virginia, a body corporate and politic
14685 Avion Parkway
Chantilly, VA 20151

**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)
The Commonwealth of Virginia is a
governmental authority, 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: DEC 19 2008
(enter date affidavit is notarized)

1023072

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

==========

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

WEST*GROUP PROPERTIES LLC
1600 Anderson Road
McLean, VA 22102-1609

**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)

PARK GATE GROUP LLC, member

==========

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

PARK GATE GROUP LLC
1600 Anderson Road
McLean, VA 22102-1609

**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)

WEST*PARK Associates Limited
Partnership, member
WEST*GATE, a Virginia Limited
Partnership, member
West*Group, Inc., member

==========

(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: DEC 19 2008
(enter date affidavit is notarized)

1023078

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

==========

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

WEST*GROUP, Inc.
1600 Anderson Road
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)

Gerald T. Halpin
Charles B. Ewing, Jr.
Thomas F. Nicholson
Martha U. Seeley Family Trust f/b/o John Seeley
Martha U. Seeley Family Trust f/b/o John Seeley (Exempt Share)
Martha U. Seeley Family Trust f/b/o Margaret Seeley
Martha U. Seeley Family Trust f/b/o Julie Seeley

==========

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)
WEST*GROUP MANAGEMENT LLC
1600 Anderson Road
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)

PARK GATE GROUP LLC, member

==========

(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: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(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. | Becker, Scott L. | Buchan, Jonathan E. |
| Anderson, Arthur E., II | Becket, Thomas L. | Busch, Stephen D. |
| Anderson, Corby C. | Beil, Marshall H. | Cabaniss, Thomas E. |
| Andre-Dumont, Hubert | Belcher, Dennis I. | Cacheris, Kimberly Q. |
| Bagley, Terrence M. | Bell, Craig D. | Cairns, Scott S. |
| Barger, Brian D. | Bilik, R. Eric | Capwell, Jeffrey R. |
| Baril, Mary Dalton | Boland, J. William | Carter, Joseph C., III |
| Barnum, John W. | Brenner, Irving M. | Cason, Alan C. |
| Barr, John S. | Brooks, Edwin E. | Chaffin, Rebecca S. |
| Beane, John C. | Brown, Thomas C., Jr. | Cobb, John H. |

(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)**

DATE: DEC 19 2008
(enter date affidavit is notarized)

1023076

for Application No. (s): SE-2008-PR-033
(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**)

Cogbill, John V., III
Cordell, Stephen L.
Covington, Peter J.
Cramer, Robert W.
Cromwell, Richard J.
Culbertson, Craig R.
Culbreth, James H., Jr.
Cullen, Richard (nmi)
Cutchins, Clifford A., IV
de Cannart d'Hamale, Emmanuel
De Ridder, Patrick A.
Dickerman, Dorothea W.
Dillon, Lee Ann
DiMattia, Michael J.
Dimitri, James C.
Dorman, Keith A.
Douglass, W. Birch, III
Downing, Scott P.
Dyke, James Webster, Jr.
Edwards, Elizabeth F.
Evans, David E.
Ey, Douglas W., Jr.
Feller, Howard (nmi)
Fennebresque, John C.
Fifer, Carson Lee, Jr.
Foley, Douglas M.
Fox, Charles D. IV
France, Bonnie M.
Freedlander, Mark E.
Freye, Gloria L.
Fuhr, Joy C.
Germaise, Susan L.
Getchell, E. Duncan, Jr.
Gibson, Donald J., Jr.
Glassman, Margaret M.
Glickson, Scott L.
Gold, Stephen (nmi)
Goldstein, Philip (nmi)
Goodall, Larry M.
Gordon, Alan B.
Grandis, Leslie A.
Grant, Richard S.
Greenberg, Richard T.
Grieb, John T.
Harmon, Jonathan P.
Harmon, T. Craig
Harmon, Yvette (nmi)
Hartsell, David L.
Hayden, Patrick L.
Hayes, Dion W.
Heberton, George H.
Horne, Patrick T.
Isaf, Fred T.
Iselin, Benjamin B.
Jackson, J. Brian
Jarashow, Richard L.
Jeffcoat, Brenton D.
Johnston, Barbara Christie
Kanazawa, Sidney (nmi)
Katsantonis, Joanne (nmi)
Keenan, Mark L.
Kennedy, Wade M.
King, Donald E.
King, Sally Doubet
Kittrell, Steven D.
Kratz, Timothy H.
Krueger, Kurt J.
Kutrow, Bradley R.
La Fratta, Mark J.
Lias-Booker, Ava E.
Lieberman, Richard E.
Little, Nancy R.
Long, William M.
Manning, Amy B.
Marianes, William B.
Marks, Robert G.
Marshall, Gary S.
Marshall, Harrison L., Jr.
Marsico, Leonard J.
Martin, Cecil E., III
Martin, George Keith
Martinez, Peter W.
Mason, Richard J.
Mathews, Eugene E. III

(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: DEC 19 2008
(enter date affidavit is notarized)

1023078

for Application No. (s): SE-2008-PR-033
(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)**

Mayberry, William C.
McArver, R. Dennis
McCallum, Steven C.
McDonald, John G.
McElligott, James P.
McElroy, Robert G.
McFarland, Robert W.
McGoogan, E. Graham, Jr.
McIntyre, Charles Wm.
McLean, James D.
McRill, Emery B.
Menges, Charles L.
Menson, Richard L.
Michels, John J., Jr.
Middlebrooks, James. G.
Milton, Christine R.
Muckenfuss, Robert A.
Murphy, Sean F.
Nesbit, Christopher S.
Newman, William A.
Nunn, Daniel B., Jr.
Oakey, David N.
O'Grady, Clive R. G.
O'Grady, John B.
O'Hare, James P.
Oostdyk, Scott C.
Padgett, John D.
Pankey, David H.
Parker, Brian K.
Pilkington, Kathy L.
Plotkin, Robert S.
Potts, William F., Jr.
Pryor, Robert H.
Pusateri, David P.
Rak, Jonathan P.
Rappaport, Richard J.
Reid, Joseph K., III
Ricciardi, James P.
Richardson, David L.
Riegle, Gregory A.
Rifken, Lawrence E.
Riley, James B., Jr.
Riopelle, Brian C.
Roberts, Manley W.
Robinson, Stephen W.
Rogers, Marvin L.
Rohman, Thomas P.
Rosen, Gregg M.
Russell, Deborah M.
Rust, Dana L.
Samuels, Lawrence R.
Satterwhite, Rodney A.
Scheurer, Philip C.
Schewel, Michael J.
Schill, Gilbert E., Jr.
Schmidt, Gordon W.
Sellers, Jane Whitt
Shelley, Patrick M.
Simmons, L. D., II
Simmons, Robert W.
Sipprelle, Keith A.
Skinner, Halcyon E.
Slone, Daniel K.
Smith, Stuart (nmi)
Spahn, Thomas E.
Spitz, Joel H.
Stallings, Thomas J.
Steen, Bruce M.
Stein, Marta A.
Stone, Jacquelyn E.
Summers, W. Dennis
Suzumoto, Mark K.
Swan, David I.
Swartz, Charles R.
Tarry, Samuel L., Jr.
Thornhill, James A.
Tirone, Joseph G.
Van der Mersch, Xavier G.
Van Etten, David B.
Vaughn, Scott P.
Vick, Howard C., Jr.
Viola, Richard W.
Wade, H. Landis, Jr.
Walker, Howard W.

(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: DEC 19 2008
(enter date affidavit is notarized)

1023078

for Application No. (s): SE-2008-PR-033
(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**)

Walker, John Tracy, IV
Walsh, James H.
Watts, Stephen H., II
Wells, David M.
Werlin, Leslie M.
Westwood, Scott E.
White, Harry R., III
Whittemore, Anne Marie
Williams, Steven R.
Williamson, Mark D.
Wilson, Ernest G.
Wilson, James M.
Wood, R. Craig
Young, Kevin J.
Younger, W. Carter
Zirkle, Warren E.

(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: DEC 19 2008
(enter date affidavit is notarized)

1023074

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

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

WEST*PARK Associates Limited Partnership
1600 Anderson Road
McLean, VA 22102-1609

(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**)

GENERAL PARTNERS:

Eagle Management Corporation *
Southfork Corporation*
The Seeley Family Corporation*
Fairfax Road Corporation*
Gerald T. Halpin
Charles B. Ewing, Jr.
Thomas F. Nicholson

(*Entity does not own 10% or more of WEST*GROUP RPOPERTIES LLC, Title Owner)

LIMITED PARTNERS:

The Martha U. Seeley Family Trust f/b/o John Seeley, Margaret Ruth Seeley, Julie Ann Seeley
Howard Ulfelder Irrevocable Trust f/b/o Howard Ulfelder, Jr.
Howard Ulfelder Irrevocable Trust f/b/o John C. Ulfelder
Howard Ulfelder Irrevocable Trust f/b/o Thomas H. Ulfelder
The Maple Family Trust f/b/o Joanne Covo
The White Oak Trust f/b/o Marilyn Covo Schmidt
Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/15/70 f/b/o Julie Ann Seeley
Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/15/70 f/b/o John Nicholas Seeley
Rudolph G. Seeley and Martha U. Seeley Irrevocable Trust u/d/d 12/15/70 f/b/o Margaret Ruth Seeley
Sidney Ulfelder Irrevocable Trust u/d/d 12/15/70 f/b/o Barbara Ulfelder Smith
Sidney Ulfelder Irrevocable Trust u/d/d 12/15/70 f/b/o Sandra Ulfelder Wallick
The 1985 Group*
Westequities Associate Limited Partnership
WEST*GROUP, Inc.
WEST*GROUP PROPERTIES LLC
WEST*GROUP MANAGEMENT LLC

(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: DEC 19 2008
(enter date affidavit is notarized)

1023076

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

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

WEST*GATE, A Virginia Limited Partnership
1600 Anderson Road
McLean, VA 22102-1609

(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**)

GENERAL PARTNER:

Westgate Virginia, Inc.*

(*Entity does not own 10% or more of WEST*GROUP PROPERTIES LLC, Title Owner)

LIMITED PARTNERS:

Westequities Associates Limited Partnership*

(*Entity does not own 10% or more of WEST*GROUP PROPERTIES LLC, Title Owner)

Howard Ulfelder, Jr.

Howard Ulfelder Irrevocable Trust f/b/o Howard Ulfelder, Jr.

Howard Ulfelder Irrevocable Trust f/b/o John C. Ulfelder

Howard Ulfelder Irrevocable Trust f/b/o Thomas H. Ulfelder

Howard Ulfelder 1983 Irrevocable Trust f/b/o Howard Ulfelder, Jr., Susanna Ulfelder, Jennifer Ulfelder, Steven Ulfelder, David Ulfelder and Abigal Ulfelder

Howard Ulfelder 1983 Irrevocable Trust f/b/o John C. Ulfelder, Susan Ulfelder, William Ulfelder and John Ulfelder, Jr.

Howard Ulfelder 1983 Irrevocable Trust f/b/o Thomas H. Ulfelder, Jean Ulfelder, Emily Ulfelder, Alex Ulfelder, James Ulfelder and Sarah Ulfelder

The Maple Family Trust f/b/o Joanne Covo and Marilyn Covo

The Black Oak Trust f/b/o Joanne Covo

The White Oak Trust f/b/o Marilyn Covo

Kristin Covo

Peter Paul Covo

Nathaniel Schmidt

Matthew Schmidt

Sidney Ulfelder Irrevocable Trust f/b/o Sandra Wallick

Sidney Ulfelder Irrevocable Trust f/b/o Barbara Smith

Sidney Ulfelder Family Trust f/b/o Sandra Wallick

Sidney Ulfelder Family Trust f/b/o Barbara Smith

The Martha U. Seeley Family Trust f/b/o Martha U. Seeley, John N. Seeley, Margaret R. Seeley, and Julie A. Seeley

The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o John N. Seeley

The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o Margaret R. Seeley

The Rudolph Seeley and Martha U. Seeley Irrevocable Trust f/b/o Julie A. Seeley

Thomas H. Ulfelder

John C. Ulfelder

John N. Seeley

Julie Ann Seeley

Margaret R. Seeley

Gerald T. Halpin

Helen R. Halpin

John H. Grover Revocable Trust f/b/o John H. Grover*

Weil Children Limited, A California L.P.*

Thomas F. Nicholson

Charles B. Ewing, Jr.

DeWitt O'Kelley Myatt III

Betsy M. Kellum

Susanne F. Myatt

Kelley M. St. Clair

Victoria M. McWhinnie

(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: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

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

WEST*GATE, A Virginia Limited Partnership (CONTINUED)
1600 Anderson Road
McLean, VA 22102-1609

(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**)

LIMITED PARTNERS: (CONTINUED)

J. Norman and Barbara Rossen Family Trust f/b/o Joel Norman Rossen, Jonathan C. Rossen, C. David Rossen and Rebecca A. Davis

Enfield Associates*

(*Entity does not own 10% or more of WEST*GROUP PROPERTIES LLC, Title Owner)

Kurt and/or Susan Berlin

Harriet D. McLucas Trust f/b/o Matthew Black and Beverly Edna Roca*

Bruce Mark Olcott

Miriam B. and Harold M. Landau

John B. Phillips

Ruth E. Wachtel

Janet L. Wachtel

Alan L. Wachtel

Rebecca L. Gitter

Jennifer Rollo

Jonathan Gitter

Eleanor M. Celler

Jerome Niederman Trust f/b/o Jacqueline Niederman, Michael Niederman and Mark Niederman

Cheryl N. Lilienstein

Richard Niederman

Robert Niederman

Peter T. Halpin

John Phillips

Frances Gay Phillips

Betty Saliga

Charles Phillips

Estate of Henry Phillips, Mildred Phillips Administrator

Ethel H. Ulfelder Revocable Trust f/b/o Howard Ulfelder, Jr.

Ethel H. Ulfelder Revocable Trust f/b/o John C. Ulfelder

Ethel H. Ulfelder Revocable Trust f/b/o Thomas H. Ulfelder

Jacques Wachtel

Jacob and Dorothy Entel, Joint Tenants with Right of Survivorship

Estate of Keith Rumbel, SunTrust Bank Executor

Estate of Helen Rumbel, SunTrust Bank Executor

R.O. Webster

Mildred D. Mitchell Residuary Marital Trust f/b/o Jason Mitchell

Roger A. Golde

Philipson Business Properties, a Nevada L. P.*

Niederman Family Trust f/b/o Richard Niederman and Robert Niederman

Charles G. Lubar

Nancy L. Sommers

Joan L. Alvarez

The Raymond Friedman Trust f/b/o Myra Friedman

Myra Friedman Revocable Trust f/b/o Myra Friedman*

George Pierce Trust f/b/o George C. Pierce*

(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: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(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.

Application No.(s): SE-2008-PR-033

(county-assigned application number(s), to be entered by County Staff)



## SPECIAL EXCEPTION AFFIDAVIT

DATE: DEC 19 2008 (enter date affidavit is notarized)

10230Td

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.)

Supervisor Catherine Hudgins is a Principal Director for the Washington Metropolitan Area Transit Authority (WMATA).

Supervisor Jeffrey McKay is an Alternate Director for the Washington Metropolitan Area Transit Authority (WMATA).

**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:**

Jonathan P. Rak

(check one) [ ] Applicant [✓] Applicant's Authorized Agent

Jonathan P. Rak, Esquire
(type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 19th day of December 20 08, in the ~~State~~/Comm. of Virginia, County/~~City~~ of Fairfax.

Grace E. Chae
Notary Public

My commission expires: 5/31/2012

Grace E. Chae
Commonwealth of Virginia
Notary Public
Commission No. 7172971
My Commission Expires 05/31/2012

**Special Exception Attachment to Par. 3**

DATE: DEC 19 2008
(enter date affidavit is notarized)

102307d

for Application No. (s): SE-2008-PR-033
(enter County-assigned application number (s))

David R. Gill (McGuireWoods LLP) donated $100 to Supervisor Jeff McKay.
Gregory A. Riegle (McGuireWoods LLP) donated in exess of $100 to Supervisor Jeff McKay.
James W. Dyke, Jr. (McGuireWoods LLP) donated in excess of $100 to Gerry Connolly for Congress.
Gregory A. Riegle (McGuireWoods LLP) donated in excess of $100 to Gerry Connolly for Congress.
McGuireWoods Federal PAC donated in excess of $100 to Gerry Connolly for Congress.

Within the twelve-month period prior to the public hearing on this application, the law firm of McGuireWoods LLP, listed in Par. 1(a) of the affidavit as the applicant's attorney/agent, hosted a fundraising event for the election of Gerry Connolly to the United States Congress, the cost of which exceeded $100.00.

Thomas F. Nicholson (PARK GATE GROUP LLC/WEST*GROUP, Inc.) donated in excess of $100 to Gerry Connolly for Congress.
Charles B. Ewing, Jr. (PARK GATE GROUP LLC/WEST*GROUP, Inc.) donated in excess of $100 to Gerry Connolly for Congress.
Gerald T. Halpin donated in excess of $100 to Gerry Connolly for Congress.
Helen R. Halpin donated in excess of $100 to Gerry Connolly for Congress.
John C. Ulfelder doanted in excess of $100 to Gerry Connolly for Congress.
Peter T. Halpin (through his company, World Resources Corporation, which is not a party to this Special Exception) donated in exess of $100 to Gerry Connolly for Congress.

Keith S. Turner (WEST*GROUP MANAGEMENT LLC) donated in exess of $100 to Gerry Connolly for Congress.
Arthur S. Weil (PARK GATE GROUP LLC) donated in exess of $100 to Gerry Connolly for Congress.
Peter T. Halpin (through his company, World Resources Corporation, which is not a party to this Special Exception) donated in excess of $100 to John Foust for Supervisor.

John C. Ulfelder donated in excess of $100 to John Foust for Supervisor.
WEST*GROUP PROPERTIES LLC donated in excess of $100 to Friends of Michael Frey.
WEST*GROUP PROPERTIES LLC donated in excess of $100 to Friends of Pat Herrity.
WEST*GROUP PROPERTIES LLC donated in excess of $100 to Hyland for Supervisor.

Charles B. Ewing, Jr. (PARK GATE GROUP LLC/WEST*GROUP, Inc.) donated in excess of $100 to Sharon Bulova for Superviso
Gerald T. Halpin donated in excess of $100 to Sharon Bulova for Supervisor.
WEST*GROUP PROPERTIES LLC donated in excess of $100 to Sharon Bulova for Supervisor.

(check if applicable) [ ] There are more disclosures to the listed for Par. 3, and Par. 3 is continued further on a "Special Exception Attachment to Par. 3" form.

# Dulles Corridor Metrorail Project
# Special Exception Application
# Tysons East Station
## STATEMENT OF USE

**December 22, 2008**

## Description of Special Exception (SE) Request

The Tysons East Station is one of four electrically-powered regional rail transit facilities (Metrorail stations) planned for the Tysons Corners area. This application has been filed by the Virginia Department of Rail and Public Transportation (DRPT) on behalf of Washington Metropolitan Area Transit Authority (WMATA), who will eventually operate this extension of the existing Metrorail system.

The property includes several vacant parcels owned by the Fairfax County Board of Supervisors that were obtained through proffers associated with several zoning applications: PCA 92-P-001, PCA 92-P-001-2, PCA 92-P-001-3 and PCA 1998-PR-052. The property also includes one parcel to be acquired from the West Group by the Commonwealth of Virginia. The assembled properties are zoned C-3 and the total acreage of the SE area equals 4.40 acres. An electrically-powered regional rail transit facility is a Category 4 Special Exception Use in the C-3 District.

## Description of Special Exception (SE) Plat

The Tysons East Station facility will consist of the following components:

- Station and associated platform and traction power substation, all located on the north side of Route 123. The passenger station itself will occupy a footprint of approximately 17,931 square feet. There are two sublevels below the track platform, a plaza level for entry from sidewalks bordering the street and a mezzanine level where the pedestrian bridge across Route 123 connects to the station. At track height, there is a platform area covered by a canopy. Station levels are connected with escalators, elevators and stairways. Station entrances are located on the north side of Route 123 at street level and from the pedestrian bridge originating on the south side of Route 123 at Colshire Drive. The SE plat also shows a bus bay pull off area on the north side of Route 123 adjacent to the station with canopies and windscreens to protect bus patrons. Bicycle racks and bike lockers are also shown at street level near the station entrance. There is also a sidewalk, 10 feet in width in that area.

- Elevated Pedestrian Bridge across Route 123. A pedestrian bridge is shown projecting from the mezzanine level of the station across Route 123 to connect to the kiss and ride lot located on the south side of Route 123.
- Kiss and Ride Lot. A paved kiss and ride lot is shown in the southwest quadrant of the intersection of Route 123 and Colshire Drive. There is an existing traffic signal at this intersection. Vehicular ingress and egress is from Colshire Meadow Drive. The kiss and ride lot contains 24 parking spaces, 11 taxi cab/shuttle bus spaces and 9 motorcycle spaces. Bicycle racks and lockers are also shown at the northern end of the lot. There will be one-way vehicular circulation within the lot as shown on the plat. Access to the lot will be left and right-in, but right-out only. For those patrons turning right out of the lot, Colshire Meadow Drive intersects with Old Meadow Drive which intersects with Route 123 at a traffic signal. A bus bay area with windscreens and canopies is shown on Colshire Drive adjacent to the kiss and ride lot. The kiss and ride lot will be served by a network of sidewalks. The south entrance pavilion leading to the pedestrian bridge across Route 123 contains approximately 3,960 square feet, and it includes two escalators and two elevators.

The kiss and ride lot and station area will be landscaped with shade and ornamental trees as generally shown on the special exception plat. Two retaining walls will be necessary and are shown on the plat, one on the north side of the station and one on the west side of the kiss and ride lot.

**Pertinent Data**

The following information is provided as required by Fairfax County Zoning Ordinance, Sect. 9-011, Submission Requirements, Paragraph 7:

A. Type of Operation: Electrically-powered regional rail transit facility.

B. Hours of Operation: In accordance with Metro schedules, currently 5:00 am to midnight on weekdays, 7:00 am to 3:00 am on weekends.

C. Daily Patronage: According to the FEIS issued December 2004, 59,000 daily boardings are expected for the Dulles Corridor Metrorail Extension by 2011, including 3,803 daily boardings at the Tysons East Station.

D. Proposed number of employees: One employee (the station agent) assigned full time per shift, with additional employees present at various times to perform maintenance tasks, provide security and conduct operations assistance.

E. Estimate of traffic impact: The kiss and ride lot will increase traffic on Route 123 by 420 peak hour trips which compares to 7,371 trips projected at peak hour for the no-build scenario. Geometric improvements to Route 123 to reduce traffic delays are not within the scope of the project; however, the project will work with VDOT to optimize traffic signals in the Route 123 corridor. To mitigate delays on Colshire Drive at Route 123, only right turn exits will be allowed from the kiss and ride lot onto Colshire Meadow Road. This avoids the need for signalization at the intersection of Colshire Drive and Colshire Meadow Drive.

F. Vicinity of area to be served: Tysons Corner and the metropolitan area east of I-495.

G. Description of building and façade: The station will be brick veneer and concrete, and will feature glass walls and woven metal mesh screens. Elevations and section drawings are provided with this submittal as reference drawings 1 through 5.

H. Listing of Hazardous or Toxic Substances on site: Environmental site assessments have been conducted for land parcels comprising the Tysons East Station site area. Record reviews indicate the site was originally used for agricultural purposes until the 1960's when the construction of retail, light industrial and office buildings began on adjacent parcels. A review of federal and state databases revealed that no reported environmental incidents have occurred at the site; however, petroleum releases at adjacent or nearby properties have been documented within records of the Virginia Department of Environmental Quality. Although the cases received closure, data indicates that residual soil contamination may exist at adjacent and nearby properties. Site reconnaissance and personnel interviews have confirmed data obtained in record reviews regarding site use and the absence of storage, treatment and/or disposal of hazardous or toxic substances and/or petroleum products.

   WMATA Metrorail stations and parking structures themselves do not generate hazardous waste, although there are a number of industrial products that are used in the operation and maintenance of a station. These products include (but are not limited to) paints and associated paint solvents, lead-acid batteries, and oils and lubricants. WMATA manages these products and associated waste in accordance with state and federal laws.

I. Conformity of Proposed Use: The proposed changes conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions. It is noted that Sect. 9-404, Paragraph 1 excludes electrically-powered regional rail transit facilities from the bulk regulations of the zoning district. It is further noted that the infringement within the Resource Protection Area (RPA) and the floodplain both fall under the jurisdiction of the State Department of Conservation Resources and the plans will be reviewed by that agency.

## Discussion of Zoning Ordinance Compliance

Sect. 2-517, Electrically-Powered Regional Rail Transit Facilities:

The entire facility as described above falls within the definition of "Electrically-Powered Regional Rail Transit Facilities". As such, a special exception is required for this use per Sect. 2-517.

Sect. 9-403 Additional Submission Requirements:

1. Review and approval through the National Environmental Policy Act (NEPA) process was required for this extension of the Metrorail system. The Federal Transit Administration (FTA), the lead federal agency in the review, issued an amended Record of Decision (ROD) in November of 2006 that is attached. This ROD documented that the project, including refinements made during preliminary engineering, was successfully reviewed and approved through the NEPA process.

2. See Number 1 above.

3. As part of the NEPA process and the required public hearings, Draft and Final Environmental Impact Statements (DEIS, FEIS) that include Environmental Assessments (in compliance with the NEPA guidelines) were prepared. Noise abatement was addressed as a technical report appended to the FEIS and is referenced here to comply with this submission requirement. The Noise and Vibration Technical Report is attached in its entirety.

4. Not applicable

Sect. 9-404, Standards for All Category 4 Uses:

1. Not applicable

2. Not applicable

3. Not applicable.

4. The proposed location for the Tysons East station is not adjacent to any residential areas. It is surrounded by office parks developed on land zoned C-3 and Scott's Run Stream Valley Park. There is an option in the Comprehensive Plan for conversion of non-residential square footage to residential square footage in a mixed use development environment but any proposal that would utilize this option must go through the legislative process and be assessed on its own merit for compliance with mitigation measures regarding adverse visual or noise impacts from the rail system.

5. Not applicable

6. Not applicable

7. Not applicable

8. As stated, conformance with Article 17, Site Plans, shall be not required.

Sect. 9-405, Additional Standards for Electrically-Powered Regional Rail Transit Facilities

1. We acknowledge that this facility does not have to comply with the minimum lot size requirements for the C-3 District.

2. There are no parking structures proposed with this application.

Sect. 9-006, General Standards

1. The proposed use at this location is in harmony with the adopted Comprehensive Plan. A rail station symbol is indicated in this area on the Comprehensive Plan map. Language within Tysons Corner Urban Center section of Area II of the Comprehensive Plan acknowledges the benefits of rail alignment through Tysons Corner and the approval of the Commonwealth Transportation Board of this alignment. The land unit sections of the Comprehensive Plan which surround the property contain rail options that allow for increased density and height considerations based on the location of the station. A 2232 application is also necessary for this use.

2. The proposed changes are in harmony with the general purpose and intent of the applicable zoning district regulations as discussed above. Regional rail transit facilities are a permitted use within the C-3 District with special exception approval.

3. The proposed changes will not adversely affect neighboring properties and will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The value of properties near the proposed Tysons East station will increase due to their proximity to a Metrorail facility. The proposed improvements are located on land that was specifically dedicated and devoted to the use.

4. The pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The station improvements include a sidewalk connection to Scotts Crossing Road and a pedestrian bridge across Route 123. Street improvements in the station vicinity include the realignment of Old Meadow Road at its intersection with Route 123 to align with the entrance into the Capital One complex. These improvements accommodate the anticipated increase in pedestrian and vehicular traffic.

5. There are no specific transitional screening or barrier requirements required by Article 13 of the Zoning Ordinance. Extensive landscaping is shown on the

special exception plat within the kiss and ride lot and as foundation plantings at the station.

6. Approximately twenty (20) percent open space is provided on the site.

7. A specific parking requirement for rail facilities is not specified in the Zoning Ordinance. The decision to include or exclude parking at Metrorail stations was considered based on site constraints, local land use plans, as well as consultations with local government.

8. Standard Metro signage is proposed and is shown on the special exception plat submitted with this application.

**2-900 Floodplain Regulations**

Part of the kiss and ride lot at the Tysons East Station is to be located on the east bank of Scotts Run within what has been identified as the 100-year floodplain. In order to construct the proposed surface lot, a concrete retaining wall is required, a portion of which is supporting fill placed within the 100-year floodplain boundary.

Water surface elevations of existing conditions were compared to elevations with the proposed retaining wall in place. A hydraulic model was developed for the 1,320 reach of Scotts Run in the area of the Tysons East Station, including the existing culverts under Route 123 and Scotts Crossing Road. No significant change (less than 0.1 foot) resulted to the 100-year water surface elevations.

Piers to support the Tysons East Station will be located outside of Scotts Run, but also within the 100-year floodplain for the stream. The piers do not constrict the channel's water flow and no change to the 100-year floodplain surface elevation would occur. Metrorail floodplain crossings are permitted uses where any additional rise in water surface will not have adverse effects upon the floodplain.

Sect. 2-904, Special Exception Uses:

B.1. Scotts Run originates in the intensely developed Tysons Corner area. The main stem of Scotts Run and its headwater tributaries drain major urban centers with very high levels of impervious cover. Portions of Scotts Run have been diverted through a series of road culverts that have altered the stream in the watershed. Over-widening and channelization of the stream near these culverts have caused erosion downstream. However, the segment of Scotts Run south of the development along Route 123 flows through a forested stream valley that has reduced the rate of bank and channel erosion. To abate flooding or erosion impact, evergreen shrubs will be planted in the area disturbed by the retaining wall proposed to be constructed at the kiss and ride lot.

B.2. No additional federal or state permits are required.

C.1. The retaining wall structure proposed to be constructed within the floodplain is used to support the west side of the kiss and ride surface lot.

C.2. The concrete retaining wall will be designed to withstand loads and forces of floodwaters.

C.3. Not applicable.

**Attachments**

1. Certification of Floodproofing
2. November 2006 Amended Record of Decision issued by the Federal Transit Administration
3. Noise and Vibration Technical Report issued in November 2004

# County of Fairfax, Virginia

## MEMORANDUM

DATE: December 18, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief
Site Analysis Section, DOT

FILE: 3-5 (SE 2008-PR-033)

SUBJECT: SE 2008-PR-033; Metropolitan Washington Airports Authority
Land Identification Maps: 29-4 ((5)) A1, B1

This department has reviewed the subject Special Exception request. We have no objection to its approval.

AKR/MAD

**Fairfax County Department of Transportation**
12055 Government Center Parkway, Suite 1034
Fairfax, VA 22035-5500
Phone: (703) 324-1100 TTY: (703) 324-1102
Fax: (703) 324 1450
www.fairfaxcounty.gov/fcdot

FCDOT
Serving Fairfax County for 25 Years and More

23

# COMMONWEALTH of VIRGINIA

**DEPARTMENT OF TRANSPORTATION**

DAVID S. EKERN, P.E.
COMMISSIONER

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

July 3, 2008

Mr. David Jillson
Facilities Planning Branch
Department of Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5505

Re: 2232-P08-10 MWAA
Tax Map # 29-4((05)) & 30-3((28)) Various Parcels Tysons East Metro Station
Fairfax County

Dear Mr. Jillson:

I have reviewed the above submittal dated June 26, 2008, and received on June 30, 2008. This proposal is in conformance with the Fairfax County Comprehensive Plan and the proposed Metrorail Extension to Dulles Airport. The following comment is offered:

1. The proposed pedestrian bridge crossing Rt. 123 shall provide adequate sight lines for the traffic signals along Rt. 123

If you have any questions, please call me at (703)383-2424.

Sincerely,

Kevin Nelson

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodeheaver
fairfaxrezoning2232-P08-10r1MWAATysonsMetroEastSta7-3-08DJ

RECEIVED
JUL 10 2008
DIRECTOR, PLANNING DIVISION
DEPT. OF PLANNING & ZONING

# County of Fairfax, Virginia

## MEMORANDUM

December 23, 2008

**TO:** Regina Coyle, Director
Zoning Evaluation Division, DPZ

David B. Marshall, Chief
Facilities Planning Branch, DPZ

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

**SUBJECT:** **ENVIRONMENTAL ASSESSMENT** for: **SE 2008-PR-033/2232-P08-10**
WMATA – Tysons East Metro Station

This memorandum, prepared by John R. Bell, includes citations from the Comprehensive Plan that list and explain environmental policies for this property. The citations are followed by a discussion of environmental concerns, including a description of potential impacts that may result from the proposed development as depicted on the special exception plat dated August 28, 2007, as revised through October 2, 2008. 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 February 25, 2008, on page 6 through 10, 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. In general, such facilities should not be provided within stream valley EQCs

**Department of Planning and Zoning**
Planning Division
12055 Government Center Parkway, Suite730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

> unless they are designed to provide regional benefit or unless the EQCs have been significantly degraded. When facilities within the EQC are appropriate, Encourage the construction of facilities that minimize clearing and grading, such as embankment-only ponds, or facilities that are otherwise designed to maximize pollutant removal while protecting, enhancing, and/or restoring the ecological integrity of the EQC. . . .

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, as applied to Chesapeake Bay Preservation Areas adopted by the Board of Supervisors"

In the Fairfax County Comprehensive Plan, Policy Plan, 2007 Edition, Environment section as amended through February 25, 2008, on page 13-15, the Plan states:

"**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: For ecological resource conservation, 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.
- "Connectedness": This segment of open space could become a part of a corridor to facilitate the movement of wildlife.
- Aesthetics: This land could become part of a green belt separating land uses, providing passive recreational opportunities to people.
- Pollution Reduction Capabilities: Preservation of this land would result in significant reductions to nonpoint source water pollution, and/or, micro climate control, and/or reductions in noise.

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.

Modifications to the boundaries so delineated may be appropriate if the area designated does not benefit habitat quality, connectedness, aesthetics, or pollution reduction as described above. In addition, some intrusions that serve a public purpose such as unavoidable public infrastructure easements and rights of way are appropriate. Such intrusions should be minimized and occur perpendicular to the corridor's alignment, if practical."

## 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. Particular emphasis is given to opportunities provided by this application to conserve the County's remaining natural amenities.

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

**Issue:**

A significant portion of the proposed transit station development site is within an EQC and RPA for a segment of the Scott's Run stream valley. While some design modifications may have already been made to accommodate the impacts to this area, staff feels that additional measures may be needed to provide a greater level of mitigation to the short-term and long-term impacts of the proposed development. In the short-term, we can anticipate increased runoff resulting from the anticipated construction at this location

resulting in increased sediment loading in the stream. Increased runoff in Scott's Run after the completion of the project may also occur in a stream which is already highly degraded.

**Resolution:**

Staff would encourage the applicants to seek restoration measures for portions of Scott's Run in the immediate vicinity of the proposed transit station area.

# FAIRFAX COUNTY PARK AUTHORITY

# MEMORANDUM

**APPENDIX 7**

**TO:** Regina M. Coyle, Director
Zoning Evaluation Division
Department of Planning and Zoning

David Jillson, Planner III
Public Facilities Planning Branch, Planning Division
Department of Planning and Zoning

**FROM:** Sandy Stallman, Manager
Park Planning Branch

**DATE:** July 10, 2008

**SUBJECT:** SE 2008-0168, 2232-P08-10 - Tysons East Metro Station
Tax Map Numbers: 29-4 ((5)) A1, B1 pt, C1 pt, D, E; 30-3 ((28)) B3 pt, C1 pt

## BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated June 4, 2008, for the above referenced SE and 2232 applications. The Development Plan shows a planned future Metro station and associated park-and-ride lot on 3.92 acres adjacent to Scotts Run Stream Valley Park in the Providence Supervisory District.

## COMPREHENSIVE PLAN CITATIONS

1. **Resource Protection** (The Policy Plan, Parks and Recreation Objectives 2 & 5, pp. 5-7)

**"Objective 2: Protect appropriate land areas in a natural state to ensure preservation of significant and sensitive natural resources."**

"Policy g: Protect parklands from encroachments and minimize adverse human impacts to natural areas."

"Policy j: Minimize adverse impacts of development on water resources and stream valleys."

"Policy k: Minimize the effects of storm water outfalls on parkland."

**"Objective 5: Ensure the long term protection, preservation and sustainability of park resources."**

"Policy a: Protect parklands from adverse impacts of off-site development and uses. Specifically, identify impacts from development proposals that may negatively affect parklands and private properties under protective easements and require mitigation and/or restoration measures, as appropriate."

2. **Heritage Resources** (The Policy Plan, Heritage Resources, Objective 1, p. 3)

**"Objective 1: Identify heritage resources representing all time periods and in all areas of the County."**

"Policy a: Identify heritage resources well in advance of potential damage or destruction."

3. **Heritage Resources** (Comprehensive Policy Plan, Heritage Resources Objective 3, page 4)

**"Objective 3: Protect significant historical resources from degradation or damage and destruction by public or private action."**

## ANALYSIS AND RECOMMENDATIONS

Natural Resources Impact:

The project is directly adjacent to a portion of Scott's Run Stream Valley Park. Scott's Run is given the rating of Level II – Restoration in the Fairfax County 2001 Stream Protection Strategy. The Park Authority owns additional land down stream including the regionally significant Scott's Run Nature Preserve.

The project requires waivers to place structures in the 100 year floodplain. The Park Authority recommends that the applicant be required to conduct stabilization of Scott's Run upstream of Route 123 and possibly down stream. Such stabilization would likely need to be conducted mostly on parkland and could include various methods including reconnecting the stream with the floodplain and the creation of wetlands. The Park Authority and DPWES Stormwater should be directly involved in planning for floodplain and stream channel stabilization.

The applicant plans to use evergreen shrubs to stabilize areas in the floodplain. All planting should be native to Fairfax County and should provide positive habitat benefits. The Park Authority's Natural Resource Management and Protection (NRMP) staff would be happy to work with the applicant to develop a suitable planting plan for this purpose.

The applicant should use Low Impact Design to the greatest extent possible. This should include consideration of the use of cisterns and other methods to capture stormwater to increase the time of concentration (peak shave) and in order to reuse this captured stormwater to irrigate planters

and beds at both the Metro station and the park-and-ride lot. Also, plants native to Fairfax County should be used in landscaping. If non-native plants are used they should not be invasive plants. A list of invasive plant species for the state of Virginia can be found at the Virginia Department of Conservation & Recreation Division of Natural Heritage (DNH) website at http://www.dcr.virginia.gov/dnh/invinfo.htm. For a list of native plant species, see the section on the DNH website titled ***Native Plants for Conservation, Restoration, and Landscaping*** at http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml.

Finally, the County may wish to consider creation of a regional pond on parcel 29-4 ((5)) A2 in conjunction with this project in order to attenuate erosive storm flows within Scott's Run from the Tysons Corner area.

Cultural Resources Impact:

The parcel was subject to archival cultural resources review. The review indicated that the adjacent park land contains a prehistoric archaeological site that appears to extend into the area of the proposed development. As a result, portions of the subject property that have not been previously disturbed have a high potential for prehistoric archaeological resources.

The Park Authority recommends that the subject property be subjected to a disturbance assessment and if warranted a tight interval Phase I archaeological survey, using a scope of work provided by the Cultural Resource Management and Protection (CRMP) section of the Park Authority. If any archaeological resources are found by the Phase I survey and determined to be potentially significant then a Phase II assessment should be done. If any sites are determined to be significant then either they should be avoided or Phase III data recoveries should be performed in accordance with a scope provided by CRMP. Any Phase III scopes will provide for public interpretation of the results. Draft and final archaeological reports produced as a result of Phase I, II and/or III studies should be submitted for approval to CRMP prior to submittal to other County agencies.

Appropriate chain link fencing should be installed by the applicant along the park boundary to prevent intrusion by construction equipment onto the prehistoric archaeological site located on park property. If the proposed development will impact park property then the above recommendations for a Phase II archaeological assessment should be applied to the known cultural resource site on park property. Any other disturbance to park property should be preceded by Phase I and if necessary II and III archaeology. All scopes of work should be provided by CRMP.

The applicant should also be made aware that there are specific archaeological requirements under Section 106 of the National Historic Preservation Act, which are associated with Federally licensed or funded development. If Section 106 applies then any archaeological work under this recommendation should also be coordinated in advance with the Virginia State Historic Preservation Officer (SHPO).

Dedication of Land to the Park Authority:

Upon completion of construction of this project, the applicant should transfer unused portions of parcels 30-3 ((28)) B3 and 29-4 ((5)) A2 to the Park Authority for inclusion within the Scott's Run Stream Valley Park.

In accordance with a December 11, 2000 BOS resolution, "park, recreation or open space should be deeded directly to the Fairfax County Park Authority without first being deeded to the Board." Development conditions should indicate that land will be dedicated directly to the Park Authority and a note indicating such should be added to the Development Plan.

Any debris and waste on the parcel should be removed prior to dedication. In accordance with PFM 2-1102.4B, the landowner is required to take any necessary corrective action prior to Park Authority acceptance. Following site cleanup of debris and prior to land dedication, the Park Authority requests that the Applicant arrange for an inspection by the Park Authority Land Acquisition Manager (Kay Rutledge, 703-324-8741), Area 1 Operations Manager (Ed Busenlehner, 703-893-2481) and Natural Resource Protection Manager (Heather Schinkel, 703-324-8674). If the condition of the land is acceptable to the Park Authority, the applicant should dedicate the property prior to their bond release from Fairfax County.

FCPA Reviewer: Andrea Dorlester
DPZ Coordinator: Suzanne Lin, David Jillson

cc: Cindy Walsh, Acting Director, Resource Management Division
Kay Rutledge, Manager, Land Acquisition and Management Branch
Chron Binder
File Copy

P:\Park Planning\Development Plan Review\DPZ Applications\SE\SE 2008\SE 2008-0168\SE 2008-0168 rpt.doc

# County of Fairfax, Virginia

## MEMORANDUM

July 22, 2008

**TO:** Suzanne Lin, Staff Coordinator
Zoning Evaluation Division, DPZ

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

**SUBJECT:** Tysons East Station Dulles Corridor Metrorail Project; SE 2008-0168

**RE:** Request for assistance dated June 25, 2008

This review is based on the Special Exception Plat (SE) 2008-0168 and 2232 Plan stamped "Received, Department of Planning and Zoning, June 13, 2008". A site visit was conducted on July 21, 2008".

Site Description: This site is a vacant parcel consisting of maintained grassland along the western side of Colshire Drive and a sub-climax bottomland forest along the western side of the parcel. This site also appears to be located inside an RPA. Vegetation at the southwestern corner of the Dolley Madison Boulevard and Colshire Drive intersection consists primarily of tulip tree, sycamore, red oak, red maple, and black locust. This vegetation appears to be in fair condition and should be considered a priority for preservation. Vegetation at the northwestern corner of the Dolley Madison Boulevard and Colshire Drive intersection consists primarily of sycamore, ash, ailanthus, red maple, locust, and walnut. This vegetation appears to be in fair condition and should be considered for preservation. There is also existing landscaping located along the northern side of Dolley Madison Boulevard consisting of red maple, Leyland cypress, holly, and ornamental cherries. This landscaping appears to be in good condition and should also be considered for preservation.

1. **Comment:** Preliminary tree cover calculations have not been provided and it is unclear how the tree cover requirements will be met.

   **Recommendation:** Preliminary tree cover calculations including interior parking lot landscaping and peripheral parking lot landscaping should be provided demonstrating how the Article 13 tree cover requirements will be met.

2. **Comment:** Vegetation at the southwestern corner of the Dolley Madison Boulevard and Colshire Drive intersection consists primarily of tulip tree, sycamore, red oak, red maple,

**Department of Public Works and Environmental Services**
**Land Development Services, Urban Forest Management Division**
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 703-324-1877, Fax: 703-803-7769
www.fairfaxcounty.gov/dpwes

and black locust. This vegetation appears to be in fair condition and should be considered a priority for preservation.

**Recommendation:** A tree save area, or areas, should be provided at the southwestern corner of the site to protect the existing RPA and sub-climax bottomland forest.

3. **Comment:** Vegetation at the northwestern corner of the Dolley Madison Boulevard and Colshire Drive intersection consists primarily of sycamore, ash, ailanthus, red maple, locust, and walnut. This vegetation appears to be in fair condition and should be considered for preservation.

   **Recommendation:** A tree save area, or areas, should be provided at the northwestern corner of the site to protect the existing RPA and bottomland forest.

4. **Comment:** There is existing landscaping located along the northern side of Dolley Madison Boulevard consisting of red maple, Leyland cypress, holly, and ornamental cherries. This landscaping appears to be in good condition and should also be considered for preservation.

   **Recommendation:** A tree save area should be provided along the northern side of Dolley Madison Boulevard to protect the existing landscaping.

5. **Comment:** Several proposed landscape trees located along Dolley Madison Boulevard and inside the proposed parking lot adjacent to Colshire Drive appear to be planted within 4' of a restrictive barrier, such as a curb and/or sidewalk.

   **Recommendation:** The minimum width of any planting area should be 8', measured from the interior sides of the restrictive barrier and trees should be planted no closer than 4' from any restrictive barrier.

6. **Comment:** The 'proposed shade', and 'proposed evergreen' tree classifications identified in the Landscaping Legend on sheet 3 are unclear. Due to the unclear tree types and size specifications, UFMD is unable to accurately determine if adequate planting space is being provided.

   **Recommendation:** Trees proposed to be planted should be identified as Category I, II, III, or IV evergreen trees and/or Category I, II, III, or IV deciduous trees. In addition, minimum planting areas should be provided in accordance with PFM section 12-0702.1B(2)

7. **Comment:** It does not appear easements for all proposed and existing public utilities have been identified.

   **Recommendation:** Easements for all proposed and existing public utilities should be shown and identified.

8. **Comment:** Several landscape trees located in various locations throughout the site are proposed to be planted with their 10-year canopies overlapping.

   **Recommendation:** Trees should be spaced so that their 10-year canopies do not overlap.

9. **Comment:** It is not clear how the Applicant proposes to landscape this site.

   **Recommendation:** A landscape plan should be submitted that shows a variety of native tree species, of various sizes, planted throughout the site. Native trees that are well suited for this location include white oak, red maple, red oak, American holly, American beech, willow oak, eastern redcedar and many others.

   To receive additional tree cover credit, native and desirable trees should comprise at least 90% of all trees listed on site. Tree species and planting locations that are effective for energy conservation can also receive additional tree cover credit. See PFM sections 12-0501.5B and 12-0501.10D

10. **Comment:** It does not appear landscaping along Dolley Madison Boulevard and Colshire Drive is in conformance with the streetscape design concept for the Tysons Corner Urban Center.

    **Recommendation:** Provide landscaping in conformance with the streetscape design concept for the Tysons Corner Urban Center.

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

    **Recommendation:** Recommend the following proffer language to ensure effective tree preservation:

    Tree Preservation: "The applicant shall submit a Tree Preservation plan as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management Division, DPWES.

    The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 25 feet to either side of the limits of clearing and grading shown on the SE for the entire site. 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 and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. 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 landscape architect, 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 SE, 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."

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 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 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."

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 or landscape architect 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."

Please contact me at 703-324-1770

TLN/
UFMID #: 138060

cc: RA File
DPZ File

# County of Fairfax, Virginia

## MEMORANDUM

11

**APPENDIX 9**

**DATE:** 14 July 2008

**TO:** David Jillson, Senior Planner

**FROM:** Linda Cornish Blank, Historic Preservation Planner

**SUBJECT:** **2232-P08-10; 2232-P08-11; 2232-MD08-12; 2232-MD08-13** Construct Regional Rail Transit Facilities; Tax maps 29-3((1)); 29-4((1)) and ((5)); 30-3((28)); VDOT R-O-W 29-3: 29-4; 30-3

Finding: The subject parcels and VDOT R-O-Ws are not included within the boundaries of a Fairfax County Historic Overlay District, are 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 parcels and areas which are 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 construction of the rail transit facilities

Recommendation:

1. The applicant supply information as an amendment to the 2232 applications that compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, as may be necessary was completed.
2. The Cultural Resource and Protection Section of the Fairfax County Park Authority should provide comment on these applications.

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JUL 14 2008
DIRECTOR, PLANNING DIVISION
DEPT. OF PLANNING & ZONING

**Department of Planning and Zoning**
Planning Division
12055 Government Center Parkway, Suite730
Fairfax, Virginia 22035-5509
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/

DEPARTMENT OF PLANNING & ZONING

# Fairfax Water

18

APPENDIX 10

FAIRFAX COUNTY WATER AUTHORITY
8560 Arlington Boulevard, Fairfax, Virginia 22031
www.fairfaxwater.org

July 15, 2008

PLANNING & ENGINEERING DIVISION
Jamie Bain Hedges, P.E.
Director
(703) 289-6325
Fax (703) 289-6382

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DIRECTOR, PLANNING DIVISION
DEPT. OF PLANNING & ZONING

Mr. David S. Jillson, Senior Planner
Fairfax County Department of Planning and Zoning
Facilities Planning Branch, Planning Division, Suite 730
12055 Government Center Parkway
Fairfax, Virginia 22035-5505

Re: Tysons East Metro Station (2232-P08-10)
Fairfax Water Review Comments

Dear Mr. Jillson:

We have completed our review of the referenced 2232 Application for construction of the Tysons East Metro Station with associated passenger drop-off areas and offer the following:

- Fairfax Water is capable of providing service to the proposed station located inside the Capital Beltway along Dolley Madison Boulevard. A minimum 12-inch diameter off-site extension from an existing 24-inch diameter main in Magarity Road will be required to provide domestic water and fire protection for the Tysons East site. Please refer to the attached sketch for the location of existing water mains.
- Additional off-site water main extensions and highway crossings may be necessary to satisfy water quantity and quality requirements.
- The on-site minimum required facilities will be determined during the site plan review process.
- Existing utility infrastructure located in the vicinity of the site may need to be relocated to accommodate the proposed construction.
- Fairfax Water may incorporate additional desired facilities into the station construction project as circumstances warrant.
- Water utility construction must be coordinated with all other related phases of the Dulles Corridor Metrorail extension project.

These comments are provided per your request dated June 26, 2008. Should you require additional information on this review, please contact me at (703) 289-6302.

Sincerely,

Traci Goldberg

Traci Goldberg, P.E.
Manager, Planning

Attachment as Noted

cc: Jamie Bain Hedges, P.E., Director, Planning & Engineering, Fairfax Water
Kathy Smedley, P.E., Manager, Design & Construction, Fairfax Water
William R. Kirkpatrick, Chief Planning Engineer, Fairfax Water
David Marshall, Fairfax County Department of Planning & Zoning

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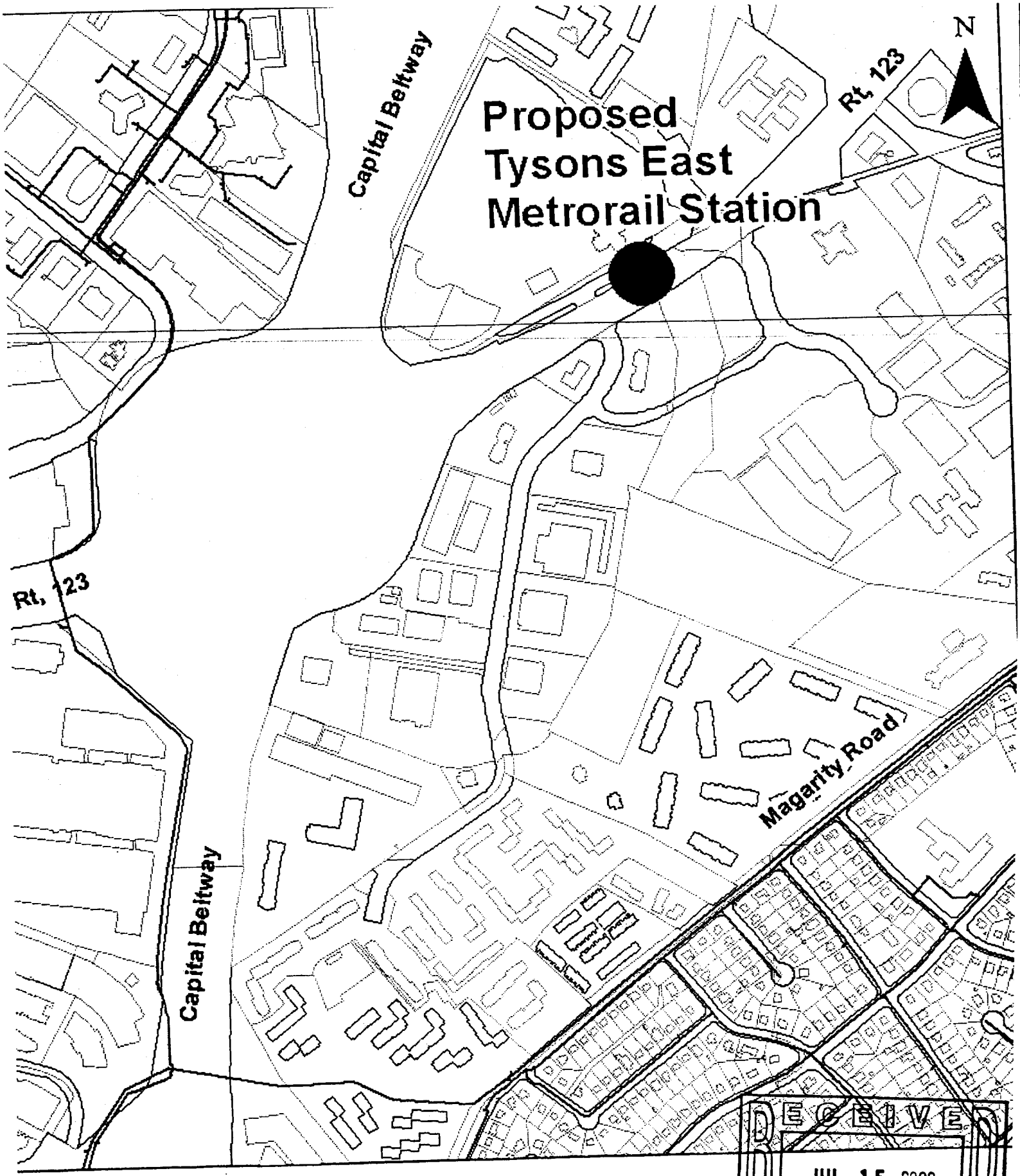
JUL 15 2008
DIRECTOR, PLANNING DIVISION
DEPT. OF PLANNING & ZONING




Fairfax Water

# Tysons East Metrorail Station

Existing Water Main

July 14, 2008

Sheet 1 of 1

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DIRECTOR, PLANNING DIVISION
PLANNING & ZONING

## PART 4 9-400 CATEGORY 4 TRANSPORTATION FACILITIES

### 9-401 Category 4 Special Exception Uses

1. Airports.

2. Bus or railroad stations.

3. Heliports.

4. Helistops.

5. (Deleted by Amendment #05-374, Adopted July 25, 2005, Effective July 26, 2005)

6. Electrically-powered regional rail transit facilities.

7. Regional non-rail transit facilities.

   When located in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway and Dulles Toll Road or an interstate highway, electrically-powered regional rail transit facilities shall be subject to the provisions of Sect. 2-517.

### 9-402 Districts in Which Category 4 Uses May be Located

1. Category 4 uses may be permitted by right in the following districts when represented on an approved development plan:

   PDH, PDC Districts: Limited to uses 2, 3, 4, 6 and 7
   PRC District: All uses
   PRM District: Limited to uses 2, 6 and 7

2. Category 4 uses may be allowed by special exception in the following districts:

   R-E, R-1 Districts: All uses
   R-2 through R-MHP Districts: Limited to uses 6 and 7

   PRM District: Limited to uses 3 and 4

   C-1, C-2 Districts: Limited to uses 6 and 7
   C-3, C-4 Districts: Limited to uses 4, 6 and 7
   C-5 District: Limited to uses 6 and 7
   C-6 District: Limited to uses 2, 4, 6 and 7
   C-7, C-9 Districts: Limited to uses 2, 3, 4, 6 and 7
   C-8 District: Limited to uses 2, 4, 6 and 7

   I-I District: Limited to use 3
   I-1 District: Limited to uses 3, 4, 6 and 7
   I-2 through I-6 Districts: All uses

## PART 9 2-900 FLOODPLAIN REGULATIONS

### 2-901 Purpose and Intent

In furtherance of the zoning powers, purposes and jurisdictions provided for by Sections 15.2-2280, 15.2-2283 and 15.2-2284, Code of Virginia, 1950, as amended, these regulations are created to provide for safety from flood and other dangers; to protect against loss of life, health, or property from flood or other dangers; and to preserve and protect floodplains in as natural a state as possible for the preservation of wildlife habitats, for the maintenance of the natural integrity and function of the streams, for the protection of water quality, and for the promotion of a zone for ground water recharge.

### 2-902 Administration

1. The provisions of this Part shall apply to all land within a floodplain. The floodplain limits shown on the Zoning Map shall be used as a guide; provided, however, that only those land areas which meet the definition of floodplain shall be subject to the provisions of this Part.

2. The Director shall be responsible for the administration of this Part. He shall review all proposed uses to determine whether the land on which the proposed use is located is in a floodplain. The Director may, in appropriate cases, require information from the applicant, including, but not limited to, an engineering study of the floodplain. Upon a determination that the land on which the proposed use is located is in a floodplain, he shall determine whether such use may be permitted in accordance with the provisions of Sect. 903 below or requires the approval of a special exception as set forth in Sect. 904 below.

3. Any decision of the Director or Board regarding a use in a floodplain shall be based on consideration of at least all of the following factors:

   A. Type and location of proposed structure and/or use

   B. Access to site

   C. Frequency and nature of flooding

   D. Nature and extent of any proposed grading or fill

   E. Impact of proposal on the floodplain on properties upstream and downstream

   F. Potential of proposal to cause or increase flooding or to jeopardize human life

   G. Impact of the proposed use on the natural environment and on water quality

### 2-903 Permitted Uses

Except as provided in Par. 10 below for cluster subdivisions, the following uses and topographic improvements, as qualified, may be permitted in a floodplain upon a determination

by the Director that such use is permitted in the zoning district in which located, and that the use is in accordance with the provisions of this Part and the standards and criteria set forth in the Public Facilities Manual. Any such approval by the Director shall be in writing and shall specify such conditions deemed necessary to ensure that the proposed construction and resultant use conform to the provisions of this Part.

Any use, including associated fill, permitted in the zoning district in which located, which does not meet the qualifications set forth below as determined by the Director, may be permitted upon the approval of a special exception by the Board.

1. Any use within a minor floodplain. As set forth in the definition of floodplain, a minor floodplain is a floodplain which has a drainage area greater than 70 acres but less than 360 acres.

2. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting; provided, however, that such use does not require the approval of a Building Permit or require major fill. All uses permitted by this paragraph shall be operated in accordance with a conservation plan prepared in accordance with the standards of the Northern Virginia Soil and Water Conservation District.

3. Residential uses accessory to single family detached and attached dwellings such as play areas, lawns, paved tennis or play courts, trails, gardens, patios, decks and docks, which do not require major fill and accessory structures such as children's playhouses, doghouses, storage structures and other similar structures which do not require approval of a Building Permit or require major fill. All structures shall be anchored to prevent flotation.

4. Community, commercial and public recreational uses such as golf courses, driving ranges, archery ranges, picnic grounds, boat launching ramps, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking, bicycle and equestrian trails. This paragraph shall not be deemed to permit any paved tennis or play court exceeding 5000 square feet in area, swimming pool, or any use requiring the approval of a Building Permit or requiring major fill.

5. Off-street parking and loading areas including aisles and driveways which do not exceed 5000 square feet in area, which will have one (1) foot or less depth of flooding and which will not require major fill.

6. Metrorail, railroad track and roadway floodplain crossings meeting WMATA, VDOT and/or Fairfax County design requirements and where any additional rise in water surface will not have an adverse effect upon the floodplain and/or will be set aside in an easement. A stream channel relocation proposed in conjunction with a crossing shall be subject to the provisions of the Public Facilities Manual.

7. Public and private utility lines, and all public uses and public improvements performed by or at the direction of the County, or as may be required by County ordinances, to include but not to be limited to channel improvements and erosion control, reservoirs, storm water management and best management practice facilities and similar uses

provided the installation of such facilities is accomplished with appropriate easements or agreements and with the minimum disruption necessary to the floodplain.

Notwithstanding the above, ponds, reservoirs, storm water management and best management practice (BMP) facilities in floodplains which have a drainage area of 360 acres or greater and which are designed to serve a specific private development may be permitted only upon the approval of a special exception by the Board in accordance with the provisions of this Part.

8. Permitted accessory structures, other than those specified in Par. 3 above, and additions to single family detached and attached dwellings constructed prior to August 14, 1978, subject to the following conditions:

   A. The estimated cost of the addition or accessory structure is less than fifty (50) percent of the market value as determined by the Department of Tax Administration of the existing structure.

   B. The lowest part of the lowest floor of any such structure may be constructed less than eighteen (18) inches above the 100-year flood level provided it is determined that there is less than one (1) percent chance of flooding the structure in any given year, i.e., the structure is higher than the 100-year flood level.

   C. The lowest part of the lowest floor of any accessory structure not meeting the requirements of Par. 8B above may be constructed below the base flood elevation provided the following standards are met:

      (1) The size of the accessory structure shall not exceed 1000 square feet of gross floor area.

      (2) The accessory structure shall only be used for parking and/or storage purposes.

      (3) The accessory structure shall be constructed using flood damage resistant materials and all interior walls and floors shall be constructed using unfinished material.

      (4) The accessory structure shall be anchored and floodproofed in accordance with the Virginia Uniform Statewide Building Code.

      (5) Any mechanical, electrical and utility equipment in the accessory structure must be elevated to or above the base flood elevation.

   D. As may be required by the Director, the applicant and owners shall sign a "hold harmless" agreement holding Fairfax County harmless from all adverse effects which may arise as a result of the construction and establishment of the proposed use within the floodplain. Such an agreement shall be recorded among the land records of Fairfax County.

9. Topographic improvements which do not require major fill.

10. For cluster subdivisions in the R-2 District and cluster subdivisions in the R-3 and R-4 Districts which have a minimum district size of three and one-half (3.5) acres or greater, only the following uses and improvements may be permitted by the Director, provided that the encroachments for such uses and improvements are the minimum necessary and are provided in a manner that minimizes disturbance to the floodplain to the greatest practical extent:

    A. Driveways that do not exceed 5000 square feet in area and will not require major fill.

    B. Extension of or connection to existing public and private utilities.

    C. Trails depicted on the comprehensive plan trails map and/or trails connecting to trails depicted on the comprehensive plan trails map.

    D. Channel improvements and erosion control measures performed by or at the direction of the County or as may be required by County ordinances.

    E. Regional stormwater management facilities included in the regional stormwater management plan.

    F. Roadway floodplain crossings, as qualified by Par. 6A above.

For the purpose of this Section, major fill shall be deemed to be any fill, regardless of amount, in an area greater than 5000 square feet or any fill in excess of 278 cubic yards in an area of 5000 square feet or less. The combined and cumulative area of any fill and pavement permitted under Paragraphs 2, 3, 4, 5 and 9 of this Section shall not exceed an area of 5000 square feet for all uses on a lot.

In addition, the provisions set forth above which exclude uses requiring a Building Permit shall not apply when such Building Permit is required for structures such as retaining walls, fences, ramps or trail bridges.

**2-904 Special Exception Uses**

1. All uses permitted by right, special permit or special exception in the zoning district in which located that are not approved by the Director under the provisions of Sect. 903 above may be permitted upon the approval of a special exception by the Board. Such special exception may be permitted subject to conformance with the provisions of this Part, the applicable special permit or special exception standards, the Purpose and Intent of the Zoning Ordinance, and the standards and criteria set forth in the Public Facilities Manual. Uses permitted by special permit or special exception shall be subject to their respective fees in addition to the fee for a Category 6 special exception use.

2. In addition to the submission requirements for all special exception uses set forth in Sect. 9-011, the following information shall be submitted for all Category 6 special exception applications for uses in a floodplain:

    A. The following shall be shown and certified on the plat provided with the application:

(1) The delineation of the floodplain and the source of floodplain information, such as Federal Emergency Management Agency, USGS, Fairfax County, or other.

(2) Existing and proposed topography with a maximum contour interval of two (2) feet.

(3) Both normal and emergency ingress and egress from highway or street.

(4) Nature and extent of any proposed fill and any proposed compensatory cut areas with quantities.

(5) The location and dimensions of any structure or part thereof that is proposed for location in the floodplain.

(6) Elevation of the nearest 100-year floodplain, and the exact distance from the structure to the floodplain line at the nearest point.

(7) Lowest floor elevation, including basement, of all buildings, existing and proposed, and information relative to compliance with Federal and State floodproofing requirements.

B. A written statement providing, in detail, the following information:

(1) Any existing or anticipated problems of flooding or erosion in the area of the application and upstream and downstream from the application property.

(2) Whether additional Federal and/or State permits are required.

C. When structures are proposed to be erected, the following information shall be submitted:

(1) The proposed use of the structure.

(2) A statement certifying all floodproofing proposed, and indicating its compliance with all County, State and Federal requirements. This certification must be signed, sealed, and indicate the address of the certifying professional and it must cover all structural, electrical, mechanical, plumbing, water and sanitary facilities connected with the use.

(3) Acknowledgment, signed by the applicant, that the applicant is aware that flood insurance may be required by the applicant's lending institution and that the flood insurance rates may increase because of increases in risks to life and property.

D. Any additional information as may be deemed necessary by the Director, to include but not be limited to an engineering study or detailed calculation on any proposed drainage improvement.

**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.