



SE APPLICATION ACCEPTED: February 20, 2015
2232 APPLICATION ACCEPTED: June 3, 2015
PLANNING COMMISSION: July 22, 2015
BOARD OF SUPERVISORS: July 28, 2015 @ 3:30 P.M.

County of Fairfax, Virginia

July 8, 2015

STAFF REPORT

SPECIAL EXCEPTION SE 2015-HM-006
AND 2232-H15-7



HUNTER MILL DISTRICT

APPLICANTS: Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority

ZONING: I-4, Medium Intensity Industrial District

PARCEL: 16-4 ((1)) 27 part

SITE AREA: 22,550 square feet

PLAN MAP: Public Facilities, Governmental, and Institutional Uses

SE CATEGORY: Sects. 5-404 and 9-405, Category 4 Use, Electrically-Powered Regional Rail Transit Facilities

PROPOSAL: To permit electrically-powered regional rail transit facilities

STAFF RECOMMENDATIONS:

Staff recommends that the Planning Commission find that the electrically-powered regional rail transit facilities proposed under 2232-H15-7 satisfies the criteria of location, character, and extent, as specified in Section 15-2.2232 of the Code of Virginia, as amended, and is substantially in accord with the Comprehensive Plan.

Staff recommends approval of SE 2015-HM-006, subject to the proposed development conditions contained in Appendix 1.

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

Mary Ann Tsai, AICP

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 application 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.



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Special Exception

SE 2015-HM-006



Applicant:

METROPOLITAN WASHINGTON AIRPORTS
AUTHORITY (MWAA) AND THE VIRGINIA
DEPARTMENT OF RAIL AND
PUBLIC TRANSPORTATION ON
BEHALF OF THE WASHINGTON
METROPOLITAN AREA TRANSIT AUTHORITY

Accepted:

02/20/2015

Proposed:

ELECTRICALLY-POWERED REGIONAL RAIL
TRANSIT FACILITIES

Area:

22550 SF OF LAND; DISTRICT - HUNTER MILL

Zoning Dist Sect: 05-0404

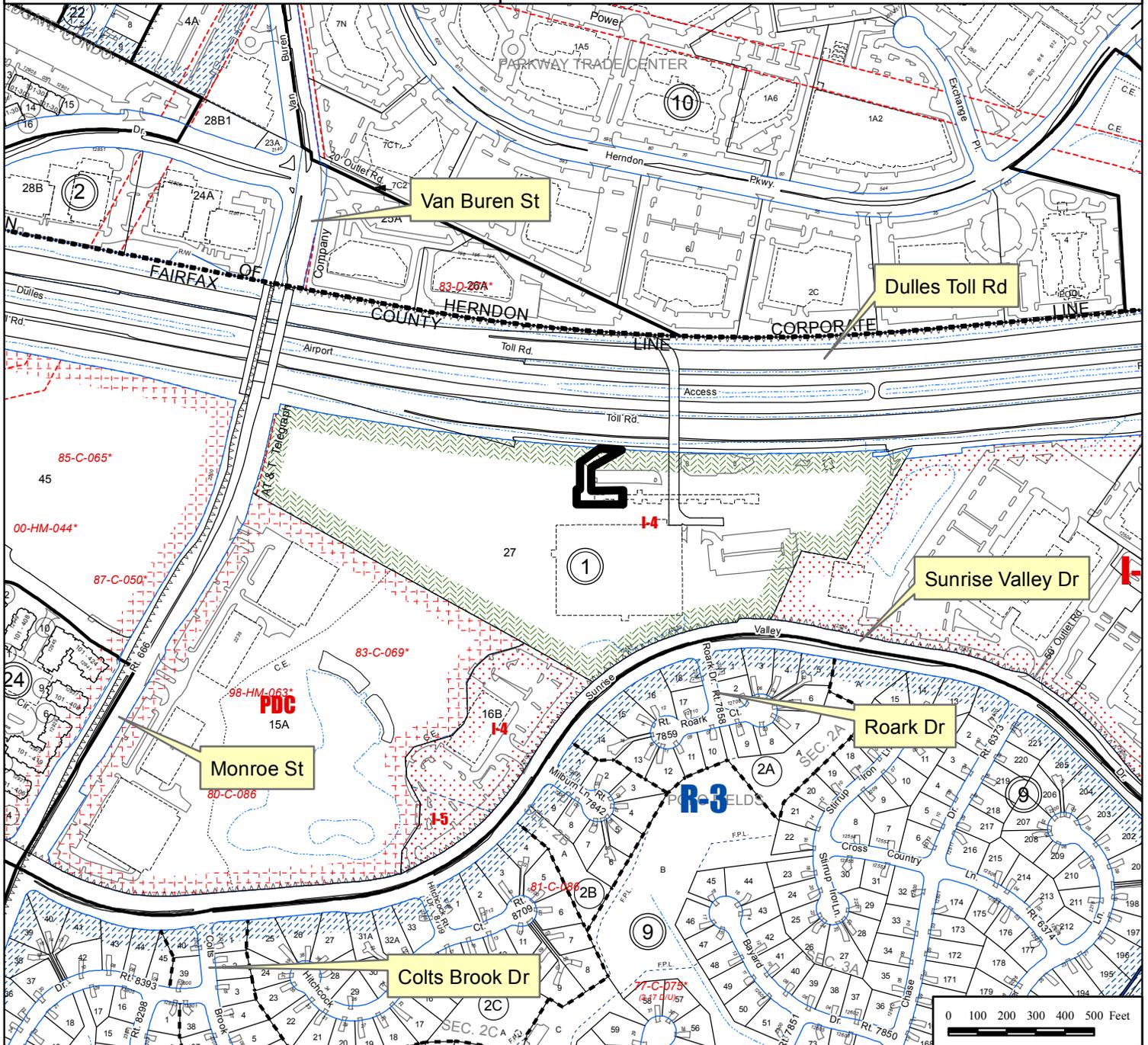
Located: 12530 SUNRISE VALLEY DRIVE, HERNDON,
VA 20191

Zoning: I-4

Plan Area: 3,

Overlay Dist:

Map Ref Num: 016-4- /01/ /0027 (pt.)



2232-H15-7



Applicant: METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION ON BEHALF OF THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

Accepted: 6/3/2015

Proposed: ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES

Area: 22550 SF OF LAND; DISTRICT - HUNTER MILL

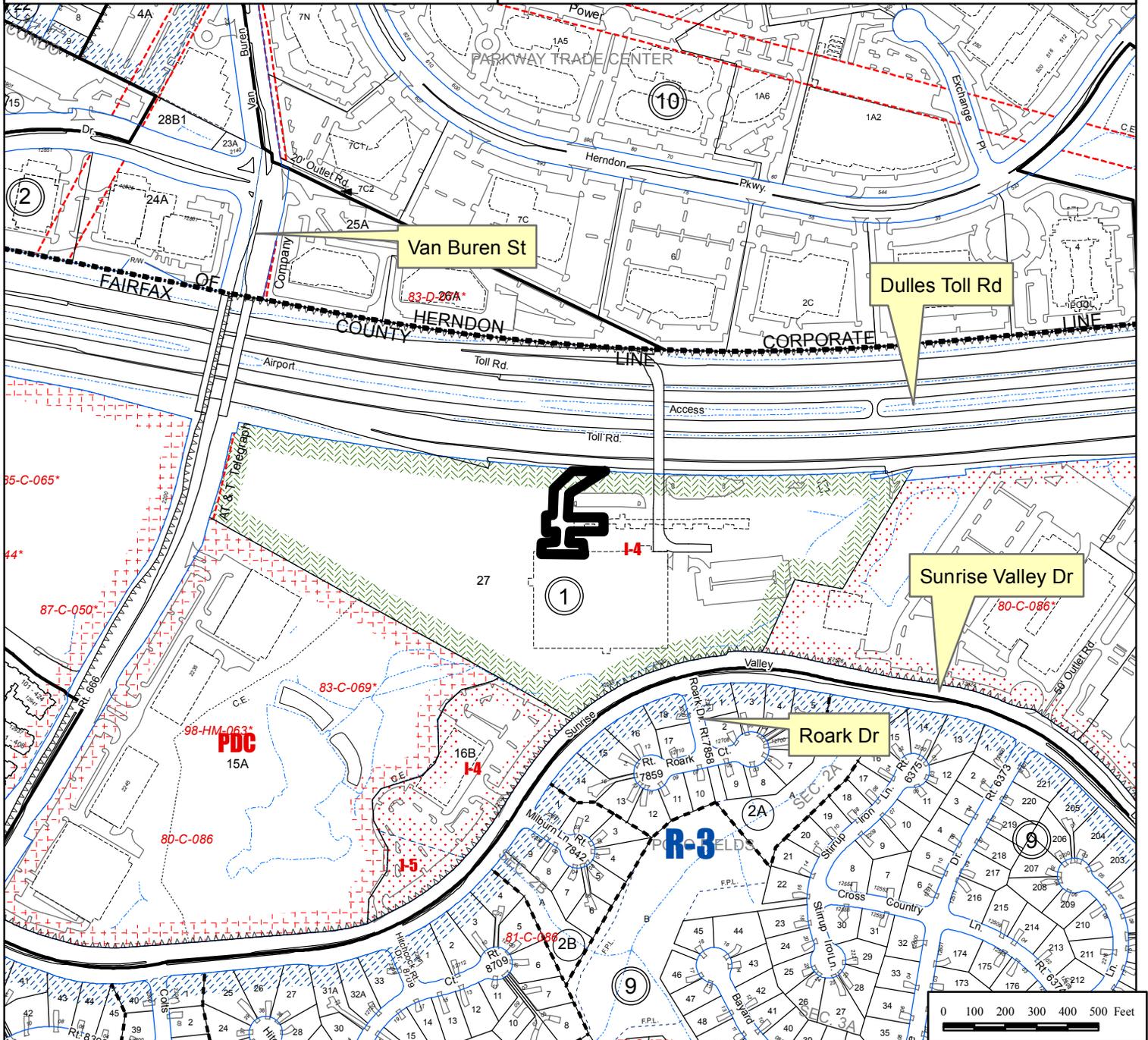
Located: 12530 SUNRISE VALLEY DRIVE, HERNDON, VA 20191

Zoning: I- 4

Plan Area: 3,

Overlay Dist:

Map Ref Num: 016-4- /01/ /0027 (pt.)



HERNDON STATION – SOUTH

NOTES:

1. THE PROPERTY THAT IS THE SUBJECT OF THIS SPECIAL EXCEPTION PLAT IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 16-4 ((1)) PARCEL 0027, PART AND IS OWNED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS. THE PROPERTY IS CURRENTLY ZONED I-4.
2. THE TOTAL LAND AREA OF THIS SPECIAL EXCEPTION APPLICATION IS APPROXIMATELY 0.26 ACRES.
3. THIS SPECIAL EXCEPTION PLAT ACCOMPANIES AN APPLICATION TO PERMIT THE ESTABLISHMENT OF AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY; SPECIFICALLY, ACCESSORY USES THERETO.
4. THE BOUNDARY INFORMATION SHOWN HEREON IS ESTABLISHED TO INCLUDE ALL THE FACILITIES SUBJECT TO THIS SPECIAL EXCEPTION AS DEFINED BY CAPITAL RAIL CONSTRUCTORS (CRC). HORIZONTAL CONTROL IS BASED ON WMATA LOW DISTORTION PROJECTION (LDP) COORDINATE GRID SYSTEM USING US SURVEY FOOT CONVERSION. VERTICAL CONTROL IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
5. THE TOPOGRAPHY SHOWN HEREON IS AT A CONTOUR INTERVAL OF TWO (2) FEET. TOPOGRAPHIC INFORMATION SHOWN ON THE DRAWINGS IS BASED ON ORTHOPHOTOGRAPHY GENERATED BY AERO-METRIC COMPLETED IN 2013 SUPPLEMENTED BY GROUND RUN SURVEY BY DEWBERRY CONSULTANTS, LLC.
6. A STATEMENT WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY AND THE NATURE OF THE APPLICANT'S INTEREST IN SAME IS PRESENTED IN THE STATEMENT OF JUSTIFICATION.
7. THE SUBJECT PROPERTY IS LOCATED WITHIN THE UPPER POTOMAC PLANNING DISTRICT, RESTON-HERNDON SUBURBAN CENTER AND TRANSIT STATION AREAS, SUB-UNIT C-2 OF THE FAIRFAX COUNTY COMPREHENSIVE PLAN. THE PROPOSED TRANSIT FACILITY IS IN CONFORMANCE WITH THE COMPREHENSIVE PLAN.
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 LOT 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. NO FLOOD PLAINS EXIST ON THE SITE. JURISDICTIONAL WETLANDS ARE NOT PRESENT WITHIN THE LIMITS OF THE SPECIAL EXCEPTION.
11. STORMWATER MANAGEMENT HAS BEEN DESIGNED SYSTEM WIDE, INCLUDING THIS SITE, AND WILL BE REVIEWED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), BASED ON STATE CRITERIA (IIB). STORMWATER MANAGEMENT IS NOT PROPOSED WITHIN THE LAND AREA SUBJECT TO THIS SPECIAL EXCEPTION.
12. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO GRAVES LOCATED ON THE SUBJECT PROPERTY.
13. 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 DEFINED 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.
14. SIGNS SHALL BE REGULATED BY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) STANDARDS AND WILL BE IN ACCORDANCE WITH ARTICLE 12 OF THE ZONING ORDINANCE.
15. EXTERIOR LIGHTING WILL BE PROVIDED BY COMBINATION OF WALL-MOUNTED, BRIDGE-MOUNTED AND POLE-MOUNTED FULL CUT-OFF LIGHT FIXTURES IN ACCORDANCE WITH ARTICLE 14 OF THE ZONING ORDINANCE. THE EXACT LOCATION OF THE AFORESAID LIGHTING IS SUBJECT TO FINAL ENGINEERING.
16. REFER TO 2232-H15-7 PUBLIC FACILITIES PLAN FOR PROPOSED LANDSCAPING DETAILS.
17. EXCEPT AS QUALIFIED ABOVE, THE PROPOSED DEVELOPMENT CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES AND ADOPTED STANDARDS.

TABULATION:

EXISTING ZONING.....I-4

LAND AREA SUBJECT TO THIS SPECIAL EXCEPTION (11,170 SQ FT.)..... 0.26 ± AC
 FLOOR AREA RATIO (FAR) PERMITTED NO REQ.

SOUTH PAVILION FLOOR AREA ±6,000 SQ FT
 FLOOR AREA RATIO (FAR) PROPOSED ±0.54

MAXIMUM BUILDING HEIGHT PERMITTED 75 FT
 SOUTH PAVILION BUILDING HEIGHT PROPOSED ±55 FT

OPEN SPACE REQUIRED (15%) 0.04 ± AC
 OPEN SPACE PROVIDED FOR THE TOTAL PARCEL 16-4 ((1)) PARCEL 0027 EXCEEDS THE 15% OPEN SPACE REQUIREMENT.

MINIMUM STORMWATER INFORMATION FOR REZONING, SPECIAL EXCEPTION, SPECIAL PERMIT AND DEVELOPMENT PLAN APPLICATIONS

The following information is required to be shown or provided in all zoning applications, or a waiver request of the submission requirement with justification shall be attached. Note: Waivers will be acted upon separately. Failure to adequately address the required submission information may result in a delay in processing this application.

This information is required under the following Zoning Ordinance paragraphs:

Special Permits (8-011 2J & 2L) Cluster Subdivision (9-615 1G & 1N) Development Plans PRC District (16-302 2 & 4L) FDP P Districts (except PRC) 916-502 1F & 1Q) Special Exceptions (9-011 2J & 2L) Commercial Revitalization Districts (9-622 2A (12)&(14)) PRC Plan (16-303 1E & 10) Amendments (18-202 10F & 10I)

1. Plat is at a minimum scale of 1"=50' (unless it is depicted on one sheet with a minimum scale of 1"=100).
2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outfalls, energy dissipation devices, and stream stabilization measures as shown on Sheet _____
3. Provide:

Facility Name/ Type & No.	On-Site area served (acres)	Off-Site area served (acres)	Drainage area (acres)	Footprint area (sf.)	Storage Volume (cf.)	If pond, dam height (ft.)
(e.g. dry pond A, mfl, trench, underground vault, etc.)						
						Totals
4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet N/A.
5. Maintenance accesses (road) to stormwater management facility(ies) are shown on Sheet N/A.
6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet _____.
7. A "stormwater management narrative" which contains a description of how detention and best management practices requirements will be met is provided on Sheet N/A.
8. A description of the existing conditions of each numbered site outfall extended downstream from the site to a point which is at least 100 times the site area or which has a drainage area of at least one square mile (640 acres) is provided on Sheet _____.
9. A description of how the outfall requirements, including contributing drainage areas of the Public Facilities Manual will be satisfied is provided on Sheet _____.
10. Existing topography with maximum contour intervals of two (2) feet and a note as to whether it is an air survey or field run is provided on Sheets. 4
11. A submission waiver is requester for N/A.
12. Stormwater management is not required because N/A.

* STORMWATER MANAGEMENT HAS BEEN DESIGNED FOR PHASE 2 OF THE DULLES CORRIDOR METRORAIL PROJECT WITH A SYSTEM WIDE APPROACH UTILIZING SITE IIB CRITERIA. THE PROPOSED STORMWATER MANAGEMENT APPROACH IS SUBJECT TO VIRGINIA DEQ REVIEW AND APPROVAL.



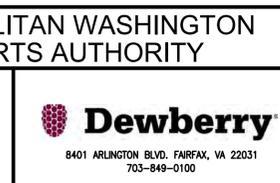
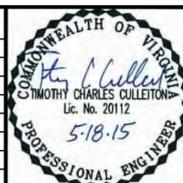
DULLES CORRIDOR METRORAIL PHASE I WIEHLE-RESTON EAST STATION

NOTE: THE PHOTOGRAPHS OF THE EXISTING DULLES CORRIDOR METRORAIL PHASE I PAVILION (WIEHLE-RESTON EAST) IS FOR ILLUSTRATIVE PURPOSES TO SHOW THE CHARACTER OF THE PAVILION ARCHITECTURE PROPOSED WITH THE SPECIAL EXCEPTION WHICH IS SUBJECT TO FINAL DESIGN.

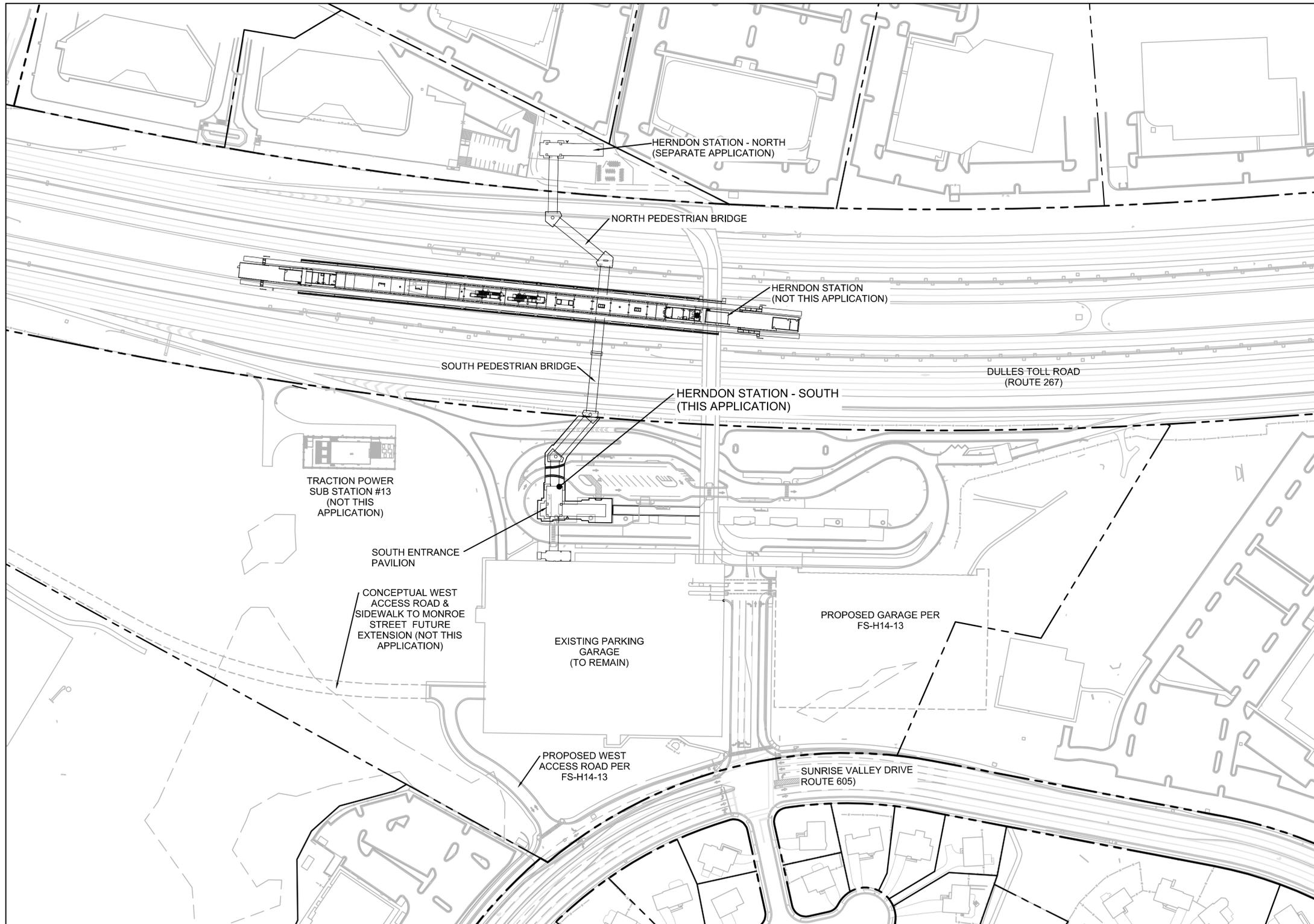


DULLES CORRIDOR METRORAIL PHASE I WIEHLE-RESTON EAST STATION

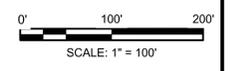
ORIGINATORS		REFERENCE DRAWINGS		REVISIONS						
DATE	BY	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR
11/2014	M. CADMAN			0	02/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	D. TUCKER			1	04/17/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	J. VEGA			2	05/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
	T. CULLEITON									



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY	WMATA LDP 2009	CONTRACT NO.: 8-13-C001
DGS PROJECT IDENTIFICATION CODE: EXTENSION TO DULLES AIRPORT / ROUTE 772		
SPECIAL EXCEPTION PLAT		
HERNDON STATION - SOUTH		
STATION PERSPECTIVES, NOTES & TABULATION		
SCALE: N/A	DRAWING NO.: N08-SE-002S	SHEET 2 OF 9



NOTE: ALL PROPOSED IMPROVEMENTS OTHER THAN THE ENTRANCE PAVILION AND PEDESTRIAN BRIDGE ENCLOSED BY THE LIMITS OF THE SPECIAL EXCEPTION AS SHOWN ON THE SPECIAL EXCEPTION PLAT, ARE NOT A PART OF THIS SPECIAL EXCEPTION.

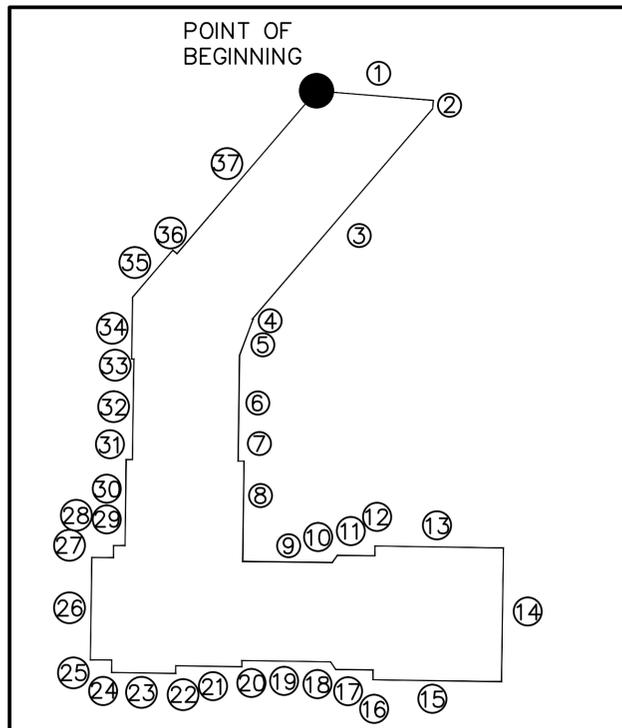


1 OVERALL SITE PLAN
1" = 100'-0"

		WMATA LDP 2009	CONTRACT NO.: 8-13-C001
DGS PROJECT IDENTIFICATION CODE:		EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT HERNDON STATION - SOUTH OVERALL SITE PLAN	
		SCALE: 1"=100'	DRAWING NO.: N08-SE-003S
SHEET 3 OF 9			

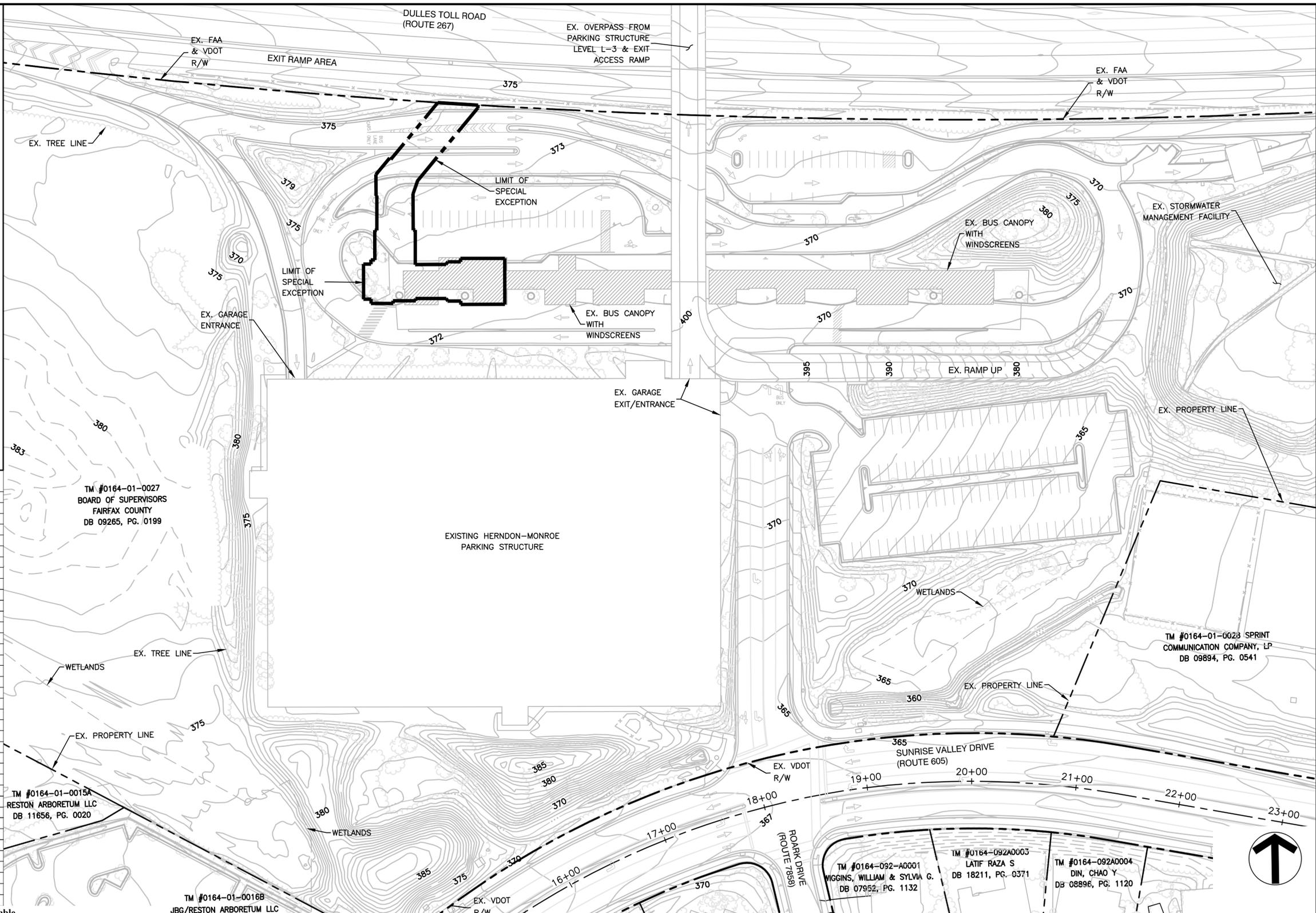
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NUMBER	DATE	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKRS	SUPV	APPR
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2	11/2014			1	04/17/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
3	11/2014			2	05/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC

Capital Rail Constructors 198 Van Buren St. Suite 250, Herndon, Virginia 20170	8401 ARLINGTON BLVD. FARMAX, VA 22031 703-849-0100	



LIMIT OF SPECIAL EXCEPTION BOUNDARY DETAILS
1"=30'

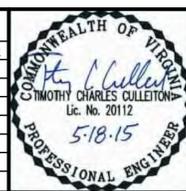
SEGMENT NUMBER	NORTHING	EASTING	BEARING	LENGTH	RADIUS
P.O.B.	193495.0168	100077.6112	-	-	-
1	193491.9517	100115.9697	-	38.48'	7839.36'
2	193489.1792	100115.6983	S5° 35' 32"W	2.79'	-
3	193420.4541	100056.6472	S40° 40' 13"W	90.61'	-
4	193420.2841	100056.8450	S49° 19' 47"E	0.26'	-
5	193408.5230	100052.4078	S20° 40' 13"W	12.57'	-
6	193373.8336	100051.8809	S0° 52' 13"W	34.69'	-
7	193373.8033	100053.8805	S89° 07' 56"E	2.00'	-
8	193341.0020	100053.3836	S0° 52' 04"W	32.81'	-
9	193340.6358	100082.7543	S89° 17' 09"E	29.37'	-
10	193343.0239	100084.4730	N35° 44' 36"E	2.94'	-
11	193342.8378	100096.7575	S89° 07' 56"E	12.29'	-
12	193346.0458	100096.8060	N0° 52' 04"E	3.21'	-
13	193345.4073	100138.9549	S89° 07' 56"E	42.15'	-
14	193301.6206	100138.2916	S0° 52' 04"W	43.79'	-
15	193302.2591	100096.1427	N89° 07' 56"W	42.15'	-
16	193305.4670	100096.1913	N0° 52' 04"E	3.21'	-
17	193305.6531	100083.9069	N89° 07' 56"W	12.29'	-
18	193308.1162	100082.2451	N34° 00' 27"W	2.97'	-
19	193308.5570	100053.1421	N89° 07' 56"W	29.11'	-
20	193306.5161	100053.1112	S0° 52' 04"W	2.04'	-
21	193306.8439	100031.4470	N89° 07' 59"W	21.67'	-
22	193304.3441	100031.4091	S0° 52' 04"W	2.50'	-
23	193304.6622	100010.4115	N89° 07' 56"W	21.00'	-
24	193308.7034	100010.4727	N0° 52' 04"E	4.04'	-
25	193308.8104	100003.4111	N89° 07' 56"W	7.06'	-
26	193342.3066	100003.9185	N0° 52' 04"E	33.50'	-
27	193342.1996	100010.9802	S89° 07' 56"E	7.06'	-
28	193346.2407	100011.0414	N0° 52' 04"E	4.04'	-
29	193346.1839	100014.7910	S89° 07' 56"E	3.75'	-
30	193374.3890	100015.2182	N0° 52' 04"E	28.21'	-
31	193374.3587	100017.2182	S89° 07' 56"E	2.00'	-
32	193407.2409	100017.7177	N0° 52' 13"E	32.89'	-
33	193407.2522	100016.9710	N89° 07' 47"W	0.75'	-
34	193427.5165	100017.2788	N0° 52' 13"E	20.27'	-
35	193442.9134	100030.5084	N40° 40' 13"E	20.30'	-
36	193441.7598	100031.8510	S49° 19' 47"E	1.77'	-
37	193495.0168	100077.6112	N40° 40' 13"E	70.22'	-



Existing Vegetation Cover Type Summary Table

Cover Type	Primary Species	Understory Species	Successional Stages	Condition	Total Area
A	Developed	Landscape area, lawn area, building, paved parking area, interior parking lot landscaping consists primarily of LINDEN and PIN OAKS.	N/A	Good/Fair	± 0.26 AC ± 0.26 AC

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS				
DATE	DATE	NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR
M. CADMAN 11/2014		0	02/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
D. TUCKER 11/2014		1	04/17/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
J. VEGA 11/2014		2	05/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
T. CULLEITON 11/2014								



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Capital Rail Constructors
198 Van Buren St. Suite 250, Herndon, Virginia 20170

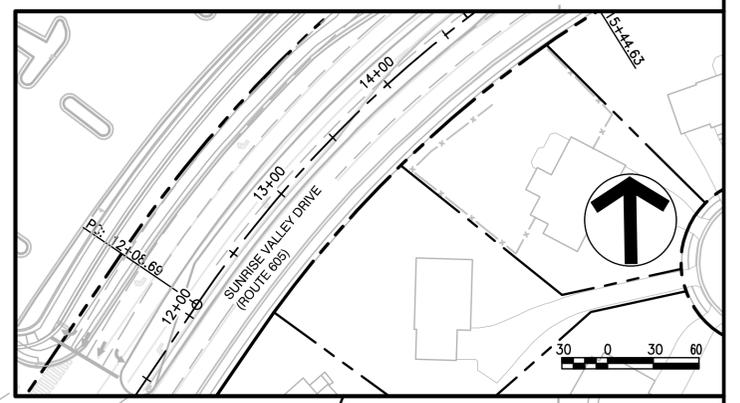
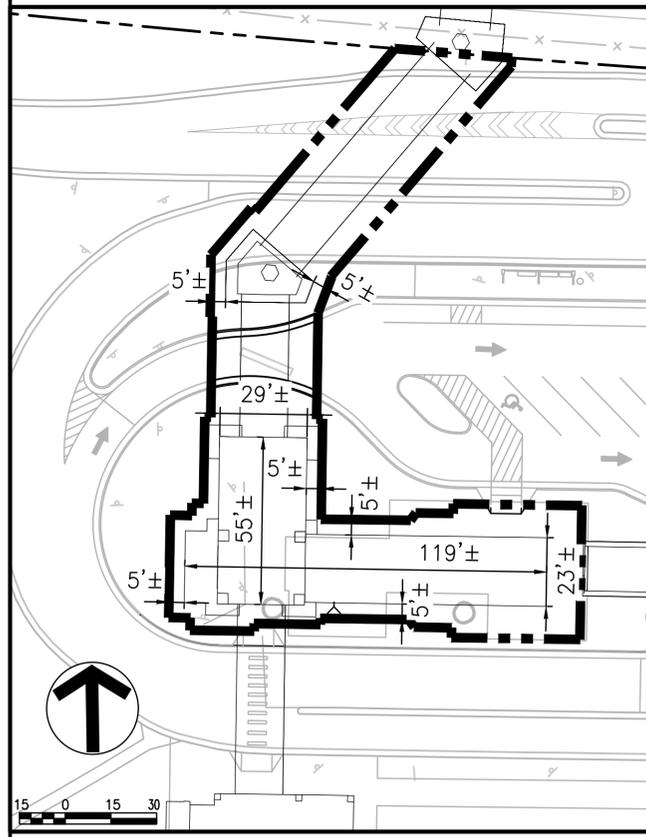
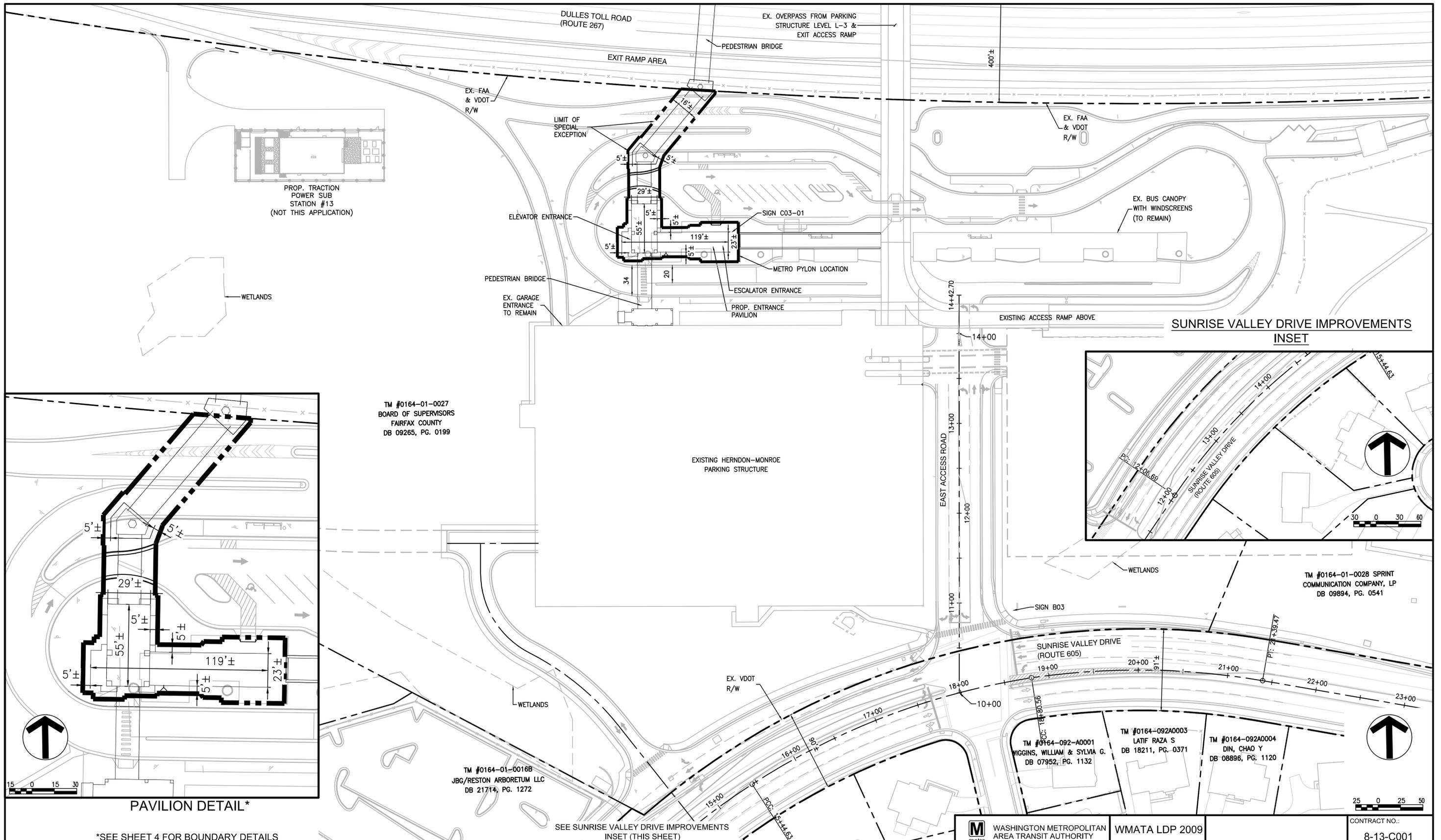
Dewberry
8401 ARLINGTON BLVD. FAIRFAX, VA 22031
703-849-0100

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
WMATA LDP 2009
CONTRACT NO.: 8-13-C001

DGS PROJECT IDENTIFICATION CODE: EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAT
HERNDON STATION - SOUTH
EXISTING CONDITIONS AND SPECIAL EXCEPTION BOUNDARY DETAIL

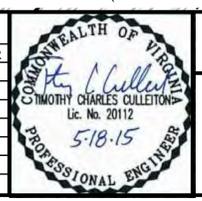
DULLES CORRIDOR METRORAIL PROJECT

SCALE: 1"=50'
DRAWING NO.: N08-SE-004S
SHEET 4 OF 9



*SEE SHEET 4 FOR BOUNDARY DETAILS

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS					
NO	DATE	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR
0	11/2014	M. CADMAN	0	02/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
1	11/2014	D. TUCKER	1	04/17/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
2	11/2014	J. VEGA	2	05/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
	11/2014	T. CULLEITON							



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Capital Rail Constructors
198 Van Buren St. Suite 250, Herndon, Virginia 20170

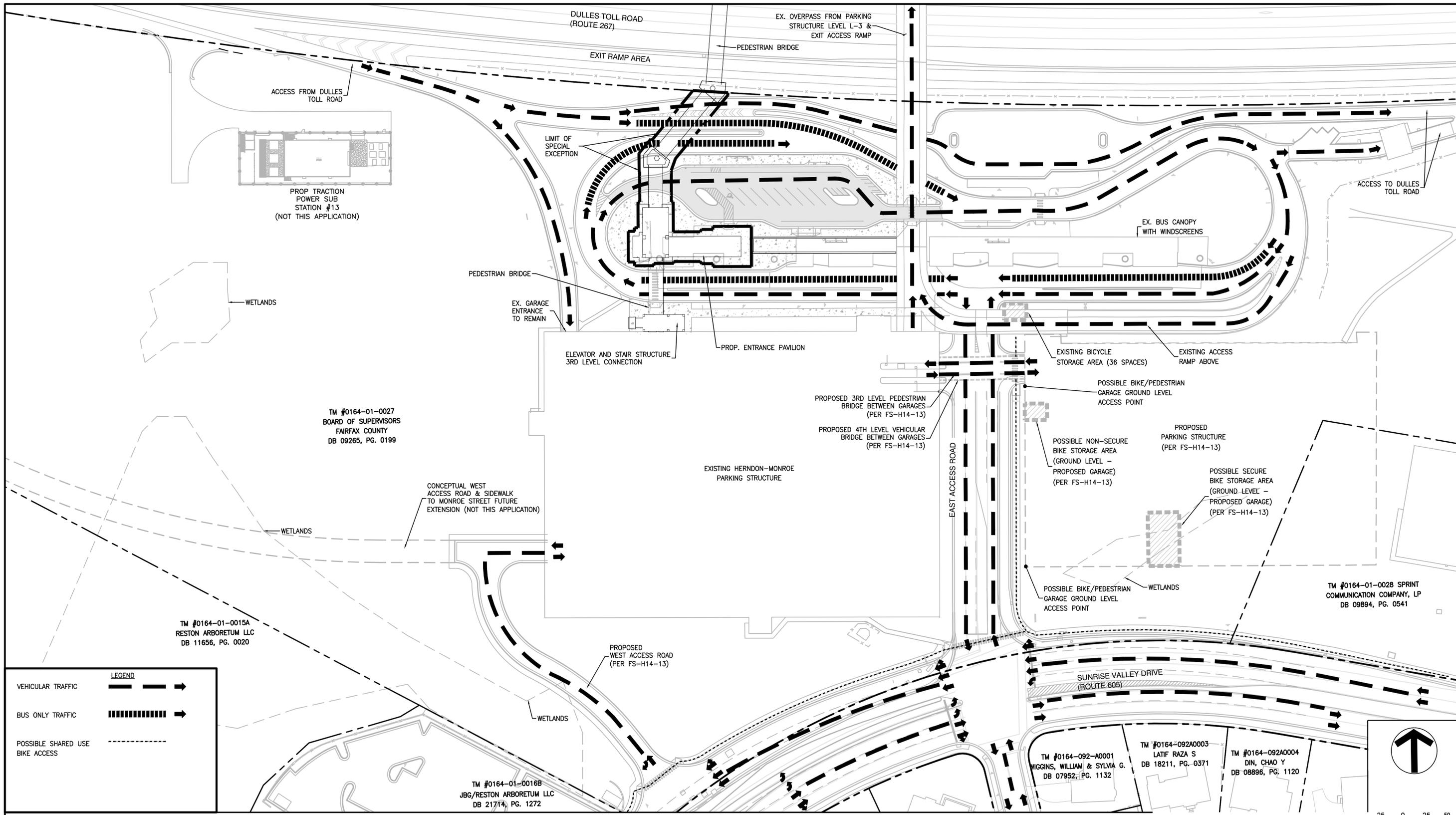
Dewberry
8401 ARLINGTON BLVD. FAIRFAX, VA 22031
703-649-0100

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DGS PROJECT IDENTIFICATION CODE: WMATA LDP 2009

CONTRACT NO.: 8-13-C001

**EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAT
HERNDON STATION - SOUTH
SPECIAL EXCEPTION PLAT**

SCALE: 1"=50'
DRAWING NO.: N08-SE-005S
SHEET 5 OF 9



LEGEND

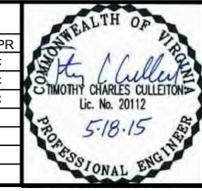
VEHICULAR TRAFFIC

BUS ONLY TRAFFIC

POSSIBLE SHARED USE BIKE ACCESS



ORIGINATORS		REFERENCE DRAWINGS		REVISIONS						
DATE	NAME	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR
11/2014	M. CADMAN			0	02/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	D. TUCKER			1	04/17/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	J. VEGA			2	05/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	T. CULLEITON									



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

DGS PROJECT IDENTIFICATION CODE:

WMATA LDP 2009

CONTRACT NO.: 8-13-C001

EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT

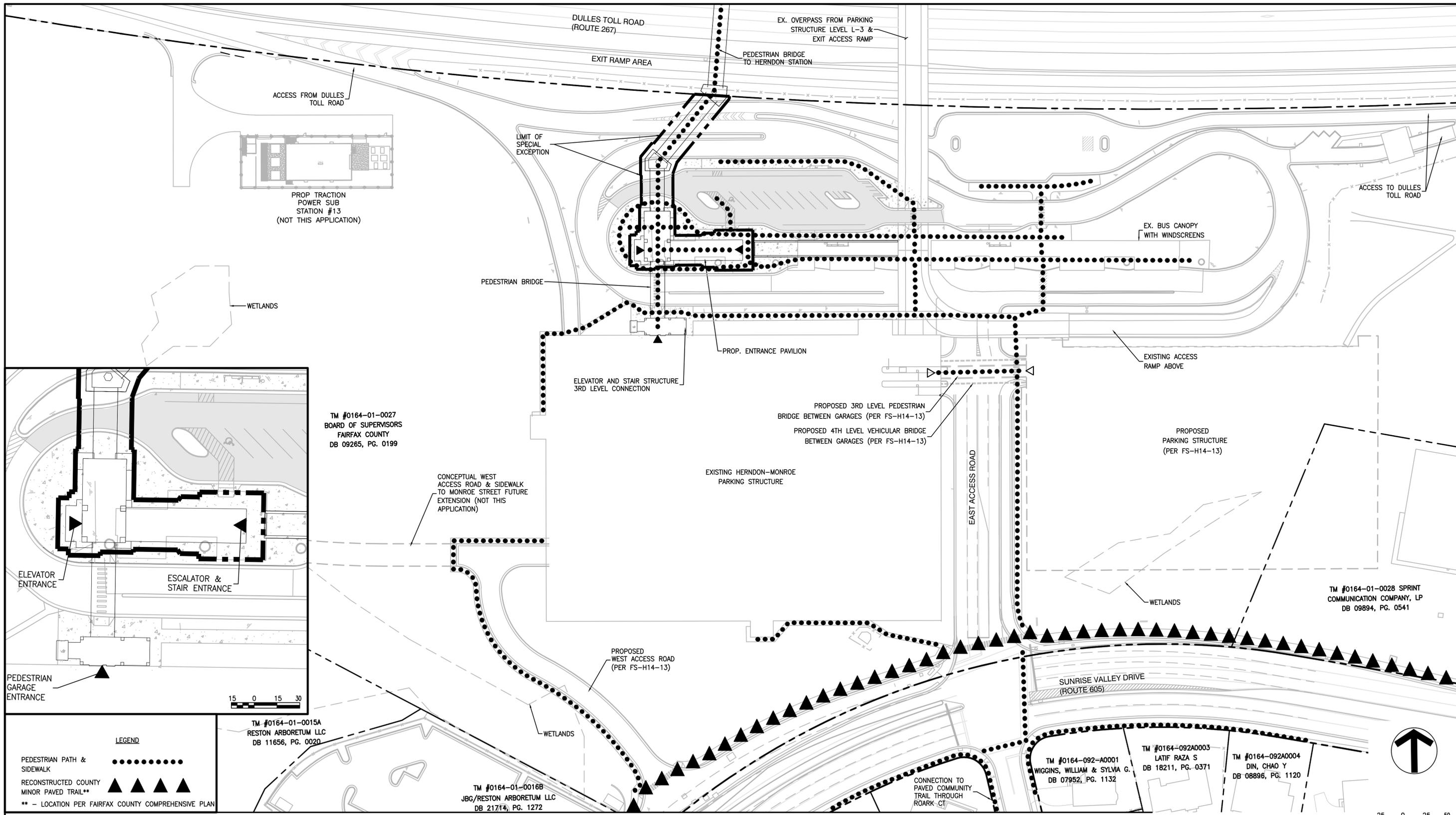
HERNDON STATION - SOUTH VEHICULAR & BICYCLE CIRCULATION PLAN

SCALE: 1"=50'

DRAWING NO.: N08-SE-006S

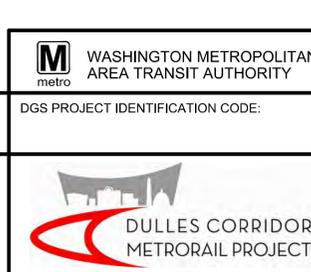
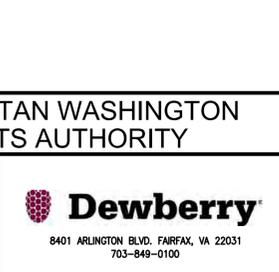
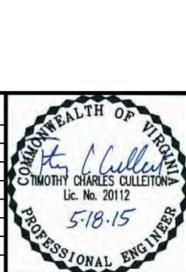
SHEET 6 OF 9

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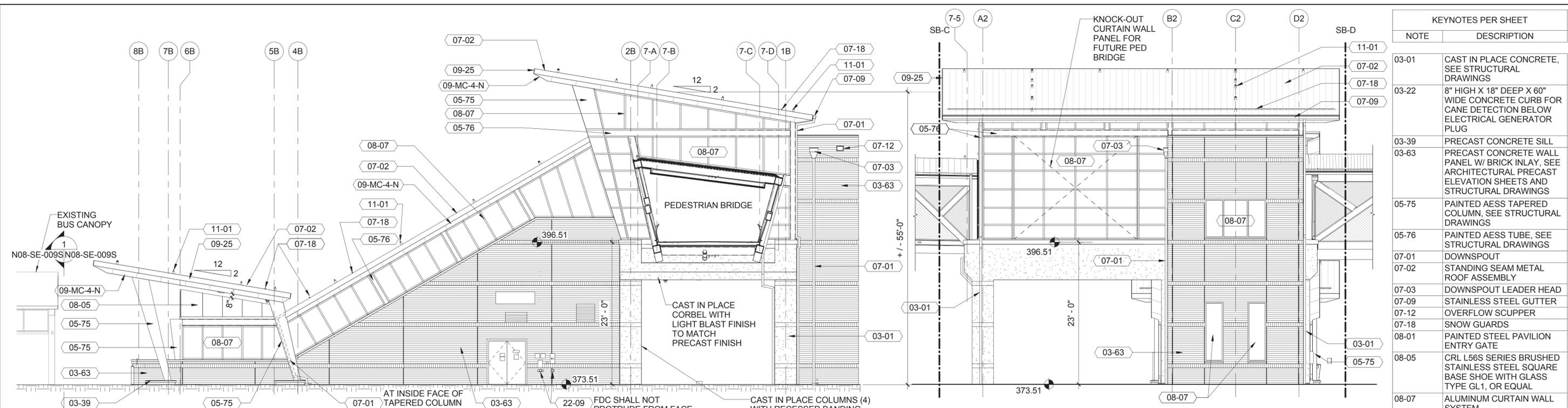


ORIGINATORS	
M. CADMAN	11/2014
D. TUCKER	11/2014
J. VEGA	11/2014
T. CULLEITON	11/2014

REFERENCE DRAWINGS		REVISIONS						
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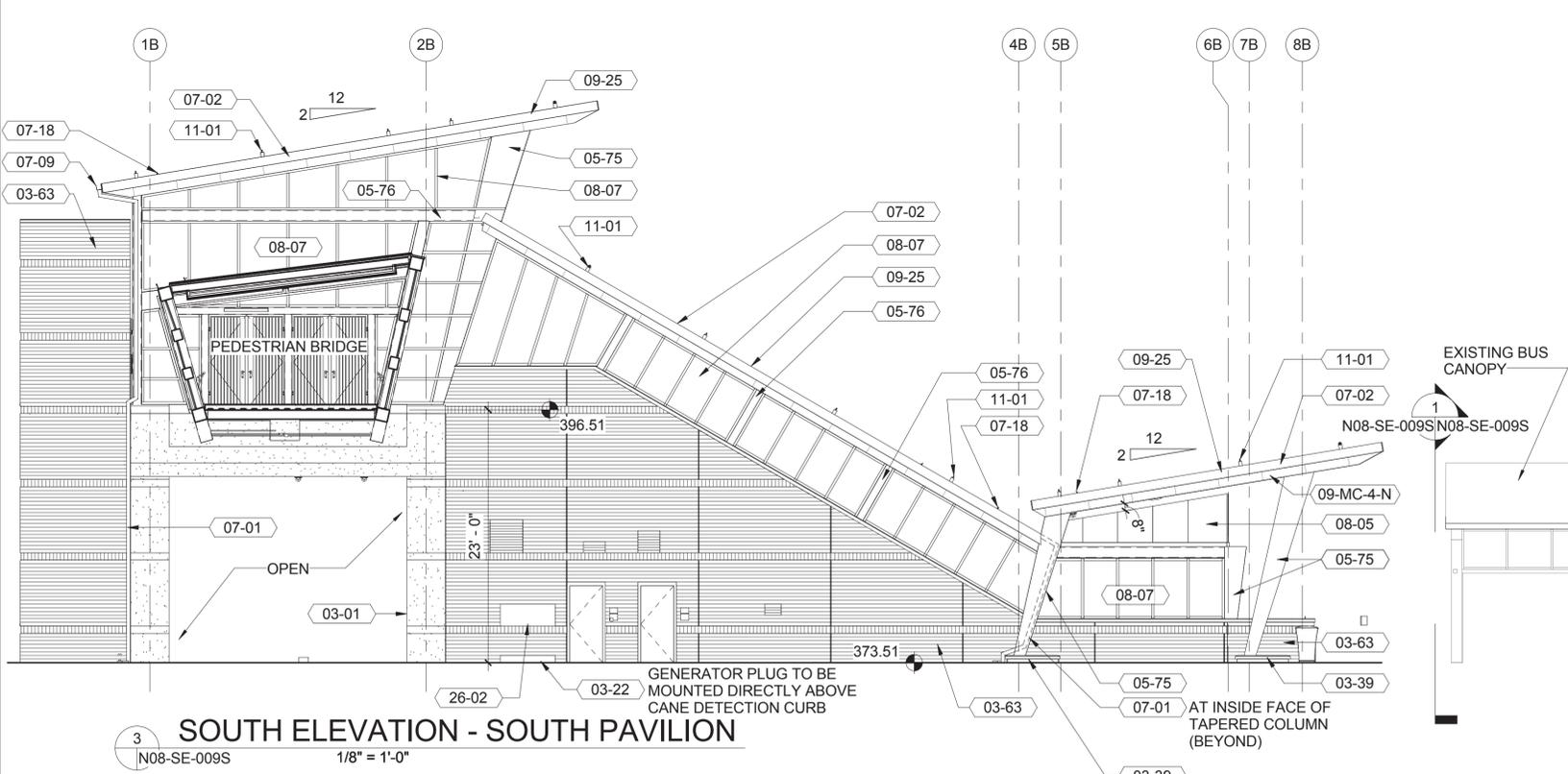
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY	WMATA LDP 2009	CONTRACT NO.: 8-13-C001
EXTENSION TO DULLES AIRPORT / ROUTE 772		
SPECIAL EXCEPTION PLAT		
HERNDON STATION - SOUTH		
PEDESTRIAN CIRCULATION PLAN		
SCALE: 1"=50'	DRAWING NO.: N08-SE-007S	SHEET 7 OF 9



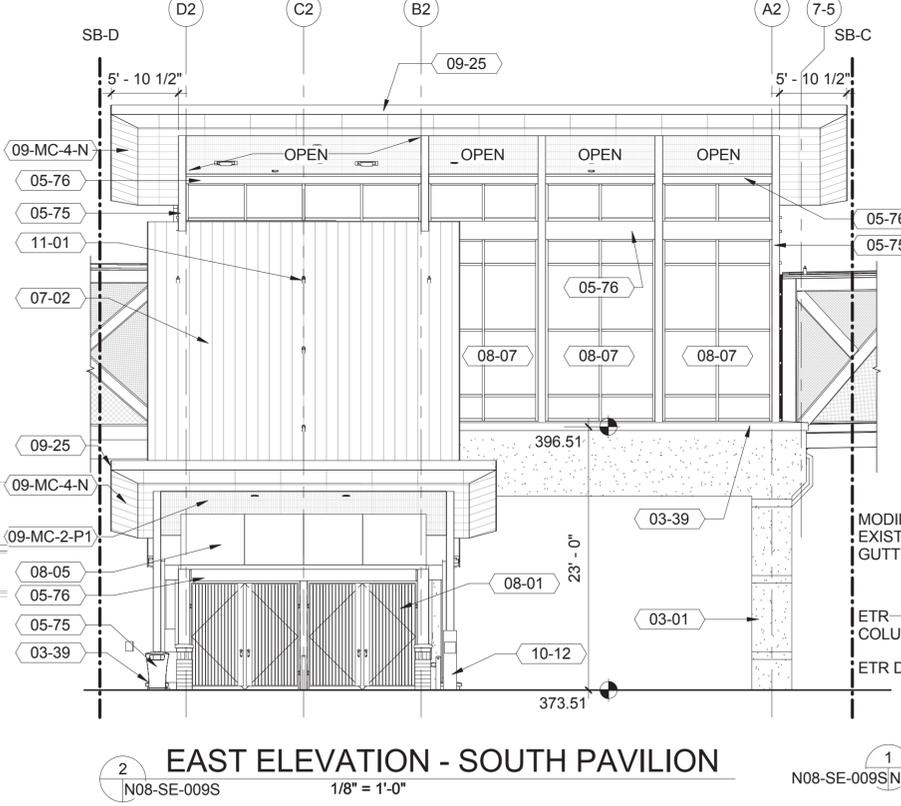
KEYNOTES PER SHEET	
NOTE	DESCRIPTION
03-01	CAST IN PLACE CONCRETE, SEE STRUCTURAL DRAWINGS
03-22	8" HIGH X 18" DEEP X 60" WIDE CONCRETE CURB FOR CANE DETECTION BELOW ELECTRICAL GENERATOR PLUG
03-39	PRECAST CONCRETE SILL
03-63	PRECAST CONCRETE WALL PANEL W/ BRICK INLAY, SEE ARCHITECTURAL PRECAST ELEVATION SHEETS AND STRUCTURAL DRAWINGS
05-75	PAINTED AESS TAPERED COLUMN, SEE STRUCTURAL DRAWINGS
05-76	PAINTED AESS TUBE, SEE STRUCTURAL DRAWINGS
07-01	DOWNSPOUT
07-02	STANDING SEAM METAL ROOF ASSEMBLY
07-03	DOWNSPOUT LEADER HEAD
07-09	STAINLESS STEEL GUTTER
07-12	OVERFLOW SCUPPER
07-18	SNOW GUARDS
08-01	PAINTED STEEL PAVILION ENTRY GATE
08-05	CRL L56S SERIES BRUSHED STAINLESS STEEL SQUARE BASE SHOE WITH GLASS TYPE GL1, OR EQUAL
08-07	ALUMINUM CURTAIN WALL SYSTEM
09-25	METAL FASCIA
09-MC-2-P1	METAL CEILING PANEL TYPE MC-2 MODULAR ALUMINUM PANEL WITH SD-13 PERFORATION
09-MC-4-N	METAL CEILING PANEL TYPE MC-4 MODULAR/SOFFIT ALUMINUM PANEL NONPERFORATED
10-12	SIGN AND SUPPORTS, SEE SIGNAGE DRAWINGS (TYP)
11-01	FALL PROTECTION SYSTEM
22-09	WALL HYDRANT, SEE PLUMBING DRAWINGS
26-02	ELECTRICAL EQUIPMENT, SEE ELECTRICAL DRAWINGS

5 NORTH ELEVATION - SOUTH PAVILION
N08-SE-009S 1/8" = 1'-0"

4 WEST ELEVATION - SOUTH PAVILION
N08-SE-009S 1/8" = 1'-0"



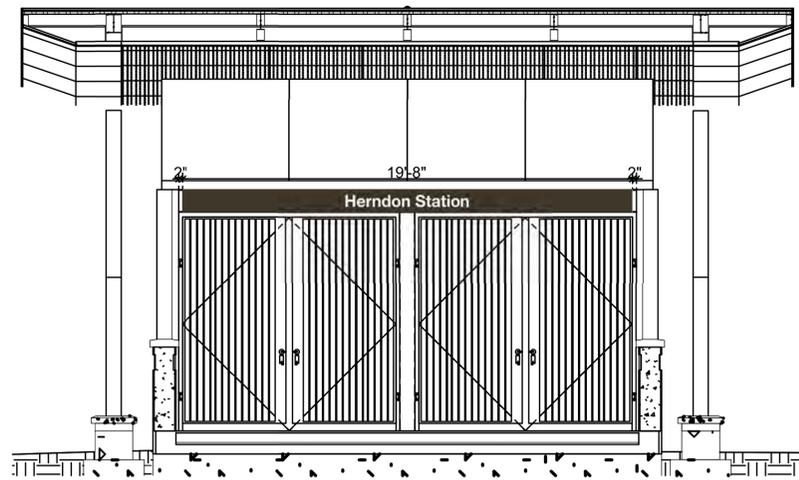
3 SOUTH ELEVATION - SOUTH PAVILION
N08-SE-009S 1/8" = 1'-0"



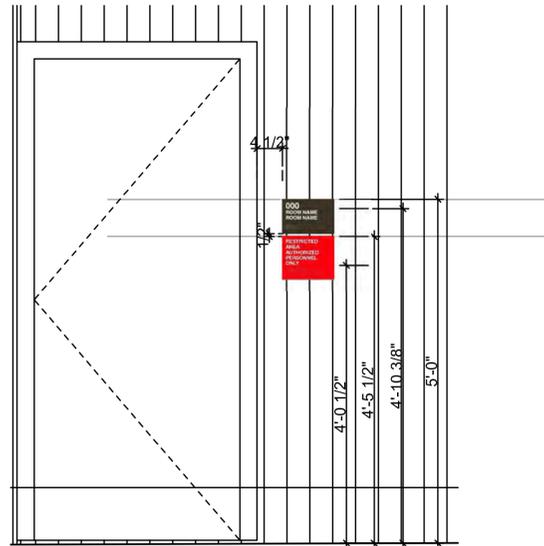
2 EAST ELEVATION - SOUTH PAVILION
N08-SE-009S 1/8" = 1'-0"

1 EXIST. BUS CANOPY
N08-SE-009S/N08-SE-009S 1/8" = 1'-0"

ORIGINATORS R. EIMER 11/12/14 C. TOATLEY 11/12/14 M. FEIJOO 11/12/14 M. SCOTT 11/12/14		REFERENCE DRAWINGS NUMBER DESCRIPTION NO. DATE DESCRIPTION		REVISIONS NO. DATE DESCRIPTION ORIG CHKR SUPV APPR						METROPOLITAN WASHINGTON AIRPORTS AUTHORITY 				WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DGS PROJECT IDENTIFICATION CODE:		WMATA LDP 2009		CONTRACT NO.: 8-13-C001	
EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT HERNDON STATION - SOUTH PAVILION ELEVATIONS										SCALE: 1/8" = 1'-0"		DRAWING NO.: N08-SE-008S		SHEET 8 OF 9					



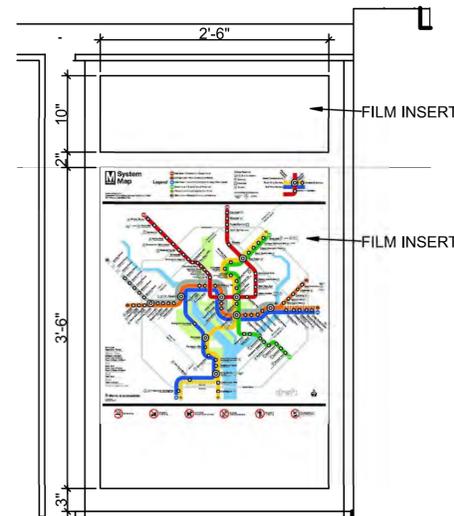
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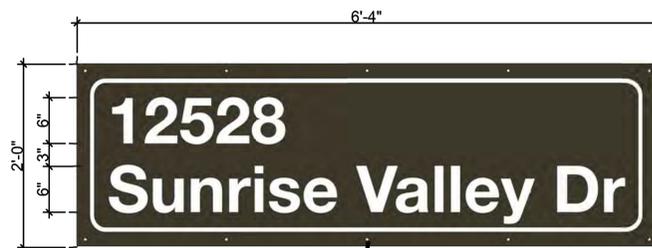
3 SIGN TYPES 44 & 2A ELEVATION



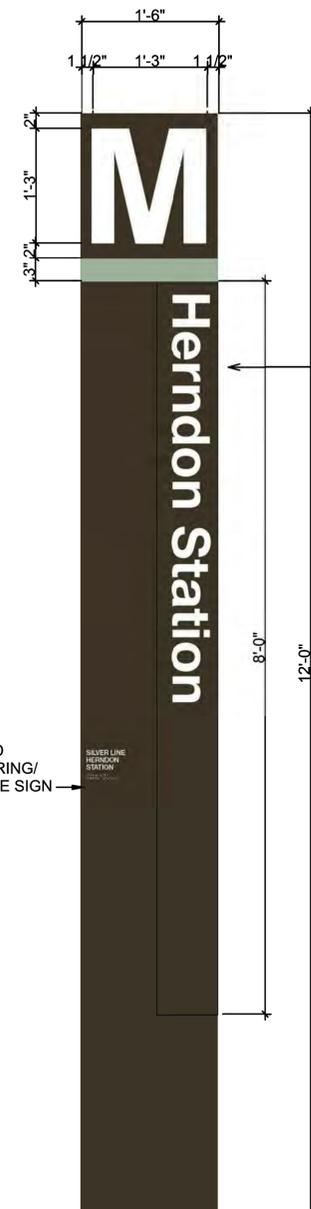
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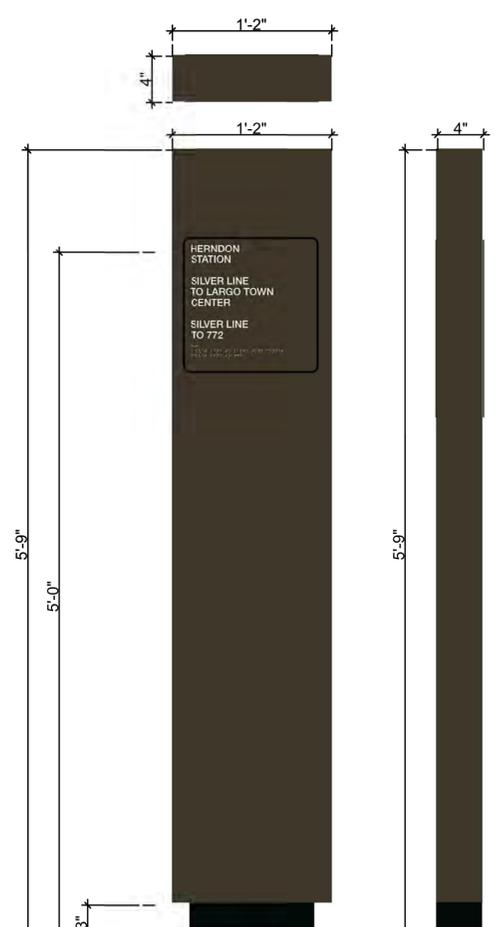
4 SIGN TYPE C02-04 IN BUS SHELTER
1" = 1'-0"



5 SIGN TYPE 3A
1" = 1'-0"



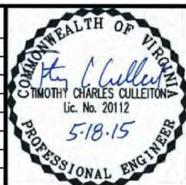
6 METRO PYLON SIGN TYPE A02
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7 SIGN TYPE C03-01
1 1/2" = 1'-0"

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY WDMATA LDP 2009		CONTRACT NO.: 8-13-C001	
DGS PROJECT IDENTIFICATION CODE:		EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT HERNDON STATION - SOUTH SIGNAGE DETAILS	
SCALE: AS NOTED		DRAWING NO.: N08-SE-009S	
SHEET 9 OF 9		METROPOLITAN WASHINGTON AIRPORTS AUTHORITY Capital Rail Constructors 198 Van Buren St. Suite 250, Herndon, Virginia 20170 Dewberry 8401 ARLINGTON BLVD. FARMAX, VA 22031 703-849-0100 DULLES CORRIDOR METRORAIL PROJECT	

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS						
DATE	NAME	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR
11/2014	M. CADMAN			0	02/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	D. TUCKER	1		1	04/17/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	J. VEGA	2		2	05/18/2015	SPECIAL EXCEPTION SUBMISSION	DT	JV	JV	TC
11/2014	T. CULLEITON									



DESCRIPTION OF THE APPLICATIONS

The applicants, Metropolitan Washington Airports Authority (MWAA) and the Virginia Department of Rail and Public Transportation (VDRPT) on behalf of the Washington Metropolitan Area Transit Authority (WMATA), request special exception (SE) approval to permit electrically-powered regional rail transit facilities at the County-owned Herndon-Monroe Park-and-Ride facility. The applicants also filed an application for a 2232 Public Facility Review Determination for review by the Planning Commission to determine whether the proposed electrically-powered regional rail transit facilities satisfies the criteria of location, character, and extent pursuant to Section 15-2.2232 of the Code of Virginia, as amended, and therefore, may be determined to be in substantial conformance with the Comprehensive Plan.

The Herndon-Monroe Park-and-Ride facility is adjacent to the future Herndon transit station located in the median of the Dulles International Airport Access Highway (DIAAH) and Dulles Toll Road (DTR). The Herndon transit station is part of Phase 2 of the Dulles Corridor Silver Line Metrorail Extension Project. The electrically-powered regional rail transit facilities consist of the southern entrance pavilion to the Herndon transit station and an elevated pedestrian walkway that connects the southern entrance pavilion to the Herndon transit station, as shown in Figure 1. The SE area is limited to these two facilities since they will be owned and operated by WMATA. The SE does not include the Herndon transit station and pedestrian bridge over the DIAAH/DTR since they are located in the median and over the DIAAH/DTR, a Federal right-of-way. The northern entrance pavilion to the transit station is located in the Town of Herndon and is not part of these applications.

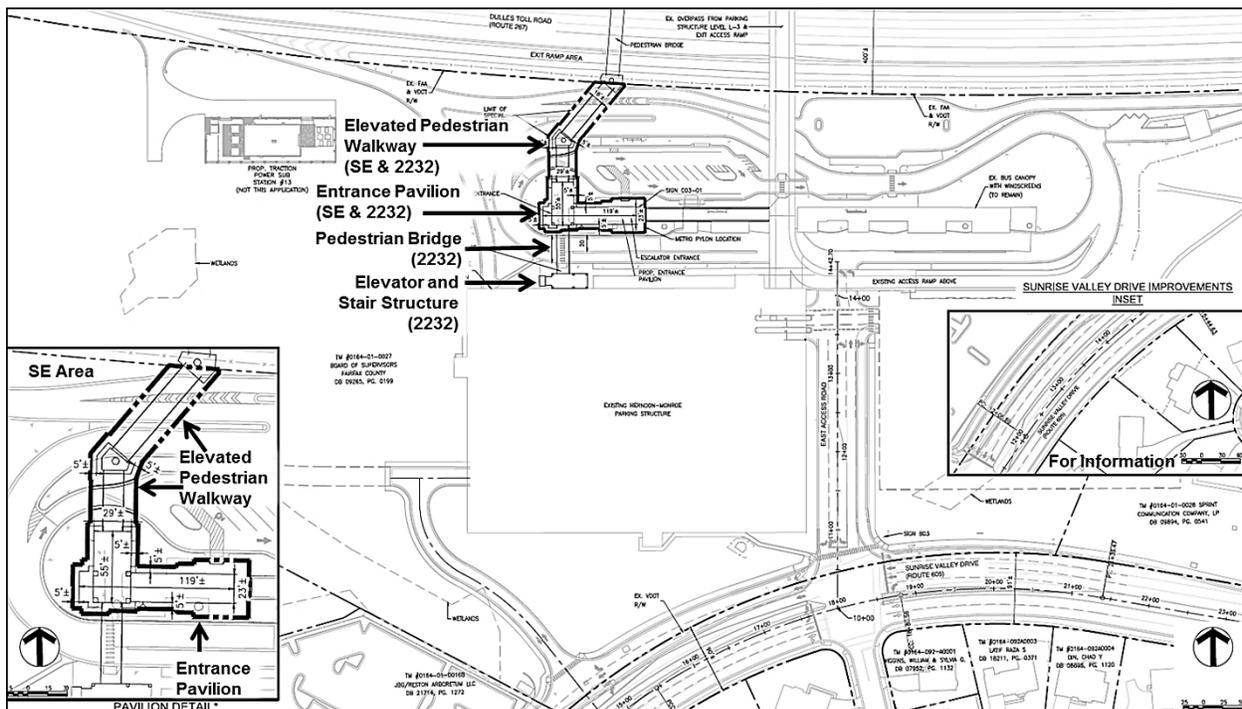


Figure 1: SE and 2232 areas, Source: SE Plat, Sheet 5

The 2232 application area includes the SE area (southern entrance pavilion and elevated pedestrian walkway); a pedestrian bridge to connect the southern entrance pavilion to the third level of the existing parking structure; and an elevator and stair structure at the existing parking garage, as shown in Figure 1. Since the pedestrian bridge, elevator, and stair structure will be owned and maintained by the County and not WMATA, they are not included in the SE application.

The entrance pavilion will be operated by a station manager with additional employees during each employee shift. The hours of operation are from 5:00 a.m. - 12:00 a.m. Sunday through Thursday and 7:00 a.m. - 3:00 a.m. Friday and Saturday, which also are the hours of operations for the entire transit system. The number of employees includes a full-time station manager and additional employees present at various times to perform maintenance tasks, security, and operations assistance.

No waivers or modifications are being requested with the SE application. A copy of the staff proposed development conditions, the applicants' statement of justification, and affidavit are provided as Appendices 1-3, respectively.

LOCATION AND CHARACTER

The subject property consists of 27.36 acres, zoned I-4, and is developed with the County-owned Herndon-Monroe Park-and-Ride facility. The park-and-ride facility consists of a four-story parking structure, surface parking, bus bays, and bicycle lockers and racks. A new six-story, 1,950 space parking garage is planned to replace existing surface parking. Access to the site is provided from Sunrise Valley Drive and from the DIAAH/DTR.

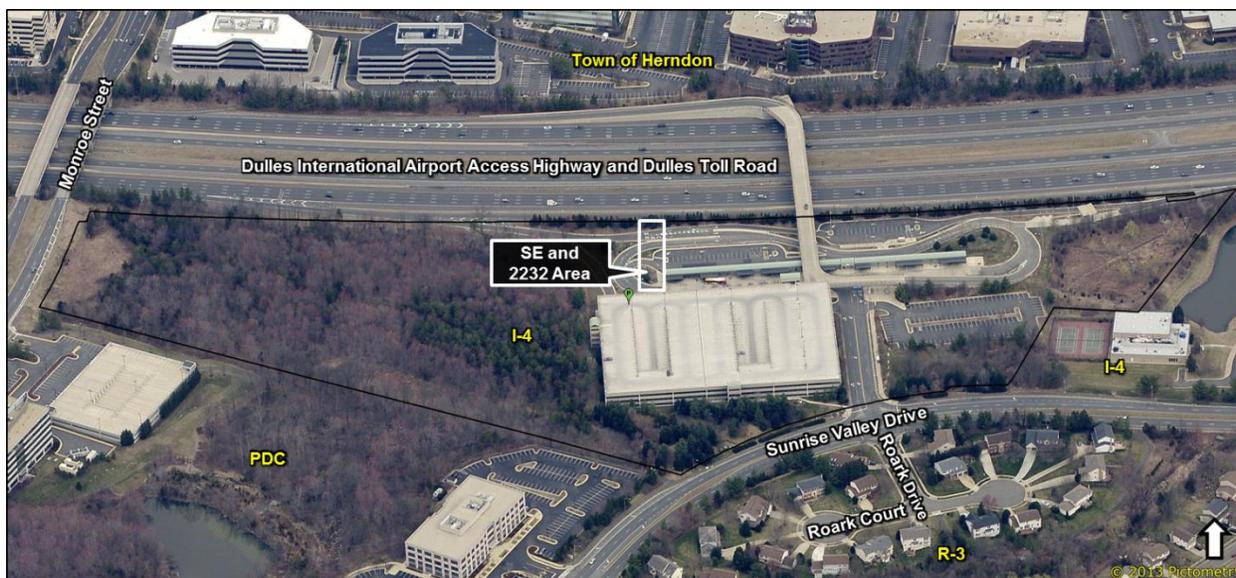


Figure 2: Subject property and surrounding area, Source: Fairfax County Pictometry

The subject property is located north of the Roark Drive and the Polo Fields subdivision, which is zoned R-3, Residential Three Dwelling Units per Acre; northeast of property zoned PDC, Planned Development Commercial District; east of Monroe Street; south of the future Herndon transit station and the Town of Herndon; and west of a commercial office building zoned I-4, Medium Intensity Industrial District, as shown in Figure 2.

The SE area is located in the northern portion of the property directly north of the Herndon-Monroe parking structure and south of the DIAAH/DTR. To the west will be the traction power substation for the transit station and to the east is the existing bus loop.

BACKGROUND

On December 7, 2006, the Planning Commission held a public hearing on 2232-MD06-10 for the extension of Metrorail through Tysons and the Dulles Corridor and on January 18, 2007, the Planning Commission determined that the location, character, and extent of the proposed Metrorail extension and ancillary power and stormwater management facilities, excluding the rail passenger stations, was substantially in accord with the provisions of the Comprehensive Plan pursuant to Section 15-2.2232 of the Code of Virginia, as amended.

On July 19, 2007, a Cooperative Agreement was executed between MWAA and the County relating to the construction of the Metrorail in the Dulles Airport Corridor and Article 2 of the Cooperative Agreement discusses the responsibilities between MWAA, the State, and County with regard to land use and construction permitting approvals. Such approvals include special exception and site plan, building permit, and stormwater management. It is noted that while the Virginia Department of Conservation and Resources (DCR) was identified in the Cooperative Agreement as the reviewing and approving agency for stormwater management and erosion and sediment control, during the 2013 Virginia Legislative session, the General Assembly passed Chapters 756 (HB 2048) and 793 (SB 1279) of the Virginia Acts of Assembly in which the Department of Environmental Quality (DEQ) assumed responsibility from DCR for the Virginia Stormwater Management Act, Virginia Erosion and Sediment Control Act, and Chesapeake Bay Preservation Act. A copy of the Cooperative Agreement is provided as Appendix 4.

On June 12, 2014, the Planning Commission concurred with the staff determination in FS-H14-13, Herndon Transit Station (Herndon-Monroe) Park-and-Ride, that a new parking structure located adjacent to the existing parking structure at the Herndon-Monroe Park-and-Ride facility is substantially in accord with the recommendations of the adopted Comprehensive Plan and should be considered a “feature shown” pursuant to Section 15-2.2232 of the Code of Virginia, as amended.

A copy of the staff reports associated the above-referenced 2232 and feature shown applications are available in the Planning Division in the Department of Planning and Zoning in the Herrity Building, 12055 Government Center Parkway, Suite 701, Fairfax.

COMPREHENSIVE PLAN

Fairfax County Comprehensive Plan, 2013 Edition Area III, Upper Potomac Planning District, amended through December 2, 2014, Reston Transit Station Areas, provides guidance on the transit station areas in Reston and is excerpted as part of the staff memorandum in Appendix 5; as well as, excerpts of the Policy Plan guidance. The site specific guidance is provided on pages 132 and 134 and is provided below.

Herndon Station Transit-Oriented Development (TOD) District

...Existing development in the district is a combination of low rise suburban office buildings with surface parking and mid-rise office buildings with structured parking. The Herndon Park-and-Ride facility is located adjacent to the planned transit station platform. The four-level county-owned and operated transit center (for Fairfax Connector bus service) and park-and-ride facility has 1,700 spaces and will be expanded to provide 3,500 spaces for Metro parking. The Sunrise Valley Park Wildlife Habitat and Nature Preserve is an approximately 14 acre man-made publicly accessible wetland area in the district with a notable diversity of wildlife and a boardwalk facility that crosses the wetland. In addition, there is an approximately 21 acre vacant parcel in the northeastern corner of the Woodland Park mixed-use development along Monroe Street.

SPECIAL EXCEPTION (SE) PLAT ANALYSIS

The SE Plat entitled “Herndon Station - South” was prepared by Dewberry and consists of nine sheets dated November 2014, and revised through May 18, 2015, and is reviewed below.

Site Layout

The southern entrance pavilion to the Herndon transit station is located north of the existing Herndon-Monroe parking structure and south of the DIAAH/DTR, as shown in Figure 1. The two westernmost bus bays within the existing bus loop will be relocated for the development of the southern entrance pavilion.

On the north side of the entrance pavilion is the elevated pedestrian walkway that connects the entrance pavilion to the Herndon transit station via a pedestrian bridge located over the DIAAH/DTR. The entrance pavilion consists of an escalator entrance located on the east side of the pavilion and an elevator entrance on the western side of

the pavilion. As part of the 2232 application and shown in the SE Plat for informational purposes, is a pedestrian bridge that connects the entrance pavilion to a new elevator and stair structure at the existing parking structure. The entrance pavilion and elevated pedestrian walkway are proposed to be similar to those at the Wiehle-Reston East station and to the other existing Silver Line transit stations, as shown in Figure 3.



Figure 3: Entrance Pavillion and elevated pedestrian walkway at the Wiehle-Reston East station,
Source: Applicants' photograph

Vehicular and Pedestrian Circulation

Sheet 6 of the SE Plat illustrates the existing and proposed on-site and off-site vehicular and bicycle circulation plan to show how vehicles and buses circulate throughout the site. Vehicular circulation is shown for vehicles and bus-only traffic and for bicycle access. Sheet 7 of the SE Plat illustrates the existing and proposed on-site and off-site pedestrian circulation plan to show how pedestrians will access the site and the entrance pavilion. As noted on both sheets and for illustrative purposes, the applicants included future improvements to vehicular, bicycle, and pedestrian circulation that are outside the scope of the application area, but are part of a larger improvement project planned at the subject property and includes the construction of a second parking structure. The future site improvements are intended to support the future Herndon transit station and enhance access to the southern entrance pavilion.

Elevations and Architecture

The southern entrance pavilion is shown to be constructed of cast-in-place concrete; precast concrete wall panels with brick inlay; painted architectural exposed structural steel; an aluminum curtain wall; and shatterproof safety glass with a standing seam metal roof. The entrance gate will be painted steel and located on the east side of the entrance pavilion. The entrance pavilion architecture is proposed to be similar to that of the Wiehle-Reston East station and to the other existing stations along the Silver Line, as shown in Figure 4.



Figure 4: Entrance pavilion architecture and building materials from the Wiehle-Reston East station,
Source: SE Plat, Sheet 2

Landscaping

As indicated in Note 16 of Sheet 2 of the SE Plat, landscaping for the southern entrance pavilion is provided on the Public Facilities Plan associated with 2232-H15-7 and consists of a total of 25 Category I-IV trees located in the parking lot.

Stormwater Management

Stormwater management will be addressed as part of a larger stormwater management plan for Phase 2 of the Dulles Corridor Silver Line Metrorail Extension Project and will be reviewed by DEQ, as discussed in the Background section of this report. Stormwater management will be in accordance with the Virginia Stormwater Management Program Regulations, the Virginia Runoff Reduction Method, and Best Management Practices.

ANALYSIS

Land Use and 2232-H15-7 Review (Appendix 5)

With the special exception application, the applicants filed a concurrent 2232 Public Facility Review Determination, which is required for electrically-powered regional rail transit facilities located on County-owned property. Section 15.2-2232 of the Code of Virginia, as amended, requires the Planning Commission to determine whether the general or approximate location, character, and extent of the proposed electrically-powered regional rail transit facilities are substantially in accord with the adopted Comprehensive Plan. As previously noted, the electrically-powered regional rail transit facilities consist of a southern entrance pavilion, an elevated pedestrian walkway, a pedestrian bridge, and an elevator and stair structure that will be part of the existing parking structure.

The application area is located in the Comprehensive Plan's Area III, Upper Potomac Planning District, Reston Transit Station Areas, and Herndon Transit Oriented Development District and was reviewed against relevant sections of the referenced Comprehensive Plan guidance. In addition, the application was reviewed against Countywide Objectives in the Public Facilities section of the Policy Plan of the Comprehensive Plan. The staff memorandum for 2232-H15-7, excerpts of relevant Comprehensive Plan guidance, and the 2232 application are provided as Appendix 5. The following is staff's analysis of the 2232 application.

Location: The electrically-powered regional rail transit facilities (southern entrance pavilion and related structures) are proposed at the existing County-owned Herndon-Monroe Park-and-Ride facility. The location for these facilities and the Herndon transit station were determined as part of the Final Environmental Impact Statement, which was completed in 2004 and included public engagement opportunities. The park-and-ride facility, with a future expansion for additional parking for Metrorail parking, is identified and supported in the Comprehensive Plan. The location of the southern entrance pavilion at the park-and-ride facility is compatible with the existing use, which is being expanded to support the transit station.

The southern entrance pavilion and related structures are in conformance with Objective 1 of the Public Facilities Section of the Policy Plan, which states "[l]ocate new facilities to provide convenient service to the greatest number of people or service consumers and users." The southern entrance pavilion and related structures are conveniently located at the existing park-and-ride facility, which provides local and express bus service to connect to Metrorail. The entrance pavilion and related structures will provide convenient access and service to an area with an established transit ridership and will eliminate the need to transfer from bus to Metrorail once the transit station opens. Collocation at the park-and-ride facility will increase mobility, reduce vehicular dependency, and spur economic development, in accordance with Objectives 3, to "[b]alance the provision of public facilities with growth and development."

In accordance with Objective 4 to “[m]itigate the impact of public facilities on adjacent planned and existing land uses,” the southern entrance pavilion and related structures are located internal to the site and the visual impact of the facilities is buffered by the existing four-story parking structure from residential development located across Sunrise Valley Drive. Additional site improvements outside of the scope of the 2232 application area are planned to reduce the impact of the transit facility on adjacent uses. The site improvements include a second parking structure to replace existing surface parking; improvements to vehicular, bicycle, and pedestrian circulation; an additional site entrance; and an additional entry lane into the site.

While Objective 5 states “[a]cquire sites which are appropriate for the facility's specific purpose,” no additional land acquisition is needed for the southern entrance pavilion and related structures since sufficient space is available at the park-and-ride facility.

Character. The subject property is planned for public facilities, governmental, and institutional uses and developed with the Herndon-Monroe Park-and-Ride facility, which provides local and express Fairfax Connector and Metro bus service. The park-and-ride facility consists of a total of 1,745 parking spaces located in a four-story parking structure and in surface parking areas; passenger drop-off and pick-up areas; and bus bays, as shown in Figure 1. The southern entrance pavilion and related structures are transportation related facilities similar to those developed on the subject property and are compatible with the character of the current and planned use of the property.

Components of the southern entrance pavilion include elevators, escalators, and stairs while the area around the entrance pavilion will feature seating, lighting, bicycle storage, and landscaping intended to create visual appeal and will strengthen the compatibility with the park-and-ride facility. The character and design of the southern entrance pavilion and elevated walkway will be similar to the building materials and architecture of the existing transit stations along the Silver Line, as shown in Figure 4. This will create a visual landmark that identifies the facility as part of the Silver Line transit stations. The design of the proposed pedestrian bridge, stair structure, and elevator will be coordinated to be compatible with the existing parking structure. Wayfinding signage will be identifiable to other Silver Line stations in order to provide recognizable images that assist in creating a safe and convenient experience for users of the station.

Extent. The southern entrance pavilion and related structures will be part of the Herndon transit station, which will be the seventh station on the Silver Line and part of the larger Washington metropolitan area transit system serving Virginia, Maryland, and Washington D.C.

A Section 106 Review under the National Historic Preservation Act of 1966 was required as part of the larger Metrorail extension project. The applicants have been providing a Section 106 Annual Activities Report to the Park Authority, which summarizes archaeological and historic preservation activities executed during each calendar year.

Noise studies for the Metrorail extension were conducted as part of the Final Environmental Impact Statement (FEIS), which was completed in 2004, and identified no adverse impacts that required further mitigation. An air quality assessment also was undertaken during the FEIS process and found no adverse long-term impacts to regional air quality from the Metrorail extension project.

Transportation (Appendix 6)

Staff did not identify a transportation impact with the proposed southern entrance pavilion and related structures. The applicants revised Sheet 7 to address staff's comment to clearly distinguish the difference between sidewalks, ramps, general pathways, and grade differences. The Virginia Department of Transportation reviewed the application and indicated that they do not object to the application.

Urban Forest Management (Appendix 7)

Staff recommended planting Category III or IV trees in the parking lot; in particular, species with an upright arching form would be best suited to shade the paved surfaces and would avoid conflicts with vehicles. The applicants addressed staff's recommendation in the 2232 Public Facilities Plan and proposes to provide red maple and willow oak trees for parking lot landscaping.

Park Authority (Appendix 8)

Staff noted that since the proposed use is part of a Federally funded Metrorail project, it triggers a review under Section 106 of the National Historic Preservation Act and requires an archaeological survey under the guidance of the Virginia Department of Historic Resources. The applicants have been providing a Section 106 Annual Activities Report to the Park Authority as part of the Dulles Corridor Metrorail Project's executed Section 106 Memorandum of Agreement. The most recent annual report dated January 14, 2015, was submitted to Cultural Resources Management and Protection Branch in the Park Authority, and summarizes historic preservation activities executed during calendar year 2014. There are no significant archaeological or historic preservation activities at the subject property or within the SE area.

ZONING ORDINANCE PROVISIONS

Staff review of the applicable Zoning Ordinance provisions is based on Sect. 9-006 of the Zoning Ordinance, General Standards, which provides that all such uses shall satisfy the general standards for special exception uses. In addition to the general special exception standards, special exception uses have to satisfy specific use standards. The proposed electrically-powered regional rail transit facilities are a Category 4 special exception use and the following is an analysis of the use standards.

Standards for all Category 4 Uses (Sect. 9-404)

In addition to the general standards set forth in Sect. 006 above, all Category 4 special exception uses shall satisfy the following standards:

Standard 1: 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.

Electrically-powered regional rail transit facilities are proposed and as indicated in the standard are exempt from complying with the bulk regulations.

Standard 2: 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.

No rooftop surface or touchdown pad is proposed with the use. This standard is not applicable.

Standard 3: Except in the I-6 District, all maintenance, repair and mechanical work, except that of an emergency nature, shall be performed in enclosed buildings.

Maintenance, repair, and mechanical work on trains are not proposed at this location.

Standard 4: 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.

The proposed southern entrance pavilion and elevated pedestrian walkway are located interior to the site and are not anticipated to seriously affect adjacent residential areas, particularly with respect to noise levels. Any noise generated is subject to Federal and State noise regulations and the County's Noise Standards. A noise impact study for the Metrorail project was conducted as part of the Final Environmental Impact Statement, which concluded that noise will not exceed the Federal Transit Administration, WMATA, or County regulations during the Metrorail operation.

Standard 5: Except for elevated helistops, no area used by aircraft under its own power shall be located within a distance of 200 feet from any lot line. Elevated helistops shall be located in accordance with the bulk regulations of the zoning district in which located.

The application does not include areas for use by aircraft; this standard is not applicable.

Standard 6: All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.

The application does not include areas for use by aircraft; this standard is not applicable.

Standard 7: Except for elevated helistops, all areas used by aircraft under its own power shall be surrounded by a chain link fence, not less than six (6) feet in height, with suitable gates to effectively control access to such areas. Access to the landing area of an elevated helistop shall be through limited access points.

The application does not include areas for use by aircraft; this standard is not applicable.

Standard 8: 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.

The proposed electrically-powered regional rail transit facilities that will be owned and operated by WMATA (southern entrance pavilion and elevated pedestrian walkway) will be established in accordance with the provisions of the Cooperative Agreement between MWAA on behalf of WMATA and the County, a copy of the Agreement is provided as Appendix 4. All other structures will be subject to Article 17.

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

Additional Standard 1: Electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located.

Pursuant to the additional standard, electrically-powered regional rail transit facilities do not have to comply with the minimum lot size requirements of the I-4 District.

Additional Standard 2: 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.

A parking structure is not proposed with this application.

General Standards (Sect. 9-006)

In addition to the standards for all Category 4 uses, all proposed special exception uses also need to satisfy the following special exception general standards. The following provides an analysis of the general standards.

General Standard 1: The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

The site is planned for public facilities, governmental, and institutional uses and is developed with the Herndon-Monroe Park-and-Ride facility, which is intended to provide parking to support the Herndon transit station. The park-and-ride facility with a future expansion for additional parking for Metrorail parking is identified and supported in the Comprehensive Plan. The location of the southern entrance pavilion and associated elevated pedestrian walkway at the park-and-ride facility is compatible and in harmony with the existing use and the Comprehensive Plan.

General Standard 2: The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The proposed use is located in the I-4 District and the purpose and intent of the district is to provide areas for scientific research, development and training, offices, manufacture and assembly of products, and related supply activities. Category 4 transportation facilities include electrically-powered regional rail transit facilities, which are permitted in the I-4 District with special exception approval. With the proposed development conditions, the use is in harmony with the general purpose and intent of the I-4 District.

General Standard 3: The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

The location, size, and height of the southern entrance pavilion and the elevated pedestrian walkway are not subject to the bulk regulations as indicated in Standard 1 for Category 4 SE uses. The southern entrance pavilion and elevated pedestrian walkway are located internal to the site and collocated with the Herndon-Monroe Park-and-Ride facility. The location was previously determined as part of the Final Environmental Impact Statement, which was completed in 2004 and included several public engagement opportunities. Landscaping will be provided around the pavilion and pedestrian walkways; a landscape plan is provided as part of the public facilities plan associated with 2232-H15-7. As previously discussed, additional site improvements are planned to support the southern entrance pavilion and the Herndon transit station and are outside the scope of the application. With the proposed development conditions the development is not anticipated to hinder or to discourage development and use of adjacent or nearby land and/or buildings or impair the value thereof.

General Standard 4: The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

On Sheets 6 and 7 of the SE Plat, the vehicular/bicycle circulation plan and the pedestrian circulation plan are provided. The vehicular circulation plan distinguishes vehicular traffic from bus-only traffic. Existing improvements such as sidewalks and striped crosswalks already exist and will serve the entrance pavilion. As noted on the circulation sheets and as previously discussed, additional site improvements are planned outside of the scope of the application area to further enhance pedestrian and vehicular access to the entrance pavilion. Pedestrian and vehicular traffic associated with the use are not anticipated to be hazardous or conflict with the existing and anticipated traffic in the vicinity with multiple modes of transportation encouraged and additional facilities are planned to support such modes.

General Standard 5: In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.

Landscaping will be provided around the pavilion and pedestrian walkways and is shown on the Public Facilities Plan associated with 2232-H15-7 and as indicated in Note 16 on the SE Plat.

General Standard 6: Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

In the I-4 District, 15 percent of the gross area is required to be landscaped open space. The application is part of a larger area that exceeds the landscaped open space requirement.

General Standard 7: Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

The application is part of a larger area where adequate utility, drainage, and parking will be provided. As previously discussed, stormwater management and drainage will be reviewed by DEQ.

General Standard 8: Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

Sheet 9 of the SE Plat provides signage that is typical of and consistent with most WMATA system-wide Metrorail stations.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The Herndon-Monroe Park-and-Ride facility provides an appropriate location for the southern entrance pavilion to the Herndon transit station. Planning for rail in the Dulles Corridor occurred over several decades and the location of the transit station is identified and supported in the Comprehensive Plan. Staff finds that the electrically-powered regional rail transit facilities satisfies the criteria of location, character, and extent as specified in Section 15.2-2232 of the Code of Virginia, as amended. The proposed use is in harmony with the Comprehensive Plan and in conformance with applicable Zoning Ordinance provisions with staff's proposed development conditions.

Recommendations

Staff recommends that the Planning Commission find that the electrically-powered regional rail transit facilities proposed under 2232-H15-7 satisfies the criteria of location, character, and extent, as specified in Section 15-2.2232 of the Code of Virginia, as amended, and is substantially in accord with the Comprehensive Plan.

Staff recommends approval of SE 2015-HM-006, subject to the approval of the proposed development conditions contained in Appendix 1 of the staff report.

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

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

APPENDICES

1. Proposed Development Conditions
2. Statement of Justification
3. Affidavit
4. Cooperative Agreement
5. 2232-H15-7 Review and Application
6. Transportation Memo
7. Urban Forest Management Memo
8. Park Authority Memo
9. Glossary

PROPOSED DEVELOPMENT CONDITIONS**SE 2015-HM-006****July 8, 2015**

If it is the intent of the Board of Supervisors to approve SE 2015-HM-006 located at 12530 Sunrise Valley Drive (Tax Map 16-4 ((1)) 27pt.) for electrically-powered regional rail transit facilities pursuant to Sects. 5-404 and 9-405 of the Fairfax County Zoning Ordinance, the staff recommends that the Board of Supervisors condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. A copy of the development conditions approved by the Board of Supervisors shall be included in all relevant plans, as determined by the Department of General Services (DGS) and/or the Metropolitan Washington Airports Authority (MWAA).
4. Certification from DGS and/or MWAA 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. Stormwater management plans shall be reviewed and approved by the Department of Environmental Quality (DEQ), which assumed responsibility from the Virginia Department of Conservation and Resources for the Virginia Stormwater Management Act, Virginia Erosion and Sediment Control Act, and Chesapeake Bay Preservation Act and shall also be based on the Cooperative Agreement dated July 19, 2007 between the County and the Metropolitan Washington Airports Authority. The stricter of the state or Fairfax County standards shall be applied by the State reviewing authority.
6. Erosion and Sediment control plans shall be implemented as determined by DEQ. The stricter of the state or Fairfax County standards shall be applied by the state reviewing authority.

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 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 (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

DULLES CORRIDOR METRORAIL PROJECT
Special Exception Application for the Herndon Silver Line Rail Station
South Entrance Pavilion
STATEMENT OF JUSTIFICATION
February 10, 2015

DESCRIPTION OF THE SPECIAL EXCEPTION REQUEST

The southern entrance to the Herndon Silver Line Metro Line Station will be located outside the right-of-way of the Dulles Airport Access Road/Dulles Toll Road (Rt. 267) (“DAAR/DTR”) on the 27.35 acre county owned Herndon-Monroe Park & Ride transit facility property. Fairfax County will retain ownership and operation of this site, except for the Metrorail station entrance pavilion and its pedestrian sky-walk to the parking garage and the Metrorail station. These facilities will be owned and operated by the Washington Metropolitan Area Transit Authority (WMATA) after their acceptance into the Metrorail regional system. The total special exception area shown on the special exception plat comprises 0.52 acres of the 27.35 acres of I-4 zoned land. The south entrance pavilion and elevated pedestrian walkways are considered to be a part of the electrically-powered regionally railed transit facilities under the Zoning Ordinance. Any portion of these facilities which are located outside of the DAAR/DTR federally- owned right-of-way are deemed to be a *Category 4 Special Exception Use*, pursuant to Section 2-517 of the Zoning Ordinance. The area of this special exception application is limited to encompass only those facilities which will be owned and operated by WMATA. The remaining County-owned public facilities have been or will be allowed through 2232 *public facility determinations, or feature shown* determinations as approved by the Planning Commission.

BACKGROUND AND OVERVIEW

Rapid transit in the Dulles Corridor was first explored in the 1950’s during planning for the Dulles International Airport (“the Airport”). Consistently, studies over the years concluded that rail was one of the primary long-term solutions to accommodate anticipated significant population and employment growth, as well as the planned growth of the Airport. The Dulles Toll Road was never intended to be a final solution to the mobility needs of the region. Specific transit alternatives were evaluated in the *Dulles Corridor Rapid Transit Project Draft Environmental Impact Statement*, which was published in June 2002 by the Commonwealth of Virginia, in partnership with WMATA and the Federal Transit Administration (“FTA”). The environmental, transportation, social, and economic impacts of this rail transit extension, including the location of the Herndon station south entrance proposed in this SE application, were analyzed in the Supplemental, Final and Amended Final Environmental Impact Statements, conducted between 2003 to 2006. In 2004, the Virginia Commonwealth Transportation Board, WMATA, the Metropolitan Washington Airports Authority, (“Airports Authority”), the Loudoun Board of Supervisors and the Fairfax County Board of Supervisors (“the Fairfax Board”), all agreed to adopt a 23 mile extension of Metrorail from the West Falls Church station, through

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Department of Planning & Zoning

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Zoning Evaluation Division

Tysons and Reston, to eastern Loudoun County, as the *Locally Preferred Alternative* transit solution.

This *Locally Preferred Alternative*, including a track alignment in the median, the station locations, and the necessary ancillary facilities (including 18 wayside facilities in Fairfax County – 14 Traction Power Substations, 3 tie breaker stations, and 1 train control room) were evaluated in great detail in the *Final Environmental Impact Statement* (“FEIS”). Impacts to known archaeological and historic architectural resources were assessed and compliance with the National Historic Preservation Act of 1966 was confirmed. No adverse impacts to historic resources were revealed at any of the proposed stations, including the Herndon station. Parapet walls beside the tracks and the location of the rail line within the center median of the DAAR/DTR right-of-way was found to reduce brake and wheel noise to acceptable levels.

In 2005, the FTA issued a *Record of Decision* approving the environmental review process for the Silver Line extension of Metrorail from the West Falls Church Orange Line Station through Tysons, Reston, Herndon and Dulles Airport, terminating in Loudoun County. The November 2006 *Amended Record of Decision* (“ROD”) concluded that the Dulles Corridor Metrorail Project met the requirements of the National Environmental Policy Act of 1969 (NEPA), and confirmed that the *Locally Preferred Alternative* for the transit project, as described in the *FEIS*, was supported by the FTA.

In 2006, the Virginia Department of Rail and Public Transportation (“DRPT”) submitted Application 2232-MD06-10 to Fairfax County, seeking approval to extend Metrorail through Tysons, Reston and western Fairfax County, as proposed in the *Locally Preferred Alternative* and in the *FEIS*. That 2232 application included the rail track alignment, as well as ancillary tie breaker stations, train control rooms, traction power substations and stormwater management facilities. However, the individual rail stations were not included within the scope of that first application. It was noted in the staff report that the passenger stations would be subject to separate 2232 and Special Exception (SE) approvals by Fairfax County. On January 18, 2007, the Planning Commission found Application 2232-MD06-10 to be substantially in accord with the provisions of the adopted Comprehensive Plan with regard to the Metrorail Extension Project’s location, character and extent.

On June 14, 2007, the Commonwealth of Virginia, the Airports Authority, WMATA and Fairfax County reached an agreement regarding the intergovernmental cooperation and permitting necessary to design and construct the Metrorail Silver Line extension through Fairfax County. This agreement confirmed that 2232 and SE applications would be required for the Silver Line station facilities located outside of the DAAR/DTR. On February 18, 2009, the Planning Commission found the five Silver Line “phase 1” rail station 2232 applications to be substantially in accord with the provisions of the adopted Comprehensive Plan. Those applications were numbered 2232-P08-10, 2232-P08-11, 2232-MD08-12, 2232-MD08-13 and 2232-H08-14. The Fairfax Board approved the companion SE applications soon thereafter.

Pursuant to the June 14, 2007 Agreement, stormwater management for the Dulles Corridor Metrorail Project Phase 2 has been designed system wide, following the applicable requirements that are specified in Part II-B (Technical Criteria for Regulated Land-Disturbing Activities) of

the current Virginia Stormwater Management Program (VSMP) Regulations. The proposed stormwater management approach is subject to Virginia Department of Environmental Quality (DEQ) review and approval.

Compliance with the water quality design criteria has been determined utilizing the Virginia Runoff Reduction Method. The water quality requirements of this project will be addressed as a whole, since the project drains to multiple watersheds and outfalls. The portion of the project located in Fairfax County is within the Difficult Run, Sugarland Run and Horsepen Run watersheds. The value of existing stormwater credits has been evaluated separately from the overall project. The use of existing credits provides considerable benefit to reducing the number and size of proposed stormwater facilities and addressing the water quality requirements. Even with this holistic approach, however, additional stormwater management Best Management Practices (BMPs) are needed throughout the corridor to meet the more stringent requirements.

The project utilizes a variety of BMPs approved for use to effectively reduce the phosphorus load and runoff volume in accordance with the Virginia Runoff Reduction Method. BMP's employed in Fairfax County as part of the Phase 2 project include the following:

- Bioretention Facilities
- Dry Swales
- Extended Detention Ponds
- Filtering Practices
- Constructed Wetlands

Water quantity requirements are addressed utilizing DEQ's Virginia Stormwater Management Handbook, 2nd edition, 2013, chapter 11 for determination of adequate outfall criteria. DEQ developed their guidance from 9VAC25-870-66 water quantity which is part of Part II-B of 9VAC25-870-10 Virginia Stormwater Management Program regulations. Water quantity criteria has been divided into two categories under Part II-B criteria, channel protection and flood protection, which set requirements for erosion control, runoff volume and channel capacity. These requirements are broken into multiple situations which depend on the type of stormwater conveyance system and existing flood conditions.

On February 14, 2014, the Comprehensive Plan for the Dulles Suburban Center area was amended by the Fairfax Board in a manner which shows the specific platform locations of three of the four Silver Line transit rail stations within the Dulles Toll Road corridor (Wiehle-Reston East, Reston Town Center and Herndon). This section of the Plan text was relabeled "Reston Transit Station Areas Plan," in recognition of the importance of these three Metrorail stations (and their entrances) to the Plan recommendations.

THE PROPOSED USE

The Airports Authority and DRPT, on behalf of WMATA, propose to construct some of the Silver Line's electrically-powered regional rail transit facilities and ancillary components on County-owned property located at 12530 Sunrise Valley Drive (known as the Herndon-Monroe Park-and-Ride Transit Center), as part of Phase 2 of the Dulles Corridor Silver Line Metrorail

Extension Project. This proposal is consistent with the earlier *Locally Preferred Alternative* and *FEIS*.

The facilities in this proposed application are shown on the Special Exception Plat, titled Herndon Station-South prepared by Dewberry Consultants LLC, last revised February 10, 2015 and containing 10 sheets (the "SE Plat"). The scope of this application is limited to the establishment of the entrance pavilion and an elevated pedestrian walkway (connecting the entrance pavilion to both the Herndon rail transit station within the median of the Dulles Airport Access Road and to the county-owned commuter parking garage currently located on the premises). Other transit-related improvements which are planned to be constructed on this County-owned property have already been approved through other 2232 *Public Facility* or *Feature Shown* determinations. Thus, the parking garage expansion, the enhanced access roads, the additional turn lanes, the additional bicycle storage areas, and the realigned bus transfer areas are not included within the scope of this SE application. They are already planned and approved. The station entrance pavilion/pedestrian bridge and TPSS #13 (which is the subject of a separate 2232 application) are the only transit-related facilities on this site which will not be owned and operated by the County. They will be owned and operated by WMATA.

The Herndon station, located in the median of the DAAR/DTR, will be the seventh transit station stop available to passengers traveling west from the East Falls Church Station on the Silver Line. The station will feature an at-grade platform and elevated mezzanine. There will be entrance pavilions located on the north and south sides of the federally-owned right of way. Elevated pedestrian bridges will cross the DAAR/DTR right of way to connect the station with the entrance pavilions.

- Type of Operation: Electrically-powered regional rail transit facility.
- Hours of Operation: Opening 5:00 a.m. weekdays, 7:00 a.m. weekends, closing 12 a.m. Sun – Thurs., 3:00 a.m. Fri. – Sat.
- Daily Patronage: The Dulles Corridor Silver Line Metrorail extension daily ridership is projected to be over 83,000 average weekday riders in 2019, when it becomes fully operational.
- Proposed number of employees: One employee (the station manager) assigned full time per shift, with additional employees present at various times to perform maintenance tasks, provide security and conduct operations assistance. The area will be monitored by both WMATA and county police.
- Vicinity of area to be served by the Herndon Station south entrance: Reston, Sully and Chantilly/Fair Lakes areas.
- Description of building and façade: The station and the south entrance pavilion will be coordinated in their design with that of the other Silver Line stations. This design meets WMATA's criteria for character and quality that is appropriate for public transit

facilities. Elevations, renderings and section drawings for the south entrance pavilion and its elevated pedestrian walkways are provided on sheets 2 and 9 of the SE Plat.

- Listing of Hazardous or Toxic Substances on site: WMATA Metrorail station entrances and skywalks do not generate hazardous waste, although there are a number of industrial products that are used in their operation and maintenance. These products include (but are not limited to) paints and associated paint solvents, oils and lubricants. WMATA manages these products and associated waste in accordance with all state and federal laws. Electrically-powered rail systems have significantly less adverse environmental impact than diesel rail systems or gasoline-powered individual vehicles.
- Components and features – Elevated pedestrian bridge(s) will connect entrance pavilion(s) to an elevated station mezzanine for safe pedestrian passage over roads. This station entrance pavilion will have elevators, escalators, and stairs connecting all levels, seating, lighting, nearby County-operated bicycle storage and vehicle parking garages, and landscaping (using drought-and disease-resistant plants). These will provide a convenient, pleasant, and safe experience for pedestrians and encourage use of the Metrorail system. Signage will be consistent with existing stations and is shown on sheet 5 (identifying their location) and sheet 10 (showing their design) of the SE Plat. Signage at the Herndon South Pavilion Area will be coordinated with the existing bus operation to ensure appropriate wayfinding. WMATA’s “Art in Transit” program will display public art in the stations. Art in the Herndon Station will be integrated into the pedestrian bridge between the station and its north and south entrance pavilions.

1. THE PROPOSED USE IS IN HARMONY WITH THE COMPREHENSIVE PLAN

The February 14, 2014 amendments to the adopted Comprehensive Plan (Area III, Upper Potomac Planning District, Reston Transit Station Areas, Land Unit C-2) specifically locate the Herndon rail station and its southern entrance pavilion area. The Station’s integration with the County-owned and operated Herndon-Monroe Transit Park-and-Ride facility located at 12530 Sunrise Valley Drive is referenced throughout the Reston Transit Station Areas text and figures (Figures 2, 3, 4, 5, 6, 24 & 36). Moreover, the land use designations within the three Reston Transit Station Areas (TSAs) are dependent on the location of the rail transit station entrance pavilions. For example, the Herndon South entrance pavilion location is a feature shown on the land use and transportation maps. The location of this feature supports the specific boundaries of the land use designations within the Herndon Station Transit-Oriented Development (TOD) district. This southern entrance pavilion to the Herndon Station specifically supports the more intense development potential defined by the boundary of the transit station “mixed use” land use category. The Herndon Station is specifically located so that the planned mixed use and high intensity/density areas recommended in the Plan are within a one-quarter mile walk to the station platform. The less intense development planned within a one-half mile walk to the station platform is also predicated on the Southern access to the Silver Line rail extension being constructed on this County-owned parcel.

This application and its SE Plat are directly supported by the recommendations contained in the adopted Comprehensive Plan. In fact, implementation of the Plan recommendations in the future is dependent on approval of this SE application. More generally, the “public transportation” section of the Plan states:

“The introduction of Metrorail service along the Dulles Airport Access Road and Dulles Toll Road (DAAR, Route 267) is a key component to providing increased mobility and reducing vehicle dependency for employees and residents in the three TSAs. Focusing the highest density development, especially new office development, around the Metrorail stations is vital to promote the use of mass transit and achieving the vision for these TSAs.”

In addition, the Transportation Section of the Policy Plan contains many references to the need to reduce reliance on the automobile in Fairfax County by supporting an extension of the Metrorail system in the Dulles Corridor.

The location, character and extent of the Herndon Station-South entrance pavilion and its elevated pedestrian walkway have not changed since the *Locally Preferred Alternative* was selected and its *FEIS* approved. Their location on the County-owned site has been coordinated with the Fairfax County Department of Transportation Planning Division and will not interfere with the future intense mixed-use development or the enhanced “grid of streets,” which are envisioned in the Comprehensive Plan for the remainder of the County-owned land.

2. **THE PROPOSED USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE I-4 ZONING DISTRICT REGULATIONS.**

The I-4 district allows these public facilities.

3. **THE PROPOSED USE IS HARMONIOUS WITH AND WILL NOT ADVERSELY AFFECT THE USE OR DEVELOPMENT OF NEIGHBORING PROPERTIES IN ACCORDANCE WITH THE APPLICABLE ZONING DISTRICT REGULATIONS AND THE ADOPTED COMPREHENSIVE PLAN. THE LOCATION, SIZE AND HEIGHT OF BUILDINGS, STRUCTURES, WALLS AND FENCES, AND THE NATURE AND EXTENT OF SCREENING, BUFFERING AND LANDSCAPING SHALL BE SUCH THAT THE USE WILL NOT HINDER OR DISCOURAGE THE APPROPRIATE DEVELOPMENT AND USE OF ADJACENT OR NEARBY LAND AND/OR BUILDINGS OR IMPAIR THE VALUE THEREOF. ALL FACILITIES SHALL BE DESIGNED AND LOCATED SUCH THAT THEIR OPERATION DOES NOT SERIOUSLY AFFECT ADJACENT RESIDENTIAL AREAS, PARTICULARLY WITH RESPECT TO NOISE LEVELS.**

The noise, light, vibration, smell and visual impacts of the proposed Herndon Station – South Entrance Pavilion are no different than those approved for identical facilities in previous SE applications. Visual and light impacts have been minimized. The closest residences are single family homes which are located across Sunrise Valley Drive. The location of the station entrance pavilion is as far from the residences as it can be, and will be completely shielded from these residences by the existing County-owned parking garage.

The noise studies conducted in the *FEIS* identified no adverse impacts requiring further mitigation. An air quality assessment was also undertaken during the *FEIS* process. This assessment found no adverse long-term impacts to regional air quality from the Metrorail extension project. To the contrary, electrically-powered rail transit was (and is) universally regarded as having a positive impact on air quality by reducing the use of individual gasoline and diesel powered vehicles.

4. **PEDESTRIAN AND VEHICULAR TRAFFIC ASSOCIATED WITH SUCH USE WILL NOT BE HAZARDOUS OR CONFLICT WITH THE EXISTING AND ANTICIPATED TRAFFIC IN THE NEIGHBORHOOD.**

Multi-modal access to the south entrance pavilion will be conveniently available. Pedestrian activated signals, crosswalks, trails, sidewalks and vehicle turn lanes will be provided. Construction of a future “grid of streets” connection to Monroe Street will further enhance multi-modal access.

5. **LANDSCAPING AND SCREENING IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 13 OF THE ZONING ORDINANCE IS PROVIDED.**

Transitional screening and barriers are not required.

6. **OPEN SPACE IS TO BE PROVIDED IN AN AMOUNT EQUIVALENT TO THAT SPECIFIED FOR THE I-4 DISTRICT (15%).**

More than 15% open space will be maintained for the County-owned site.

7. **ADDITIONAL STANDARDS FOR ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITIES.**

A. **Electrically-powered regional rail transit facilities shall not have to comply with the minimum lot size requirements of the district in which located.**

The SE area comprises 22,550 square feet, which is greater than the I-4 requirement of 20,000 square feet.

B. **Parking structures associated with electrically-powered regional rail transit facilities shall comply with the bulk regulations of the zoning district in which located.**

The adjacent County-owned parking structures will comply with the I-4 regulations.

ALTERNATIVE SITES CONSIDERED FOR THIS USE

Alternative station sites were considered prior to the *Locally Preferred Alternative* being selected, the *FEIS* being approved and the earlier Fairfax County 2232 *Public Facility*

Determinations being made. Once the location of the Herndon Station was established by these prior actions and by the adoption of the Reston TSA amendments to the adopted Comprehensive Plan, the south entrance pavilion's specific location was determined by three objectives: (1) keep the elevated pedestrian skywalk to the Station as short as possible; (2) minimize the redesign and reconstruction of the existing Herndon-Monroe transit Park-and-Ride facilities; and (3) optimize the ability to directly connect the elevated skywalk to the existing County garage. The proposed location and design shown on the SE Plat meets these three objectives.

CONCLUSION

The proposed Silver line extension of Metrorail and the Herndon Station - South Entrance are both identified in the Transportation Policies section of the Policy Plan, the specific land unit recommendations contained in the Area III Plan, and are shown on the Transportation Map. The proposed Herndon-South entrance pavilion and elevated skywalk connections are in conformance with the Plan, and meet or exceed both the general Special Exception standards and the additional Category 4 standards. Their location, design, character and features are in substantial accord with the Comprehensive Plan.

#2617909v1 Stmt of Justification Herndon South SE - JLM revised clean 2-9-15 080092/000009

SPECIAL EXCEPTION AFFIDAVIT

DATE: 16 June 2015
 (enter date affidavit is notarized)

I, James L. Van Zee, Deputy Dir. of Project Development, MWAA, 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

128616 a

in Application No.(s): SE 2015-HM-006
 (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)
Washington Metropolitan Area Transit Authority (WMATA) Agents: Anabela F. Talaia John D. Thomas Neil E. Nott	600 5th Street, NW, Washington, D.C. 20001	Applicant
Metropolitan Washington Airports Authority (MWAA) Agents: Charles W. Stark Kevin Volbrecht Marcia S. McAllister James L. Van Zee	198 Van Buren Street, Suite 300, Herndon, Virginia 20170	Co-applicant with DRPT on behalf of WMATA
Virginia Department of Rail and Public Transportation (DRPT) Representatives: Phil DeLeon Jennifer L. Mitchell	198 Van Buren Street, Suite 300, Herndon, Virginia 20170	Co-applicant with MWAA on behalf of WMATA

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

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

Special Exception Attachment to Par. 1(a)

DATE: 16 June 2015
 (enter date affidavit is notarized)

128616a

for Application No. (s): SE 2015-HM-006
 (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)
Capital Rail Constructors, a Joint Venture (CRC) Agents: Maleigh G. Nelson Mark K. Blackmon	7500 Old Georgetown Road, Bethesda, Maryland 20814	Engineer/Agent for Applicant
Dewberry Consultants LLC Agents: David J. Mahoney Timothy C. Culleiton	8401 Arlington Boulevard, Fairfax, Virginia 22031	Engineer/Agent for Applicant
Parsons Transportation Group Inc. of Virginia Agent: Eric H. Halvorsen Patrick H. Porzillo	3926 Pender Drive, Suite 100, Fairfax, Virginia 22030	Engineer/Agent for Applicant
Odin, Feldman & Pittleman, P.C. Agents: John L. McBride Noah B. Klein Douglas R. Forno Jo Anne S. Bitner	1775 Wiehle Avenue, Suite 400, Reston, Virginia 20190	Attorney/Agent Attorney/Agent Planner/Agent Attorney/Agent
Fairfax County Board of Supervisors Agent: Edward L. Long, Jr., County Executive	12000 Government Center Parkway, Suite 533, Fairfax, Virginia 22035	Title Owner of Tax Map No. 16-4((1))27

(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: 16 June 2015
(enter date affidavit is notarized)

128616a

for Application No. (s): SE 2015-HM-006
(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) Washington Metropolitan Area Transit Authority (WMATA) 600 5th Street, NW, Washington, D.C. 20001

DESCRIPTION OF CORPORATION: (check one statement)

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

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

WMATA is a governmental entity, not a corporation.

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

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

Special Exception Attachment to Par. 1(b)

DATE: 16 June 2015
(enter date affidavit is notarized)

128666 a

for Application No. (s): SE 2015-HM-006
(enter County-assigned application number (s))

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

Metropolitan Washington Airports Authority (MWAA)
198 Van Buren Street, Suite 300, Herndon, Virginia 20170

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)

MWAA, a public 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 Districts 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.

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

Virginia Department of Rail and Public Transportation (DRPT)
198 Van Buren Street, Suite 300, Herndon, Virginia 20170

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)

DRPT 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: 16 June 2015
(enter date affidavit is notarized)

128666a

for Application No. (s): SE 2015-HM-006
(enter County-assigned application number (s))

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

Dewberry Consultants LLC
8401 Arlington Boulevard, Fairfax, Virginia 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

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

The Dewberry Companies LC
8401 Arlington Boulevard, Fairfax, Virginia 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)

<ul style="list-style-type: none"> Barry K. Dewberry Karen S. Grand Pre Thomas L. Dewberry 	<ul style="list-style-type: none"> The Michael Sidney Dewberry Credit Shelter Trust u/a/d 11/23/2005 f/b/o Michael S. Dewberry II, Katie A. Dewberry, John M. Dewberry and one other minor child
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(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: 16 June 2015
(enter date affidavit is notarized)

128666a

for Application No. (s): SE 2015-HM-006
(enter County-assigned application number (s))

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

Parsons Transportation Group Inc. of Virginia
3926 Pender Drive, Suite 100, Fairfax, Virginia 22030

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)

Thomas P. Spoth
Aykut Urgan
Stephen C. Walter

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

Odin, Feldman & Pittleman, P.C.
1775 Wiehle Avenue, Suite 400, Reston, Virginia 20190

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)

Dexter S. Odin
James B. Pittleman
David E. Feldman

(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: 16 June 2015
(enter date affidavit is notarized)

128616a

for Application No. (s): SE 2015-HM-006
(enter County-assigned application number (s))

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

Clark Construction Group, LLC
7500 Old Georgetown Road, Bethesda, Maryland 20814

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)

Clark Enterprises, Inc. of Virginia
Dan T. Montgomery
Peter C. Forster

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

Clark Enterprises, Inc. of Virginia
7500 Old Georgetown Road, Bethesda, Maryland 20814

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 only shareholder of Clark Enterprises, Inc. with more than 10% interest is the A. James Clark Revocable Trust ("Trust").	The primary beneficiary of the Trust, and the only beneficiary with more than 10% interest in the Trust, is Alice B. Clark.
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(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: 16 June 2015
(enter date affidavit is notarized)

128616a

for Application No. (s): SE 2015-HM-006
(enter County-assigned application number (s))

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

Kiewit Infrastructure South Co.
450 Dividend Drive, Peachtree City, Georgia 30269

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)

Kiewit Infrastructure Group Inc.

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

Kiewit Infrastructure Group Inc.
Kiewit Plaza, Omaha, Nebraska 68131

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)

Kiewit 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: 16 June 2015
(enter date affidavit is notarized)

128616a

for Application No. (s): SE 2015-HM-006
(enter County-assigned application number (s))

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

Kiewit Corporation
Kiewit Plaza, Omaha, Nebraska 68131

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)

Peter Kiewit Sons', Inc.

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

Peter Kiewit Sons', Inc.
Kiewit Plaza, Omaha, Nebraska 68131

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 16 June 2015
(enter date affidavit is notarized)

128666a

for Application No. (s): SE 2015-HM-006
(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)

Capital Rail Constructors, a Joint Venture (CRC)
7500 Old Georgetown Road, Bethesda, Maryland 20814

(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)

Clark Construction Group, LLC, Joint Venture Partner
7500 Old Georgetown Road
Bethesda, Maryland 20814

Kiewit Infrastructure South Co., Joint Venture Partner
450 Dividend Drive
Peachtree City, Georgia 30269

(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 AFFIDAVIT

DATE: 16 June 2015
(enter date affidavit is notarized)

128666a

for Application No. (s): SE 2015-HM-006
(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. The subject property is public land owned by the Board of County Supervisors of Fairfax County, Virginia.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 16 June 2015
(enter date affidavit is notarized)

128666 a

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 M. Hudgins is a Principal Director, serving on the WMATA Board of Directors.
- ∨ Dexter Odin of Odin, Feldman & Pittleman, P.C., made a donation or contribution in excess of \$100 to John Foust's congressional campaign in June, 2014.
- ∨ Peter Forster of Clark Construction Group, LLC, possesses a minority interest in two companies that his son, John Forster, owns for which Planning Commissioner James R. Hart is currently performing legal work.

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

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

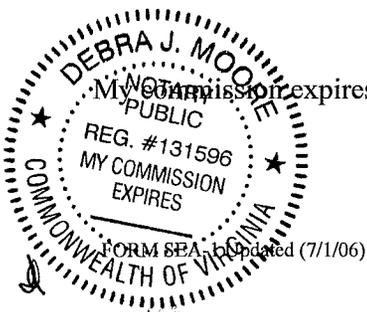
4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter,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

WITNESS the following signature:

(check one) James L. Van Zee [] Applicant [x] Applicant's Authorized Agent
 MWA by James L. Van Zee, Deputy Dir. of Project Development
 (type or print first name, middle initial, last name, and & title of signee)

Subscribed and sworn to before me this 16th day of June 2015, in the State/Comm. of Virginia, County/City of Fairfax.

Debra J. Moore
Notary Public



**COOPERATIVE AGREEMENT
BETWEEN
THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
AND THE COUNTY OF FAIRFAX, VIRGINIA**

THIS COOPERATIVE AGREEMENT RELATING TO THE CONSTRUCTION OF METRORAIL IN THE DULLES AIRPORT CORRIDOR ("Agreement") is hereby entered into as of July 19, 2007, by and between the Metropolitan Washington Airports Authority ("Airports Authority") and the County of Fairfax, Virginia ("Fairfax").

Recitals

Whereas, Fairfax, the County of Loudoun, Virginia ("Loudoun"), the Commonwealth of Virginia ("Commonwealth"), and the Airports Authority wish to proceed to enhance transportation service in Tysons Corner and the Dulles Airport Corridor; and

Whereas, Fairfax, Loudoun, the Airports Authority, and the Commonwealth have approved a project consisting of an extension of Metrorail measuring approximately 23 miles and beginning from the existing Metrorail Orange Line near the West Falls Church Station, through Tysons Corner, along the Dulles Corridor from Tysons Corner to the boundary of Fairfax and Loudoun, into the Washington Dulles International Airport, and terminating at Route 772 in Loudoun, as described more fully in the Agreement to Fund the Capital Cost of Construction of Metrorail in the Dulles Corridor ("Funding Agreement") to be entered into by Loudoun, Fairfax, and the Airports Authority (hereinafter the project description and all Concurrent Non-Project Activities set forth in Exhibit A to the Funding Agreement are collectively referred to in this Agreement as the "Project"); and

Whereas, in accordance with the National Environmental Policy Act ("NEPA"), an Environmental Impact Statement for the Project has been completed and the Federal Transit Administration ("FTA") issued a Record of Decision in March 2005 and July 2005 and an amended Record of Decision on November 18, 2006; and

Whereas, the Commonwealth, Fairfax, Loudoun, and the Airports Authority assessed transportation alternatives in accordance with the process recommended by the FTA, which included feasibility studies, alternatives analysis, and environmental analysis in accordance with NEPA; and

Whereas, the public was involved throughout the alternatives analysis and NEPA processes and in the selection of a locally preferred alternative ("LPA") developed as part of the Dulles Corridor Rapid Transit Project's Environmental Impact Statement process, to extend Metrorail by means of the Project; and

Whereas, for purposes of obtaining one or more federal grants, construction of the Project has been divided into two phases, with Phase 1 of the Project ("Phase 1") described generally in the LPA and more particularly in the Supplemental Draft Environmental Impact Statement of October 2003 as that portion of the Project extending from the Metrorail Orange Line near the West Falls Church Station to and including the proposed Wiehle Avenue Station, and Phase 2 of the Project ("Phase 2") described generally as that portion of the Project west of the proposed Wiehle Avenue Station to and including the Dulles Airport Station and continuing thereafter to the terminus of the Project at Route 772 in Loudoun; and

Whereas, the Commonwealth originally acted as the federal grant applicant and recipient and had direct responsibility for and oversight of the preliminary engineering for the Project, scope of work, schedule, budget, and associated tasks; and

Whereas, effective upon the transfer from the Commonwealth to the Airports Authority of the operations and maintenance responsibilities of the Dulles Toll Road (the "Transfer"), primary responsibility for the implementation of the Project will be transferred from the Commonwealth to the Airports Authority. Beginning with the Transfer, the Airports Authority will provide day-to-day management of the construction of the Project, which includes, but is not limited to: financial planning and financing, right-of-way acquisition, environmental mitigation, intergovernmental agreements, permitting and utility coordination, public involvement, design, construction, and construction management until completion, inspection, and acceptance of the Project by the Washington Metropolitan Area Transit Authority ("WMATA"), and warranty implementation; and

Whereas, the Airports Authority will apply to the FTA as the Project sponsor to receive an FTA grant to implement the Project; and

Whereas, the Commonwealth will assist the Airports Authority with right-of-way acquisition, site plan review and inspections, issuance of building permits, stormwater management, and the regulation of Project activity in the floodplain and/or a resource protection area as more fully described in this Agreement and as confirmed in a letter dated June 14, 2007, from the Secretary of Transportation for the Commonwealth to the County Executive for Fairfax, which letter is attached hereto as Attachment A; and

Whereas, Fairfax, Loudoun, the Commonwealth, and the Airports Authority are committed to design and construct the Project to meet the cost-effectiveness criteria established by the FTA while complying with all federal, state, and local laws, ordinances, and regulations; and

Whereas, recognizing that the funding for the Project has been addressed in a separate Funding Agreement, this Agreement is intended to memorialize the understandings of the parties concerning other issues relating to the Project, including project coordination, property acquisition, compliance with existing regulatory processes for the

Project, insurance coverage, indemnity, and certain other issues not directly related to funding; and

WHEREAS, Fairfax has participated in the preparation of the Project's Phase 1 Preliminary Engineering by reviewing and providing comments on the 50%, 95%, and 100% Preliminary Engineering design package.

NOW THEREFORE, the Airports Authority and Fairfax agree as follows:

DEFINITIONS

"ARS" shall mean the adopted regional system for Metrorail in the Metropolitan Washington area, which is currently comprised of 106 miles of Metrorail track and operated by the Washington Metropolitan Area Transit Authority, and any additions made to the system by the WMATA Board of Directors.

"Agreement" shall mean this Cooperative Agreement, as well as any appendices, exhibits, or subsequent amendments.

"Airports Authority" shall mean the Metropolitan Washington Airports Authority, its various departments and agencies, and its officials and agents.

"Airports Authority Property" shall mean the real property that is owned by the Airports Authority or by the United States of America and leased to the Airports Authority, which is used for the Washington Dulles International Airport, the Washington Dulles International Airport Access Highway, and the Dulles Toll Road, excluding any real property that is acquired by the Airports Authority for purposes of constructing the Project.

"Contractor" shall mean any firm(s) engaged by the Airports Authority to perform design, development, preliminary and final engineering, design-build, or construction work for the benefit of the Project, and shall include any and all subcontractors, agents, and successors-in-interest.

"Days" shall mean business days, excluding all holidays recognized by the Airports Authority and/or Fairfax.

"DCR" shall mean the Department of Conservation and Recreation for the Commonwealth of Virginia.

"DGS" shall mean the Department of General Services for the Commonwealth of Virginia.

"DRPT" shall mean the Department of Rail and Public Transportation for the Commonwealth of Virginia.

"Fairfax" shall mean the County of Fairfax, a political subdivision of the Commonwealth of Virginia, its various departments and agencies and its officials and agents.

"Fairfax County Code" shall mean the Code of the County of Fairfax, Virginia, as amended from time to time.

"Fairfax County Zoning Ordinance" shall mean The Zoning Ordinance of the County of Fairfax, Virginia, as amended from time to time.

"Fairfax Facilities" shall mean existing Fairfax-owned facilities and infrastructure as well as those facilities designed for and constructed as part of the Project to be owned and/or maintained by Fairfax. The term "Fairfax Facilities" shall not include Fairfax – owned, vacant, real property.

"FHWA" shall mean the Federal Highway Administration.

"Funding Partners" shall mean, solely for purposes of this Agreement, the Commonwealth, Fairfax, Loudoun, and the Airports Authority.

"Metropolitan Washington Airports Authority Dulles Corridor Enterprise Fund" shall mean the fund bearing this name that is more fully described in Resolution No. 07-16 entitled "Financial Administration of the Dulles Toll Road and Dulles Corridor Metrorail Project," as adopted by the Metropolitan Washington Airports Authority Board on June 6, 2007. A copy of such resolution is attached hereto and incorporated herein by reference as Attachment B.

"Project" shall mean the approximately 23-mile Metrorail extension referenced above, as more fully described in Exhibit A to the Funding Agreement between the Airports Authority, Fairfax, and Loudoun, including without limitation all project and Concurrent Non-Project Activities identified in Exhibit A to the Funding Agreement.

"Project Facilities" shall mean all rail transit and associated rail transit facilities designed for and constructed as part of the Project.

"VDOT" shall mean the Virginia Department of Transportation, its various departments and agencies, and its officials and agents.

"VDOT Facilities" shall mean existing VDOT-owned facilities and infrastructure including, but not limited to, roadways, pavement markings, rights-of-way, traffic signals and associated equipment, highway signs, toll facilities, structures, drainage facilities, and related facilities, pedestrian and bicycling facilities, as well as those facilities designed for and constructed as part of the Project to be owned and/or maintained by VDOT.

"WMATA" shall mean the Washington Metropolitan Area Transit Authority, its various departments and agencies, and its officials and agents.

ARTICLE 1
PROJECT COORDINATION AND DESIGN REVIEW

Section 1.1 The Airports Authority shall serve as the federal grant recipient and is responsible for the day-to-day management of the Project. The Airports Authority shall be responsible for the completion of preliminary and final engineering for the Project, design-build activities, and associated project development activities, including financial planning, right-of-way acquisition, environmental mitigation, utility coordination and relocation, and permitting. The Airports Authority also is responsible for coordinating the engineering, design, and construction of the Project with the Funding Partners, including Fairfax, as set forth more fully below.

Section 1.2 Fairfax has assigned a project coordinator to support the Airports Authority and the other Funding Partners in the implementation of the Project. Fairfax's project coordinator shall serve as the Airports Authority's first point of contact for Fairfax in coordinating issues relating to the Project, and the Fairfax project coordinator shall assist in managing coordination with all Fairfax offices. The Fairfax project coordinator will facilitate the participation of Fairfax staff in Project-related reviews and meetings and will make every reasonable effort to ensure that Fairfax staff provides timely input and decisions. The Airports Authority also will assign a project coordinator to work with and provide support to Fairfax for the implementation of the Project until final acceptance of the Project Facilities by WMATA. The Airports Authority project coordinator will facilitate the participation of Fairfax staff in Project-related reviews and meetings and shall facilitate the timely transmission of information to Fairfax to allow Fairfax sufficient time to exercise its rights and responsibilities under Section 1.3.

Section 1.3 The parties acknowledge that the Airports Authority and Fairfax have mutually agreed upon 100% preliminary engineering drawings for Phase 1 of the Project. The parties further acknowledge that the agreed upon design and scope of Phase 1 of the Project is detailed in the Memorandum of Understanding between the Airports Authority and Dulles Transit Partners that was approved by the Airports Authority on June 6, 2007, and in the exhibits and attachments to the Memorandum of Understanding (including without limitation the design-build contract and the list of specifications for the Phase 1 of the Project that are attached to the Memorandum of Understanding in a document entitled "Division 1") (hereinafter such documents are collectively referred to as the "Phase 1 Approved Plans"). The Airports Authority shall obtain the advance written approval of Fairfax prior to making any changes to the design, scope, or extent of the Project Facilities that are detailed in the Phase 1 Approved Plans. In the absence of Fairfax's advance written approval of such proposed changes, the Airports Authority shall construct the Project strictly in accordance with the design, scope, and extent of the Project Facilities that are set forth in the Phase 1 Approved Plans.

The parties further acknowledge that they have not yet agreed upon the design, scope, and extent of Phase 2 of the Project. To facilitate Fairfax's review of the Project's design for Phase 2, the Airports Authority will arrange for formal review of the Project's design for Phase 2 at key preliminary engineering and design-build milestones. Design drawings will include drawings depicting the proposed Project alignment; line, track, and systems; and stations and facilities. Landscape, stormwater management, and erosion and sediment control plans shall be included with the design drawings for Phase 2 of the Project to facilitate Fairfax's thorough review of the proposed Phase 2 Project Facilities. The Airports Authority will timely provide to Fairfax copies of drawings or electronic files sufficient to permit Fairfax's thorough review of the proposed design of the Project Facilities for Phase 2, and Fairfax will provide comments at the end of the review period to the Airports Authority in an effort to reach a consensus about the proposed design and scope of Phase 2 of the Project. In addition to the formal design review described above, as necessary, the Airports Authority will facilitate periodic "over-the-shoulder" reviews by Fairfax of specific Project Facility design issues for Phase 2 of the Project as they arise. If the Airports Authority and Fairfax are able to reach a consensus about the design and scope of the Project Facilities for Phase 2 of the Project, and Fairfax has committed to funding a share of the costs of Phase 2 of the Project based upon an agreed upon design for Phase 2, then the Airports Authority shall obtain the advance written approval of Fairfax prior to making any changes to the design, scope, and extent of the Project Facilities that were approved by Fairfax as part of its commitment to assist in funding Phase 2 of the Project. In the absence of Fairfax's advance written approval, the Airports Authority shall construct the Project strictly in accordance with the design, scope, and extent of the Project Facilities that Fairfax agreed to in committing its share of the funding for Phase 2 of the Project.

The Airports Authority will timely provide Fairfax with copies of drawings or electronic files for all Supplemental Engineering Design packages, final engineering drawings, and final site plans, which will further refine the agreed upon 100% preliminary engineering drawings for each phase of the Project, so that Fairfax may thoroughly review such drawings and plans. Fairfax shall, at the end of a reasonable review period of not less than 15 business days, provide comments upon the Supplemental Engineering Design packages, final engineering drawings, and/or final site plans to the Airports Authority. The Airports Authority shall meet with and otherwise coordinate the Supplemental Engineering Design packages, final engineering drawings, and final site plans with Fairfax for all portions of the Project. As part of this collaborative process, the Airports Authority shall respond in writing to each of the comments made by Fairfax, such response to indicate either that Fairfax's comments were incorporated into the drawings or plans, or to the extent that certain comments were not incorporated, the Airport Authority's response shall give a detailed explanation of why such comments were not incorporated into the plans or drawings as requested. To the extent that this collaborative process does not resolve Fairfax's comments upon the Supplemental Engineering Design packages, final engineering drawings, and final site plans, such issues shall be resolved by the Funding Partners. Notwithstanding the foregoing, the Airports Authority must obtain the advance written approval of Fairfax for all

Supplemental Engineering design packages, preliminary and final engineering drawings, and all final site plans that affect Fairfax Facilities and/or Fairfax-owned land.

Section 1.4 At all stages of Project construction and establishment, the Airports Authority shall give notice of its construction activities for the Project to Fairfax's project coordinator, who will assist in coordinating with each Fairfax agency affected by the Project's activities. Such coordination shall include, without limitation, efforts to minimize the effects of nighttime construction and construction noise, as well as the development of traffic managements plans during Project construction as set forth more fully in Article 5, below. The Airports Authority will seek waivers of Fairfax's Noise Ordinance restrictions from Fairfax as may be required by the needs of the Project, which shall be governed by the Fairfax County Code provisions in effect at the time of the waiver request.

Section 1.5 The Airports Authority shall maintain a set of up-to-date "final design" drawings (including contractor modifications) which shall be available for review by Fairfax during the progress of construction of the Project. Upon completion of each phase of the Project, the Airports Authority shall furnish Fairfax with reproducible "as built" drawings showing all Project Facilities as installed. Such "as built" drawings shall be signed by a representative of the Contractor for the Project, certifying that the "as-built" conditions for all Project Facilities are accurately reflected on the "as built" drawings.

Section 1.6 The Airports Authority will provide Fairfax with updated Project schedules on a monthly basis. Similarly, Fairfax will provide the Airports Authority with updates regarding its Project activities, as applicable, on a monthly basis.

Section 1.7 The parties recognize that Fairfax intends to perform or permit other or additional work, and to contract with other persons to do so, on or near the Project. The Airports Authority shall require the Contractor to make commercially reasonable efforts to cooperate with Fairfax to the extent necessary for the performance by Fairfax of its other projects, and shall direct all parties related to the Contractor to so cooperate. Similarly, Fairfax shall instruct its contractors to make commercially reasonable efforts to cooperate with the Airports Authority and the Contractor to the extent necessary for the construction of the Project and shall direct all parties related to its contractors to so cooperate. The Airports Authority and Fairfax shall instruct their respective contractors to make commercially reasonable efforts to conduct their work without interfering or hindering the progress of the work being performed by other such contractors. Potential projects currently contemplated by the parties include, but are not limited to, the Wiehle Avenue joint development proposal and the Capital Beltway (I-495) HOT Lanes Project, as well as other projects undertaken in the Dulles Airport Corridor by DRPT, VDOT, WMATA, and/or Fairfax.

Promptly after the effective date of this agreement, the Airports Authority and the Contractor shall use commercially reasonable efforts to enter into coordination agreements with the other persons or entities, including Fairfax, with current or

anticipated construction projects that are in proximity to the Project. The purpose of these coordination agreements is to coordinate the Project's construction schedule, as well as the construction schedules of other projects in proximity to the Project, so as to minimize potential interference with access to work sites and delays to the Project and to the other projects. The Airports Authority agrees to require the Contractor to attend and participate in coordination meetings as necessary to facilitate the negotiation and execution of such coordination agreements in an effort to avoid and/or mitigate cost and time impacts to the Project.

Section 1.8 The WMATA Manual of Design Criteria in effect as of the completion of 100% preliminary engineering shall apply to the design of the Phase 1 Project Facilities. The Phase 2 Project Facilities shall conform to the WMATA Manual of Design Criteria in effect as of the time of completion of 100% preliminary engineering, unless otherwise agreed by the parties. For any and all Project Facilities that qualify as "buildings," the relevant standards of the Airports Authority shall apply to all buildings located on Airports Authority Property. The relevant standards of the Virginia Uniform Statewide Building Code, as well as any and all other applicable Fairfax ordinances and regulations, shall apply to the portions of the Project located in Fairfax that are not on Airports Authority Property. Design and construction of all Project Facilities on VDOT's rights-of-way shall comply with the Virginia Uniform Statewide Building Code and any and all other applicable regulations and requirements of VDOT, other departments of the Commonwealth, and FHWA.

Section 1.9 The Airports Authority shall be responsible for obtaining the approval of WMATA and VDOT of all of the Project's design and construction plans that affect WMATA's property or operations and/or VDOT Facilities, including obtaining WMATA's approval of all Project Facilities for acceptance by WMATA into the ARS.

ARTICLE 2 LAND USE AND CONSTRUCTION PERMITTING APPROVALS

Section 2.1 The Airports Authority shall be responsible for obtaining all necessary regulatory approvals for the Project in order to expedite WMATA's acceptance of the completed Project Facilities into the ARS and to ensure that the Project complies with all federal, state, and local laws, ordinances, regulations, and other applicable requirements.

Section 2.2 DRPT, acting on behalf of WMATA, has obtained a determination from the Fairfax County Planning Commission that the general or approximate location, character, and extent of the Metrorail tracks and ancillary facilities associated with the Project (excluding the stations areas associated with the Project) are substantially in accordance with the adopted Comprehensive Plan of Fairfax County as required by Va. Code Ann. §15.2-2232 (2003) ("2232"). The Airports Authority, acting on behalf of WMATA, will obtain a determination from the Fairfax County Planning Commission as to whether the general or approximate location, character and extent of all other aspects of the Project (including without limitation the station areas) are substantially in

accordance with the Comprehensive Plan of Fairfax County as required by 2232. The Airports Authority additionally shall be responsible for obtaining the Fairfax County Planning Commission's approval of any and all amendments to previously-approved 2232 applications that may be required by the Project.

Section 2.3 The Airports Authority and DRPT, acting on behalf of WMATA, will apply for all special exceptions for the Project that are required by the Fairfax County Zoning Ordinance on a schedule that will allow sufficient time for Fairfax to process, and the Fairfax County Board of Supervisors to act on, such applications prior to the construction of the Project Facilities at issue in the application. The parties recognize that development conditions may be imposed as part of any approved special exception for the Project. Development conditions associated with any special exception approval for any part of the Project shall be incorporated into all appropriate design, construction, and "as built" plans for the Project, and the Airports Authority shall direct the Contractor to fully implement such development conditions during the construction of the Project.

Section 2.4 In order to ensure that any and all such development conditions are implemented and in place prior to occupancy, Fairfax shall notify DGS of all special exception development conditions imposed by the Fairfax County Board of Supervisors so that such conditions may be made a part of the approved site plans for the Project, as appropriate. The Airports Authority shall provide Fairfax with written confirmation from DGS verifying the extent to which such special exception development conditions were implemented as part of the final site plans for the Project. Such written verification shall be provided to Fairfax no later than the time the Airports Authority applies on behalf of WMATA for Non-Residential Use Permits for the Project in accordance with Section 2.7, below. To the extent that any or all of the special exception development conditions were not addressed by DGS during the process of carrying out its regulatory role for the Project, Fairfax shall be permitted access to all approved plans and shall be permitted to inspect the Project Facilities to verify that all special exception development conditions were satisfactorily implemented by the Project.

Section 2.5 The Airports Authority shall be responsible for reviewing and approving all site plans and issuing all building permits for Project Facilities located on Airports Authority Property. With respect to those portions of the Project that are located on property within Fairfax County that is not Airports Authority Property, the Airports Authority shall secure DGS's approval of all site plans and building permits that are required for the Project. The Airports Authority additionally shall secure DCR's approval of all stormwater management and erosion and sediment control plans associated with the Project to ensure that they fully comply with all applicable federal, state, and local laws, ordinances, regulations, and other requirements. The Airports Authority and Fairfax agree that DCR also shall serve as the regulatory authority for all land-disturbing and construction activity on property in Fairfax County pursuant to the Chesapeake Bay Preservation Act.

In the event that DGS and/or DCR decline for any reason to carry out its/their regulatory roles with respect to the portions of the Project that are located on property in Fairfax

County that is not Airports Authority Property, then the Airports Authority shall obtain Fairfax's advance written approval of all required plans and permits that are needed to conduct land-disturbing and construction activities on such property.

The Airports Authority shall not engage in and/or allow the Contractor to engage in any land-disturbing or construction activity on property in Fairfax County that is not Airports Authority Property unless the Airports Authority has first obtained all required permits from DGS, DCR, and/or Fairfax, as set forth herein.

Section 2.6 The Airports Authority shall require the Contractor to provide full and complete access to the Project Facilities at all times during construction so that Fairfax, DGS, and/or DCR may conduct inspections. Inspections shall be coordinated through the Airports Authority.

Section 2.7 Prior to occupancy of those Project Facilities in Fairfax County that are not on Airports Authority Property, the Airports Authority, acting on behalf of WMATA, will apply for and obtain the Fairfax County Zoning Administrator's approval of all required Non-Residential Use Permits ("Non-RUPs") for the Project in accordance with Fairfax County Zoning Ordinance §18-701. On or before the time the Airports Authority applies for such Non-RUPs on behalf of WMATA, the Airports Authority shall provide Fairfax with written verification from DGS, as appropriate, verifying the Project's compliance with all of the applicable requirements for issuance of Non-RUPs for the Project as set forth in Zoning Ordinance § 18-704. To the extent that DGS is unable to verify the Project's compliance with all of the applicable requirements for issuance of Non-RUPs for the Project, Fairfax shall be permitted access to all approved plans and shall be permitted to inspect the Project Facilities to ensure that all applicable requirements for issuance of Non-RUPs for the Project Facilities have been satisfied.

ARTICLE 3 PROPERTY ACQUISITION AND USE

Section 3.1 The Airports Authority is responsible for acquiring all rights-of-way and property rights necessary for the construction and operation of the Project. The Airports Authority shall acquire a sufficient property interest in all property in Fairfax that is not Airports Authority Property to allow the Airports Authority and/or WMATA to construct and operate the Project. All easements on Fairfax-owned property, if any, shall be obtained using uniform language approved by Fairfax that allows for construction and operation of Project Facilities and/or VDOT Facilities. Density/Intensity credit may be utilized to acquire property to the extent permitted by Fairfax County Zoning Ordinance § 2-308.

Section 3.2 A right-of-entry to accommodate completion of the Project shall be requested by Airports Authority, and granted by Fairfax, for the Airports Authority's entry, construction, maintenance, and operation, if any, of Project Facilities on all Fairfax-owned properties. The right-of-entry agreement executed by and between the

Airports Authority and Fairfax is attached hereto and incorporated herein as Attachment C.

Section 3.3 Except as specified in Section 3.4, Fairfax shall transfer to WMATA, in fee simple and for no monetary consideration, all Fairfax property that is necessary for the operations and maintenance of Project Facilities, to include property presently owned by Fairfax and property proffered or dedicated to Fairfax for mass transit purposes but not yet acquired, as contained in the list of properties appended hereto as Attachment D (listed by location, Fairfax County Real Property Identification Map Tax Map Number, and acreage). Any and all other Fairfax property (including property presently owned by Fairfax and property proffered to Fairfax for mass transit purposes but not yet acquired) that is required by the Airports Authority for the construction of the Project shall be identified by the Airports Authority, and a list of such property shall be provided to Fairfax. In the case of Fairfax-owned property, Fairfax shall have 120 business days to review and act upon the Airports Authority's request to transfer such property to WMATA. In the case of land proffered to Fairfax for mass transit purposes, Fairfax shall have 240 business days to review and act upon the Airports Authority's request to transfer such property to WMATA.

Section 3.4 Fairfax intends to retain title to the land at the site of the existing Reston East Park & Ride (Parcel No. 017-4-01-0017A) and Fire Station #29 (Parcel No. 029-3-01-0057B), two parcels with existing Fairfax facilities thereon. For these two Fairfax-owned properties, and in accordance with Section 3.2 above, Fairfax agrees said right-of-entry is applicable and sufficient to allow entry, construction, maintenance, and operation of Project Facilities prior to and after WMATA's acceptance of the Project Facilities into the ARS.

Section 3.5 From commencement of the Project through completion, wherever permanent subsurface or temporary surface easements, or other temporary use of Fairfax-owned property or public rights-of-way are agreed to by the parties as necessary for the Project, Fairfax will grant a right-of-entry in accordance with Section 3.2, as necessary, and without monetary consideration.

ARTICLE 4 CONSTRUCTION ON FAIRFAX-OWNED PROPERTY

Section 4.1 The Airports Authority shall notify Fairfax in a timely manner of any current or future plans for construction on Fairfax-owned property that may be affected by the design or construction of the Project. The Airports Authority shall make arrangements with appropriate Fairfax staff involved with such plans to meet with the Airports Authority to discuss the possible effects on Fairfax-owned property. All current or future plans for Project construction on Fairfax-owned property must be approved by Fairfax in writing prior to implementation. To the extent that Fairfax has already approved in writing design drawings depicting the construction of Project Facilities on Fairfax-owned vacant land, further refinements of those plans shall not require additional written approval as long as all construction activity remains within the footprint of the approved design.

Construction on property located in Fairfax that is neither Fairfax-owned property nor Airports Authority Property also shall be coordinated with and approved by Fairfax in accordance with Article 1 of this Agreement.

Section 4.2 The Airports Authority shall secure and execute a right-of-entry agreement [Exhibit C] from Fairfax before commencing any Project activities on Fairfax-owned property. Entry into the right-of-entry agreement with Fairfax is required prior to the Airports Authority's relocation, modification, or construction of Fairfax facilities. Said relocation, modification or construction shall be in accordance with and subject to the restrictions herein set forth. The right of entry permit shall remain in place for the duration of the Project and shall not be revoked by Fairfax without cause.

Section 4.3 The Airports Authority shall perform such relocation, modification, or construction of Fairfax Facilities that may be required to accommodate Project Facilities in accordance with the plans prepared by Airports Authority and approved by Fairfax. Said Fairfax Facilities may include utilities such as sanitary sewer and storm sewer lines. Trees and landscaped areas located on property owned by Fairfax shall be preserved whenever practicable. Trees in the construction area, which are to remain, shall be protected in accordance with the County's requirements and standards. Trees that must be removed shall be replaced with trees of a species in like kind unless otherwise designated by the County. Replacement trees shall have a minimum of two and one-half (2 ½) to three inch caliper, and be guaranteed for a period of one year. Landscaped areas shall be restored to the original condition to the greatest extent practicable as described in the landscape plans for the Project.

ARTICLE 5 TRAFFIC MAINTENANCE

Section 5.1 The Airports Authority shall prepare Maintenance of Traffic ("MOT") plans reflecting the precise manner in which traffic will be controlled on roads that are affected by the construction of the Project. Such plans will show, among other things, the construction phasing, roads to be closed, detour routes, pedestrian walk areas, parcel access, signs, traffic signal modifications, and other pertinent information relating to traffic maintenance during the construction of the Project. The MOT plans shall be coordinated with and approved by Fairfax and VDOT prior to the commencement of construction. All MOT plans shall comply with all applicable federal regulations.

Section 5.2 The Airports Authority shall consult with and obtain VDOT approval prior to partial or complete closure of any Commonwealth-maintained roadways to vehicular and pedestrian traffic during the construction of the Project. The Airports Authority shall provide adequate detour routes as part of any such plans, to be coordinated with and approved by VDOT. The Airports Authority shall notify Fairfax, Fairfax Fire and Rescue Department, Fairfax Police Department, Fairfax Public Schools, Fairfax elected officials, VDOT, and the media at least ten business days in advance of the need to fully close a Commonwealth-maintained roadway.

Section 5.3 The Airports Authority shall consult with and obtain Fairfax approval prior to partial or complete closure of Fairfax-maintained roadways to vehicular and pedestrian traffic during the construction period as needed to construct the Project Facilities. The Airports Authority, with the assistance and approval of Fairfax, shall plan for and provide adequate detour routes. The Airports Authority shall give Fairfax, Fairfax Fire and Rescue Department, Fairfax Police Department, Fairfax Public Schools, Fairfax elected officials, VDOT, and the media at least ten business days in advance of the need to fully close a Fairfax-maintained roadway.

Section 5.4 All road closures required by the Project on property in Fairfax that is not Airports Authority Property shall comply with the requirements of Fairfax's road closure policies that have been adopted by the Fairfax County Board of Supervisors.

Section 5.5 To the extent reasonably possible, construction on roadways shall not occur during peak traffic hours to avoid any unreasonable disruption of the movement of pedestrian and vehicular traffic, except on portions of roadways closed by VDOT permit. The Airports Authority shall require its Contractor during construction of the Project to allow operating businesses sufficient access to their properties for pedestrians, vehicles, deliveries, and fire fighting and rescue equipment.

Section 5.6 Any and all signs, pavement markings, and barricades installed and maintained by the Contractor shall be in accordance with traffic control plans prepared by the Airports Authority, the 2003 edition of the Manual on Uniform Traffic Control Devices, and the Virginia Work Area Protection Manual, as applicable.

Section 5.7 In addition to the MOT Plan, the Airports Authority also will assist in developing a Transportation Management Plan ("TMP") (also known as a Congestion Management Plan) for all areas affected by the construction of the Project. The TMP shall be developed to assist in implementing strategies to reduce reliance on single occupancy vehicle travel in and around the Project construction area and generally to decrease the amount of vehicular travel to and from the construction zone. The TMP shall consist of the following elements, without limitation: (i) implementation of strategies and services to reduce the amount of single occupancy vehicles traveling to the construction area (including without limitation programs to promote ridesharing, teleworking/ telecommuting, public outreach and information, incident management by police and fire departments, and VDOT driver assistance); (ii) employer sponsored activities (including without limitation employer outreach, alternative work schedules, commuter benefits programs, and preferential parking for vanpools and car sharing); (iii) incident management (including without limitation strategically located driver assistance teams, wreckers, policing of traffic at major intersections, and maintaining response rates of fire and rescue teams); and (iv) communications teams that will develop communications plans to inform the public, employers, and employees of current construction activities for the Project and inform the public of alternative routes around the construction sites. The Airports Authority shall coordinate the Project's TMP with all

other TMPs developed for other transportation construction projects in the vicinity of the Project.

Section 5.8 The Airports Authority shall be responsible for coordinating with WMATA and Fairfax Connector for the rerouting of bus traffic necessitated by construction of the Project. These items will be addressed in the TMP, and the plan for addressing such issues must be agreed upon by Fairfax prior to the commencement of the Project's construction activities that will necessitate the rerouting of bus traffic.

ARTICLE 6 INSURANCE REQUIREMENTS

Section 6.1 The Airports Authority shall require its Contractor to be responsible for its work and every part thereof, and for all materials, tools, equipment, appliances, and property of any and all description used in connection therewith. The Airports Authority shall require its Contractor to assume all risk of direct and indirect damage or injury to the property or persons used or employed on or in connection with the work contracted for, and of all damage or injury to any person or property wherever located, resulting from any action, omission, commission, or operation under the contract.

Section 6.2 The Airports Authority shall require its Contractor to, during the continuance of all work under the contract, provide the following:

- a. Maintain statutory Workers' Compensation and Employer's Liability insurance in limits of not less than \$1,000,000 to protect the Contractor from any liability or damages for any injuries (including death and disability) to any and all of its employees, including any and all liability or damage that may arise by virtue of any statute or law in force within the Commonwealth of Virginia.
- b. Maintain Commercial General Liability insurance in the minimum amount of \$2,000,000 per occurrence/\$4,000,000 annual aggregate to protect the Contractor, its subcontractors, and the interest of Fairfax, its officers and employees against any and all injuries to third parties, including bodily injury and personal injury, wherever located, resulting from any action or operation under the contract or in connection with the contracted work. The General Liability insurance shall also include the Broad Form Property Damage endorsement, in addition to coverages for explosion, collapse, and underground hazards, where required.
- c. Maintain owned, non owned, and hired Automobile Liability insurance, in the minimum amount of \$1,000,000 per occurrence/aggregate, including property damage, covering all owned, non owned, borrowed, leased, or rented vehicles operated by the Contractor. In addition, all mobile equipment used by the Contractor in connection with

the contracted work, will be insured under either a standard Automobile Liability policy or a Commercial General Liability policy. The Garage Keeper's Liability coverage shall also be maintained where appropriate.

d. **Builder's Risk Policy:** The Airports Authority shall require its Contractor to provide Builder's Risk and Fire and Extended Coverage insurance to protect Fairfax and the Contractor and its subcontractors against loss caused by the perils insured in the amount of 100% of the insurable value of the contract. Such insurable value shall reflect any increases to the contract amount through change orders. Such policy shall be in Builder's Risk Completed Value forms, including the following:

1. Policies shall be written to include the names of Contractors and Fairfax and the words "as their interest may appear;"
2. All insurance shall be in effect on or before the date when construction work is to commence; and
3. All insurance shall be maintained in full force and effect until the final acceptance of the Project by the Airports Authority and WMATA.

e. The Airports Authority shall require its Contractor to maintain Excess Liability Insurance in the amount of not less than \$298,000,000 per occurrence/aggregate.

f. The Airports Authority shall require the Contractor to maintain Railroad Protective Liability Insurance in the amount of not less than 5,000,000 per occurrence/\$10,000,000 aggregate.

g. Liability insurance may be arranged by General Liability and Automobile Liability policies for the full limits required, or by a combination of underlying policies for lesser limits with the remaining limits provided by an Excess or Umbrella Liability policy.

h. Liability Insurance "Claims Made" basis: If the liability insurance purchased by the Contractor has been issued on a "claims made" basis, the Airports Authority shall require its Contractor to comply with the following additional conditions. The limits of liability and the extensions to be included as described previously in these provisions, remain the same. The Contractor must either:

1. Agree to provide certificates of insurance evidencing the above coverages for a period of two years after final payment for the contract. This certificate shall evidence a

"retroactive date" no later than the beginning of the Contractor's or sub-Contractor's work under this contract, or

2. Purchase the extended reporting period endorsement for the policy or policies in force during the term of this contract and evidence the purchase of this extended reporting period endorsement by means of a certificate of insurance or a copy of the endorsement itself.

i. Rating Requirements:

1. The Airports Authority shall require its Contractor to provide insurance issued by companies admitted within the Commonwealth of Virginia, with the Best's Key Rating of at least A:X.

2. European markets including those based in London, and the domestic surplus lines markets that operate on a non-admitted basis are exempt from this requirement provided that the Contractor's broker can provide financial data to establish that a market is equal to or exceeds the financial strengths associated with the A.M. Best's rating of A:VI or better.

- j. The Airports Authority shall require its Contractor to indemnify and hold harmless Fairfax, its officers, agents and all employees and volunteers, from any and all claims for bodily injury, personal injury, and/or property damage, including cost of investigation, all expenses of litigation, including reasonable attorney fees, and the cost of appeals arising out of any claims or suits which result from errors, omissions, or negligent acts of the Contractor, its subcontractors and their agents and employees.
- k. The Airports Authority shall provide Fairfax with an original, signed Certificate of Insurance and such endorsements as prescribed herein.
- l. The Airports Authority shall require its Contractor to secure and maintain all insurance certificates of its subcontractors, which shall be made available to Fairfax on demand.
- m. The Airports Authority shall require its Contractor to provide on demand certified copies of all insurance policies related to the Contract within ten business days of demand by Fairfax. These certified copies will be sent to Fairfax from the Contractor's insurance agent or representative.

Section 6.3 No change, cancellation, or non-renewal shall be made in any insurance coverage without a 60-day written notice to Fairfax. The Airports Authority shall require its Contractor to furnish a new certificate to the Airports Authority prior to any change or cancellation date. In the event the Contractor fails to timely deliver a new and valid certificate to the Airports Authority, the Airports Authority shall exercise all contractual remedies available to it against the Contractor to secure the delivery of the new and valid certificate to the Airports Authority, including without limitation the withholding of all payments to the Contractor until the new certificate is furnished.

Section 6.4 Compliance by the Contractor and all subcontractors with the foregoing requirements as to carrying insurance shall not relieve the Contractor and all subcontractors of their liabilities provisions of the Contract.

Section 6.5 Contractual and other liability insurance provided under any contracts for this Project shall not contain a supervision, inspection, or engineering services exclusion that would preclude Fairfax from supervising and/or inspecting the project as to the end result. The Airports Authority shall require its Contractor to assume all on-the-job responsibilities as to the control of persons directly employed by it and/or by the subcontractors.

Section 6.6 Nothing contained in the specifications shall be construed as creating any contractual relationship between the Contractor or any subcontractor and Fairfax. The Contractor shall be as fully responsible to Fairfax for the acts and omissions of the subcontractors and of persons employed by them as it is for acts and omissions of person directly employed by it.

Section 6.7 Precaution shall be exercised at all times for the protection of persons (including employees) and property.

Section 6.8 The Airports Authority shall require its Contractor and all subcontractors to comply with the Occupational Safety and Health Act of 1970, Public Law 91-596, as it may apply to this Project.

Section 6.9 When Fairfax finds it necessary to occupy or use a portion or portions of the land area on which the Project is constructed prior to substantial completion of the Project, such occupancy shall commence only after a mutual agreement between Fairfax and the Airports Authority. In that event, the insurance company or companies providing the property insurance shall be request to provide an endorsement prior to the commencement of work. Consent of the Airports Authority and of the insurance company or companies to such occupancy or use shall not be unreasonably withheld.

Section 6.10 The Airports Authority shall require its Contractor to name Fairfax, its officers and employees, as an "additional insured" and "loss payee" on the Automobile, General Liability, and Excess Liability policies and it shall be stated on the Insurance Certificate that this coverage "is primary to all other coverage Fairfax may possess."

Section 6.11 If an "ACORD" Insurance Certificate form is used by the Contractor's insurance agent, the Airports Authority shall require the deletion of the words, "endeavor to" and "... but failure to mail such notice shall impose no obligation or liability of any kind upon the company" in the "Cancellation" paragraph of the form.

ARTICLE 7 INDEMNIFICATION

Section 7.1 To the extent permitted by law, the Airports Authority shall indemnify and hold harmless Fairfax, its directors, officers, employees and agents from all liabilities, obligations, damages, penalties, claims, costs, charges, and expenses (including reasonable attorney's fees), of whatsoever kind and nature for injury, including personal injury or death of any person or persons (including without limitation employees of Fairfax), and for loss or damage to any property occurring in connection with or in any way arising out of the Project, including without limitation those liabilities, obligations, damages, penalties, claims, costs, charges, and expenses occurring in connection with or in any way arising from the use and occupancy of Fairfax-owned land and the performance of work associated with the construction of the Project on Fairfax-owned land and/or any acts in connection with activities to be performed as part of the construction of the Project on Fairfax-owned land resulting in whole or in part from the acts, errors, or omissions of the Airports Authority and/or the Contractor, or any employee, agent, or representative of the Airports Authority and/or the Contractor.

Section 7.2 The Airports Authority shall indemnify, defend, and hold harmless Fairfax, its agencies, directors, officers, employees, and agents against any and all claims, liabilities, losses, demands, damages, penalties, costs, charges, remedial costs, environmental claims, fees, or other expenses (including reasonable attorneys fees) related to, arising from or attributable to any effluent or other hazardous waste, residue, contaminated soil, or other similar material discharged from, removed from, or introduced on, about, or under Fairfax-owned property as a result of activities in connection with the construction of the Project on Fairfax-owned land.

Section 7.3 If any action or proceeding is brought against Fairfax that is covered by the terms of the indemnification set forth in this Article 7, then upon written notice from Fairfax to the Airports Authority, the Airports Authority shall, at its expense, resist or defend such action or proceeding by counsel approved by Fairfax in writing, such approval not to be unreasonably withheld, but no approval of counsel shall be required where the cause of action is resisted or defended by counsel of any insurance carrier obligated to resist or defend the same.

Section 7.4 The Airports Authority's obligations under this Article are limited:

- a. To the extent of insurance under Article 6 of this Agreement, and
- b. For a claim or a loss that is not insured under Article 6 of this Agreement, to funds of the Metropolitan Washington Airports Authority

Dulles Corridor Enterprise Fund as defined above and/or revenues from the Dulles Toll Road.

**ARTICLE 8
NOTICES**

Unless otherwise provided for in this Agreement, whenever necessary for one party to notify another party pursuant to this Agreement, this communication shall be in writing and delivered by independent commercial overnight courier or by facsimile transmission with a cover sheet and date and time stamp (provided an original is also sent by another method listed here), addressed as follows:

If to AIRPORTS AUTHORITY:

President and CEO
Metropolitan Washington Airports Authority
1 Aviation Circle
Washington, D.C. 20001-6000
Fax: 703.417.3917

With a copy to:

General Counsel
Metropolitan Washington Airports Authority
1 Aviation Circle
Washington, D.C. 20001-6000
Fax: 703.417.3917

If to FAIRFAX:

Fairfax County Executive
County of Fairfax, Virginia
12000 Government Center Parkway, Suite 552
Fairfax, VA 22035-0064
Fax: 703.324.3956

With a copy to:

Fairfax County Attorney
12000 Government Center Parkway, Suite 549
Fairfax, Virginia 22035-0064
Fax: 703.324.2665

**ARTICLE 9
MISCELLANEOUS PROVISIONS**

Section 9.1 This Agreement shall be binding on the parties, their respective agencies, employees, agents, and any successors-in-interest.

Section 9.2 This Agreement may not be assigned by either party unless the parties mutually agree to such an assignment in writing.

Section 9.3 This Agreement shall become effective upon its execution by Fairfax and the Airports Authority. It shall remain in effect as long as the Airports Authority is the Project sponsor until WMATA accepts the Project Facilities into the ARS; provided, however, that the provisions of Articles 6 and 7 of this Agreement shall survive any termination or cessation of this Agreement.

Section 9.4 This agreement may be altered, amended, or revoked only by an instrument in writing signed by each party hereto.

Section 9.5 No waiver of any term, covenant, or condition of this Agreement shall be valid unless in writing and signed by the parties.

Section 9.6 Nothing in this Agreement limits the authority of Airports Authority, the Commonwealth, or Fairfax to exercise its regulatory and police powers granted by law, including but not limited to their powers of condemnation with respect to all or any part of Project.

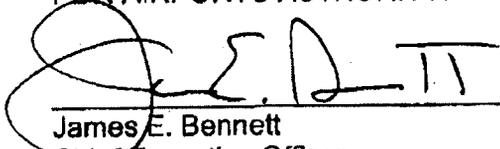
Section 9.7 This Agreement is intended by the parties to be construed as whole and indivisible and its meaning is to be ascertained from the entire instrument. All parts of the Agreement are to be given effect with equal dignity, including but not limited to the recitals at the beginning of this Agreement, and all such parts, including the recitals, are to be given full force and effect in construing this Agreement. No provision of any recital shall be construed as being controlled by or having less force than any other part of this Agreement because the provision is set forth in a recital.

Section 9.8 This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one in the same Agreement.

Section 9.9 This Agreement shall be governed by the laws of the Commonwealth of Virginia. Any and all litigation relating to this Agreement may be brought and/or maintained only in a Virginia court of competent jurisdiction.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date entered herein.

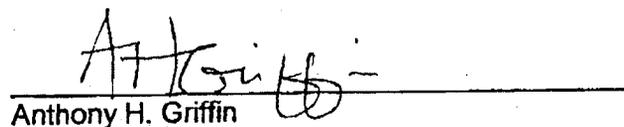
FOR AIRPORTS AUTHORITY:



James E. Bennett
Chief Executive Officer
Metropolitan Washington Airports Authority

DATE: 10 July 2007

FOR FAIRFAX:



Anthony H. Griffin
County Executive
County of Fairfax, Virginia

DATE: 7/10/07



County of Fairfax, Virginia

MEMORANDUM

DATE: May 21, 2015

TO: Barbara C. Berlin, Director
Zoning Evaluation Division, DPZ

FROM: Chris Caperton, Chief 
Public Facilities Planning Branch, DPZ

SUBJECT: Section 15.2-2232 Review
Application 2232-H15-7 (Concurrent with **SE 2015-HM-006**)
Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority
South Entrance Pavilion, Garage Elevator and Stair Structure, and Elevated Pedestrian Bridge to the Herndon Silver Line Station
12530 Sunrise Valley Drive, Herndon, VA 20191
Tax Map 0164 01 0027

Pursuant to Va. Code Sec. 15.2-2232, the Public Facilities Planning Branch of the Planning Division offers the following comments and recommendation on the proposed telecommunications facility.

APPLICATION

Attachment A

Project Description: The applicants, Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority, propose to construct the south entrance to the Herndon Station, consisting of the pavilion structure, garage elevator and stair structure, and elevated pedestrian bridge to the station platform and the garage. The proposal is also subject to review and approval of SE 2015-HM-006. The applicant states that the facilities are needed as part of the Washington Metropolitan Area Transit Authority's electrically-powered regional rail transit facilities.

Location: 12530 Sunrise Valley Drive, Herndon, VA. The 27.35 acre property is located to the north of Sunrise Valley Drive, south of the Dulles Toll Road, and east of Monroe Street.

Site: The site is currently developed with an existing county-owned commuter parking garage, and a passenger pick up/drop off and bus bay area. The use will be located in the central northern portion of the property.

Department of Planning and Zoning
Planning Division
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5507
Phone 703-324-1380
Fax 703-324-3056
www.fairfaxcounty.gov/dpz/



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

Proposed Facility: The facility will consist of an elevated pedestrian bridge, an entrance pavilion, and a garage elevator and stair structure. The pedestrian bridge will connect the entrance pavilion to the station platform over the Dulles Toll Road and to the existing commuter parking garage. The entrance pavilion includes elevators, escalators, and stairs for connectivity, and features seating, lighting, bicycle storage, and landscaping.

Access: Access is provided by the existing east access road and the west ramp access road exiting from Dulles Toll Road.

Operations: The facility will be operated by a station manager with additional employees per shift. Hours of operation are from the opening at 5:00 a.m. on weekdays, 7:00 a.m. on weekends, to the closing at 12 a.m. Sunday through Thursday, and 3:00 a.m. Friday through Saturday.

Service Area: The proposed use is projected to have a daily ridership of over 83,000 average weekday riders by 2019.

COMPREHENSIVE PLAN GUIDANCE

The subject property is located in the Area III, Upper Potomac Planning District, UP5 Reston Planning Sector, Reston Transit Station Areas. The Comprehensive Plan Map identifies the property as planned for Public Facilities, Governmental and Institutional use.

Area Plan

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 12-2-2014, Overview, Figure 7, Existing Public Facilities, Page 24:

“Other Public Facilities, UP5: Herndon-Monroe Park-&-Ride”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 12-2-2014, Reston Transit Station Areas, Figure 11, Reston Transit Stations Areas Boundaries, Page 31:

“Herndon Transit Station Area”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 12-2-2014, Reston Transit Station Areas, Page 53:

“RECOMMENDATIONS

.....

Phasing to Public Facilities

The public facilities needed to serve the planned development will be constructed throughout the planning employment and residential growth will present a challenge. Development proposals should commit to provide land and/or space for public facilities as early as possible to help ensure that

locations are available when needed to provide the appropriate public facilities to support the growth in employment and number of new residents.”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 12-2-2014, Reston Transit Station Areas, Page 102:

“PUBLIC FACILITIES

This section pertains to the public facility needs to accommodate growth in the Transit Station Areas (TSAs). Providing adequate public facilities to serve the planned growth around the three transit stations will require the expansion or modification of existing facilities in some cases and the development of new facilities in other cases. The existing and future public facilities in the TSAs are described below. The provision of future facilities will need to be coordinated with the rate at which planned development occurs in these TSAs as well as in the surrounding Reston community.”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 12-2-2014, Reston Transit Station Areas, Page 132:

“HERNDON TRANSIT STATION AREA

.....

Herndon Station Transit-Oriented Development (TOD) District

The vision of the Herndon Station TOD District is for a moderate intensity urban neighborhood with a mix of uses including office, residential, and hotel, together with support retail and services, adjacent to a district-defining natural resource amenity. In addition, redevelopment should create pedestrian-friendly connections to one or more smaller urban plazas or parks to provide gathering places for people of all ages as well as places to walk and enjoy green spaces.

Guidance for evaluating development proposals in each district is contained in the Area wide Recommendations and the following district and sub district recommendations. Redevelopment options are dependent on the degree to which necessary public infrastructure can be provided and Plan objectives and development conditions set forth in the Area wide and sub district guidance can be satisfied by development proposals.

The Herndon Station District is comprised of approximately 126 acres and is generally bounded by the DAAR on the north, the Fairfax County Parkway on the east, Sunrise Valley Drive on the south and the Woodland Park office development on the west, as shown on Figure 44. Monroe Street is the primary north-south street in the district.

Existing development in the district is a combination of low rise suburban office buildings with surface parking and mid-rise office buildings with structured parking. The Herndon Park-and-Ride facility is located adjacent to the planned transit station platform. The four-level

county-owned and operated transit center (for Fairfax Connector bus service) and park-and-ride facility has 1,700 spaces and will be expanded to provide 3,500 spaces for Metro parking. The Sunrise Valley Park Wildlife Habitat and Nature Preserve is an approximately 14 acre man-made publicly accessible wetland area in the district with a notable diversity of wildlife and a boardwalk facility that crosses the wetland. In addition, there is an approximately 21 acre vacant parcel in the northeastern corner of the Woodland Park mixed-use development along Monroe Street.”

Policy Plan

Fairfax County Comprehensive Plan, Policy Plan, 2013 Edition, Public Facilities, Amended through 3-4-2014, Countywide Objectives and Policies, Pages 2-4:

“Objective 1: Locate new facilities to provide convenient service to the greatest number of people or service consumers and users.

- Policy a. Site facilities appropriately to the area they are intended to serve.
- Policy b. Reduce service area overlap between like facilities, unless overlap is necessary to correct service deficiencies.
- Policy c. Site facilities in accordance with locational standards that maintain accepted levels of service while reducing duplication or underutilization.
- Policy d. Ensure that minimum populations or service thresholds are projected to be met before facility construction is undertaken.

Objective 4: Mitigate the impact of public facilities on adjacent planned and existing land uses.

- Policy a. Locate public facilities in areas of compatible land use, if service efficiency and cost effectiveness can be achieved. Siting facilities in areas of different land uses is acceptable and at times required, to provide centrally located public facilities which are critical to the public interest as long as the integrity of the Comprehensive Plan is not impinged.
- Policy b. Co-locate public facilities whenever appropriate to achieve convenience and economies of scale, as long as the integrity of the Comprehensive Plan is not impinged.
- Policy c. Design facilities to promote and enhance the community identity of existing character.

Policy d. Ensure that public facilities are properly screened and buffered in order to mitigate visual impact on adjacent planned development of a different use or nature.

Policy e. Ensure that site size and development conforms to all requirements of the Fairfax County Zoning Ordinance and exceeds site acreage requirements, as possible, to achieve maximum compatibility with surrounding land uses.

Objective 5: Acquire sites which are appropriate for the facility's specific purpose. Apply acceptable criteria when evaluating public facility sites.

Policy a. Consider accessibility in siting facilities. In general, public facilities should have access to primary arterial roadways. Exceptions to this locational principle include facilities with a community pedestrian orientation, such as a neighborhood park or an elementary school.

Policy b. Locate facilities on sites which have adequate acreage for short-term needs, but can also accommodate expansion.

Policy c. Avoid areas of environmental sensitivity except where site acquisition is in support of open space.

Policy d. Evaluate engineering considerations, such as slopes and soils and other factors pertinent to knowing the extent of the site's development cost.

Policy e. Locate, as possible, facilities on sites with public water and sewer.

Policy f. Locate facilities on sites preferably having mature vegetation, capable of providing a natural buffer and enhancing building design.

Policy g. Use the 2232 review process to determine the siting suitability and appropriateness of facilities in relation with the Comprehensive Plan.”

STAFF ANALYSIS

Department of Planning and Zoning - Zoning Administration Division Attachment B
The proposed application general meets those standards set forth in Par. 3 of Sect. 2-514 of the Zoning Ordinance. In addition, an amendment to the governing special exception is required and has been submitted to the Zoning Evaluation Division.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Attachment C

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

Location

The proposed entrance pavilion, garage elevator and stair structure, and elevated pedestrian bridge will be located in Land Unit C-2 of the Reston Transit Station Areas Plan. The Comprehensive Plan was amended and approved by the Board of Supervisors to show the specific location of the Herndon Station. The Herndon Station location is referenced by text and figures throughout the Reston Transit Station Areas Plan. Land use designations within the Reston Transit Station Areas Plan and Herndon Station Transit Oriented Development District rely on the location of the proposed entrance pavilion, garage elevator and stair structure, and elevated pedestrian bridge. Planned mixed use areas with high density areas are recommended within one-quarter mile of the station location, and less intense development is recommended within one-half mile. The specific location of the proposal is required, as it sets the boundary areas for land use designations and supports the Plan guidelines of providing convenient service to the greatest number of users.

Character

The proposed entrance pavilion and elevated pedestrian bridge will be located on property that is planned for public facilities, governmental, and institutional use, and currently developed with a parking garage and a passenger drop off/pick up area with bus bays. Staff believes the proposal is compatible with the character of the current planned use. The Plan recommends higher intensity mixed uses within specific distances of the Plan. By designating mixed uses as the land use designation for adjacent properties within the specified boundaries, staff believes the proposed entrance pavilion and elevated pedestrian bridge conform to the Plan guidelines.

The appearance of the structure will mimic other transit stations along the Silver Line. This will create a visual landmark that identifies the structure as a transit station. Wayfinding indicators and signage will also be identifiable to other Silver Line stations in order to provide recognizable images that assist in creating a safe and convenient experience for users at the station. Components of the entrance pavilion include elevators, escalators, and stairs, while the area around the structure will feature seating, lighting, bicycle storage and landscaping. This will create visual appeal and strengthen the compatibility with the planned land uses and character of the Herndon Station Transit Oriented Development District. Staff finds this conforms to the Plan guidelines to be pedestrian friendly and supportive of the transit facility.

Extent

The Final Environmental Impact Statement addressed archaeological and historic architectural resources and determined that no adverse impacts are expected. Noise studies identified no adverse impacts requiring further mitigation, and an air quality assessment concluded there would be no adverse impacts to regional air quality.

The proposed facilities will integrate with the existing county owned and operated Herndon-Monroe Bus Transit Park-and-Ride facility located on the property. The location of the entrance pavilion and elevated pedestrian bridge is across Sunrise Valley Drive from the closest residences. Any potential impacts on these residences will be mitigated and

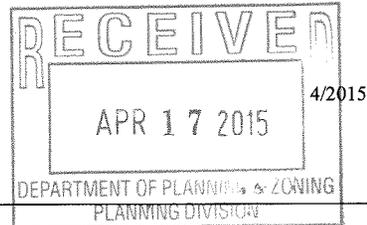
shielded by existing and future development of the site. Staff believes the proposed facilities supports Plan objectives to balance the provision of public facilities with growth and development. The proposal introduces facilities in support of Metrorail service along the Dulles Airport Access Road and the Dulles Toll Road. This is consistent with Plan guidelines, as the construction of these facilities will provide increased mobility, reduced vehicle dependency, and will promote the use of mass transit by extending the Metrorail system in the Dulles corridor. Staff believes the proposal sustains Plan guidelines to provide necessary supporting facilities for the transit system.

CONCLUSION AND RECOMMENDATIONS

Staff concludes that the subject proposal by the Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority, to locate an entrance pavilion, garage elevator and stair structure, and elevated pedestrian bridge at 12530 Sunrise Valley Drive, Herndon, VA 20191, satisfies the criteria of location, character, and extent as specified in Va. Code Sec. 15.2-2232. Staff therefore recommends that the Planning Commission find the subject Application **2232-H15-7**, as amended, substantially in accord with provisions of the adopted Comprehensive Plan.

CBC: HDC

ATTACHMENT A



4/2015



**2232 PUBLIC FACILITY REVIEW
(Non-Telecommunications)**

**County of Fairfax, Virginia
Application for Determination
Pursuant to
Virginia Code Section 15.2-2232**

**** This area to be completed by staff ****

APPLICATION NUMBER 2232-H15-7

(Please Type or Clearly Print)

PART I: APPLICATION SUMMARY

LOCATION OF PROPOSED USE

Address 12530 Sunrise Valley Drive

City/Town Herndon Zip Code 20191

Place Name (if at county facility) Herndon-Monroe Park and Ride

Tax Map I.D. Number(s) 0164-01-0027

Fairfax County Supervisor District Hunter Mill

Total Area of Subject Parcel(s) 1,191,638 square feet (per tax record)

Zoning District I-4

APPLICANT(S)

Metropolitan Washington Airports Authority and the Virginia Department of Rail and
Name (Company or Agency) Public Transportation on behalf of the Washington Metropolitan Area Transit Authority

Agent Name John McBride

(Note: Failure to notify County of a change in agent may result in application processing delays)

Agent's Mailing Address Odin, Feldman & Pittleman, P.C., 1775 Wiehle Avenue, Suite 400

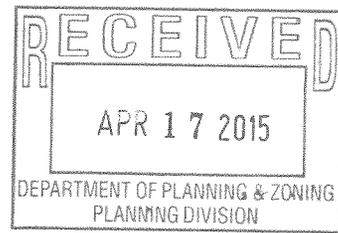
City/Town Reston State VA Zip Code 20190

Telephone Number (703) 218-2133 Fax (703) 218-2160

E-mail john.mcbride@ofplaw.com

Secondary Contact (Must Be Provided) Russ Forno

Telephone Number (703) 218-2358 E-mail russ.forno@ofplaw.com



PROPERTY OWNER(S) OF RECORD

Owner Fairfax County Board of Supervisors

Street Address 12000 Government Center Parkway, Suite 533

City/Town Fairfax State VA Zip Code 22035

Has property owner been contacted about this proposed use? Yes No

BRIEF DESCRIPTION OF PROPOSED USE

To locate the proposed Herndon Metro Station South Entrance Pavilion and Pedestrian Bridges to the station platform and the garage elevator(s). These are part of the Washington Metropolitan Area Transit Authority's electrically-powered regional rail transit facilities.

PRIOR 2232 REVIEW APPROVALS

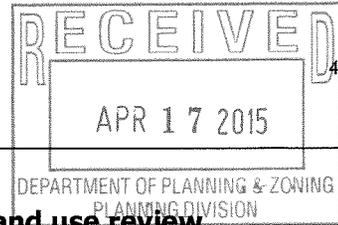
Provide previous 2232, "Feature Shown" (FS) or 456 approvals

FS-H14-13

PRIOR ZONING APPROVALS

Provide previous Zoning Approvals for all uses on site such as proffered conditions, special permits, special exceptions, variances, or development plans.

None to our knowledge.



SIGNATURE

The undersigned acknowledges that additional Fairfax County land use review requirements may be identified during the review of this 2232 Review application and the fulfillment of such requirements is the responsibility of the applicant. The undersigned also acknowledges that all Fairfax County Zoning Ordinance requirements pertaining to this project shall be fulfilled.

In the event a new agent is assigned responsibility for this application, the applicant agrees to provide a letter to the Department of Planning and Zoning authorizing the transfer of responsibility for the application and providing all new contact information. In the event the applicant fails to notify County staff of a change in agent, the application may be subject to processing delays.

Signature of Applicant or Agent _____

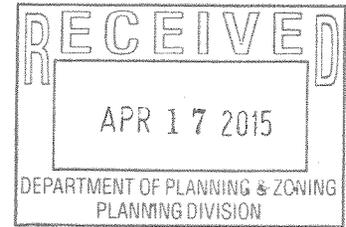
A handwritten signature in black ink, appearing to read "James L. Van Zee".

MWAA by James L. Van Zee, Deputy Dir. of Project Development

Date 15 April 2015

Submit completed application to:

**Chris Caperton, Chief, Facilities Planning Branch
 Fairfax County Department of Planning and Zoning
 12055 Government Center Parkway, Suite 730
 Fairfax, Virginia 22035-5507
 (703) 324-1380**



COMMONWEALTH of VIRGINIA

Jennifer L. Mitchell
Director

DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
600 EAST MAIN STREET, SUITE 2102
RICHMOND, VA 23219-2416

(804) 786-4440
FAX (804) 225-3752
Virginia Relay Center
800-828-1120 (TDD)

February 5, 2015

Mr. Jim VanZee
Deputy Director Project Development
Dulles Corridor Metrorail Project
198 Van Buren Street
Herndon, VA 20170

Subject: Dulles Corridor Metrorail Project – Phase 2
Herndon Station South
Combined Special Exception and 2232 Application
Dated: January 26, 2015

Dear Mr. VanZee:

You are hereby authorized to submit the Herndon Station South Combined Special Exception and 2232 Application to Fairfax County for staff review.

Under Section 2.3 of the Cooperative Agreement between Metropolitan Washington Airports Authority (MWAA) and the County of Fairfax, Virginia, and under Article 9 of the Zoning Ordinance for Fairfax County, Virginia, DRPT is a co-applicant along with MWAA for Special Exceptions.

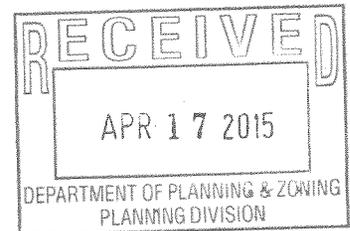
Should you have any questions or concerns please let me know.

Sincerely,

Phil DeLeon, Dulles Corridor Coordinator

cc: Kevin Page, DRPT

The Smartest Distance Between Two Points
www.drpt.virginia.gov



DULLES CORRIDOR METRORAIL PROJECT
Section 15.2 – 2232 Application for the Herndon Silver Line Rail Station
"South Entrance"
STATEMENT OF JUSTIFICATION
April 9, 2015

BACKGROUND, OVERVIEW AND ALTERNATIVES CONSIDERED

Rapid transit in the Dulles Corridor was first explored in the 1950's during planning for the Dulles International Airport ("the Airport"). Consistently, studies over the years concluded that rail was one of the primary long-term solutions to accommodate anticipated significant population and employment growth, as well as the planned growth of the Airport. The Dulles Toll Road was never intended to be a final or single solution to the mobility needs of the region. Specific transit alternatives were evaluated in the *Dulles Corridor Rapid Transit Project Draft Environmental Impact Statement*, which was published in June 2002 by the Commonwealth of Virginia, in partnership with the Washington Metropolitan Area Transit Authority ("WMATA") and the Federal Transit Administration ("FTA"). The environmental, transportation, social, and economic impacts of such a rail transit extension, including the locations of the Innovation Center station entrance proposed in this 2232 application, were further analyzed in the Supplemental, Final and Amended Final Environmental Impact Statements performed between the time period of 2003 to 2006. In 2004, the Virginia Commonwealth Transportation Board, WMATA, the Metropolitan Washington Airports Authority ("Airports Authority"), the Loudoun Board of Supervisors and the Fairfax County Board of Supervisors ("the Fairfax Board"), all agreed to adopt a 23 mile extension of Metrorail from the West Falls Church station, through Tysons and Reston, to eastern Loudoun County, as the *Locally Preferred Alternative* transit solution.

This *Locally Preferred Alternative*, which included a track alignment in the median of the Dulles Airport Access Road/Dulles Toll Road/Rt. 267 ("DAAR/DTR"), the station locations, and the necessary ancillary facilities (including 18 wayside facilities in Fairfax County – 14 Traction Power Substations (TPSS), 3 tie breaker stations and 1 train control room) were evaluated in great detail in the *Final Environmental Impact Statement* ("FEIS"). Impacts to known archaeological and historic architectural resources were assessed and compliance with the National Historic Preservation Act of 1966 was confirmed. No adverse impacts to historic resources were revealed at any of the proposed stations, including the Innovation Center station. Parapet walls beside the tracks and the location of the rail line within the center median of the DAAR/DTR right-of-way was found to reduce brake and wheel noise to acceptable levels. The noise studies conducted in the *FEIS* identified no adverse impacts requiring further mitigation. An air quality assessment was also undertaken during the *FEIS* process. This assessment found no adverse long-term impacts to regional air quality from the Metrorail extension project. To the contrary, electrically-powered rail transit was (and is) universally regarded as having a positive impact on air quality by significantly reducing the use of individual gasoline and diesel powered vehicles.

In 2005, the FTA issued a *Record of Decision* approving the environmental review process for the Silver Line extension of Metrorail from the West Falls Church Orange Line Station through Tysons, Reston, Herndon and Dulles Airport, terminating in Loudoun County. The November 2006 *Amended Record of Decision* ("ROD") concluded that the Dulles Corridor Metrorail Project met the requirements of the National Environmental Policy Act of 1969, and confirmed that the *Locally Preferred Alternative* for the transit project, as described in the *FEIS*, was supported by the FTA.

In 2006, the Virginia Department of Rail and Public Transportation ("DRPT") submitted Application 2232-MD06-10 to Fairfax County, seeking approval to extend Metrorail through Tysons, Reston and western Fairfax County, as proposed in the *Locally Preferred Alternative* and in the *FEIS*. That 2232 application included the rail track alignment, as well as ancillary tie breaker stations, train control rooms, traction power substations and stormwater management facilities. However, the individual rail stations were not included within the scope of that first application. It was noted in the staff report that the passenger stations would be subject to separate 2232 and Special Exception (SE) approvals by Fairfax County. On June 14, 2007, the Commonwealth of Virginia, the Airports Authority, WMATA and Fairfax County reached an agreement regarding the intergovernmental cooperation and permitting necessary to design and construct the Metrorail Silver Line through Fairfax County. This agreement confirmed that 2232 and SE applications would be required for the Silver Line stations.

On February 18, 2009, the Planning Commission found the five Silver Line "Phase 1" rail station 2232 applications to be substantially in accord with the provisions of the adopted Comprehensive Plan. Those applications were numbered 2232-P08-10, 2232-P08-11, 2232-MD08-12, 2232-MD08-13 and 2232-H08-14. The Fairfax Board approved the companion SE applications soon thereafter.

On February 14, 2014, the Comprehensive Plan for the Dulles Suburban Center area was amended by the Fairfax Board in a manner which shows the specific platform locations of three of the four Silver Line transit rail stations within the Dulles Toll Road corridor (Wiehle-Reston East, Reston Town Center and Herndon). This "area" Plan text was relabeled the "Reston Transit Station Areas Plan," in recognition of the importance of these three Metrorail stations to the Plan recommendations.

THE PROPOSED USE

The Airports Authority and DRPT, on behalf of WMATA, propose to construct some of the Silver Line's electrically-powered regional rail transit facilities and ancillary components on County-owned property located at 12530 Sunrise Valley Drive (known as the Herndon-Monroe Park-and-Ride Transit Center), as part of Phase 2 of the Dulles Corridor Silver Line Metrorail Extension Project. This proposal is consistent with the earlier *Locally Preferred Alternative* and *FEIS*.

The facilities in this proposed application are shown on a Public Facilities Plan ("Plan") labeled "Herndon Station-South", prepared by Dewberry Consultants LLC, and last revised April

17, 2015. The scope of this 2232 application is limited to the entrance pavilion and the elevated pedestrian bridge (where connecting the entrance pavilion to the Herndon rail transit station that is located within the median of the DAAR/DTR, and to the existing, county-owned commuter parking garage located onsite). Proposed landscaping in the vicinity of the pavilion and pedestrian bridges are also shown on the Plan. A separate 2232 application addresses the establishment of TPSS #13. Other transit-related improvements which either currently exist, or are planned to soon be constructed, on this County-owned property have already been approved through other 2232 *Public Facility* or *Feature Shown* determinations. Thus, the parking garage expansion, the enhanced access roads, the additional bicycle storage areas, and the realigned bus transfer areas are not included within this 2232 application. They are already planned and approved. The proposed station entrance pavilion, pedestrian bridges and TPSS #13 are the only transit-related facilities on this site which will not be owned and operated by the County. They will be owned and operated by WMATA.

The Herndon Station, located in the median of the DAAR/DTR, will be the seventh transit station stop available to passengers traveling west from the East Falls Church Station on the Silver Line. The Station will feature an at-grade platform and mezzanine. There will be entrance pavilions located on the north and south sides of the federally-owned right of way. Elevated pedestrian bridges will cross the DAAR/DTR right of way to connect the station with the entrance pavilions.

- Type of Operation: Electrically-powered regional rail transit facility.
- Current Metrorail System Hours of Operation: Opening 5:00 a.m. weekdays, 7:00 a.m. weekends, closing 12 a.m. Sun – Thurs., 3:00 a.m. Fri. – Sat.
- Daily Patronage: The Dulles Corridor Silver Line Metrorail extension daily ridership is projected to be over 83,000 average weekday riders by 2019, when it is fully operational.
- Proposed number of employees: One employee (the station manager) assigned full time per shift, with additional employees present at various times to perform maintenance tasks, provide security and conduct operations assistance. The area will be monitored by both WMATA and County police.
- Vicinity of area to be served by the Herndon Station - South entrance: Reston, Sully and Chantilly/Fair Lakes areas. Multi-modal access to the south entrance pavilion will be conveniently available. Pedestrian activated signals, crosswalks, trails, sidewalks, additional vehicle turn lanes and additional parking garage spaces will be provided by the County.
- Description of building and façade: The station and the south entrance pavilion will be coordinated in their design with that of the other Silver Line stations. This design meets WMATA's criteria for character and quality that is appropriate for public transit facilities. Elevations, renderings and section drawings for the south entrance pavilion and its elevated pedestrian walkways are provided on the companion SE Plan. The

design will be very similar to the existing Wiehle-Reston East Station and its southern entrance pavilion and pedestrian bridge, of which photos are included in this 2232 application (Exhibit A).

- Listing of Hazardous or Toxic Substances on site: WMATA Metrorail station entrance pavilions do not generate hazardous waste, although there are a number of industrial products that are used in their operation and maintenance. These products include (but are not limited to) paints and associated paint solvents, high voltage equipment, lead-acid batteries, oils and lubricants. WMATA manages these products and associated waste in accordance with all state and federal laws. Electrically-powered rail systems have significantly less adverse environmental impact than diesel rail systems or gasoline-powered individual vehicles.
- Components and features – Elevated pedestrian bridge(s) will connect entrance pavilion(s) to an elevated station platform for safe pedestrian passage over roads. This station entrance will have elevators, escalators, and stairs to connecting all levels. The area near the pavilion will feature seating, lighting, nearby County-operated bicycle storage and vehicle parking garage, and landscaping (using drought and disease-resistant plants). These will provide a convenient, pleasant, and safe experience for pedestrians and encourage use of the Metrorail system. Signage will be consistent with existing stations and coordinated with the existing bus operation to ensure appropriate wayfinding. WMATA's "Art in Transit" program will integrate public art in the stations. Art in the Herndon Station will be integrated into the pedestrian bridge between the station platform and its north and south entrance pavilions.

ANTICIPATED IMPACTS ON ADJOINING PROPERTIES

The noise, light, vibration, smell and visual impacts of the south entrance pavilion are no different than those approved for identical facilities in previous 2232 applications. The closest residences are located across Sunrise Valley Drive. The location of the south entrance pavilion area is as far from the residences as possible, and will be completely shielded by existing and future development on the County-owned site.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The February 14, 2014 amendments to the adopted Comprehensive Plan (Area III, Upper Potomac Planning District, Reston Transit Station Areas, Land Unit C-2) specifically locate the Herndon Station. The Station's integration with the County-owned and operated Herndon-Monroe Bus Transit Park-and-Ride facility located at 12530 Sunrise Valley Drive is referenced throughout the Reston Transit Station Areas text and figures (Figures 2, 3, 4, 5, 6, 24 & 36). Moreover, the land use designations within the three Reston Transit Station Areas (TSAs) are dependent on the location of the rail transit station entrance pavilions. For example, the Herndon South entrance pavilion location is a feature shown on the land use and transportation maps. The location of this feature supports the specific boundaries of the land use designations within the

Herndon Station Transit-Oriented Development (TOD) district. This southern entrance pavilion to the Herndon Station specifically supports the more intense development potential defined by the boundary of the transit station "mixed use" land use category. The Herndon Station is specifically located so that the planned mixed use and high intensity/density areas recommended in the Plan are within a one-quarter mile walk to the station platform. The less intense development planned within a one-half mile walk to the station platform is also predicated on the Southern access to the Silver Line rail extension being constructed on this County-owned parcel.

This application is directly supported by the recommendations contained in the adopted Comprehensive Plan. In fact, implementation of the Plan recommendations in the future is dependent on approval of this 2232 application; and construction of the facilities shown in it. More generally, the "public transportation" section of the Plan states:

"The introduction of Metrorail service along the Dulles Airport Access Road and Dulles Toll Road (DAAR, Route 267) is a key component to providing increased mobility and reducing vehicle dependency for employees and residents in the three TSAs. Focusing the highest density development, especially new office development, around the Metrorail stations is vital to promote the use of mass transit and achieving the vision for these TSAs."

In addition, the Transportation Section of the Policy Plan contains many references to the need to reduce reliance on the automobile in Fairfax County by supporting an extension of the Metrorail system in the Dulles Corridor.

The location, character and extent of the south entrance pavilion have not changed since the *Locally Preferred Alternative* was selected and its *FEIS* approved. Its location on the County-owned site has been coordinated with the Fairfax County Department of Transportation Planning Division and will not interfere with the intense mixed use development or the enhanced "grid of streets" shown in the Plan on the remainder of the County-owned land.

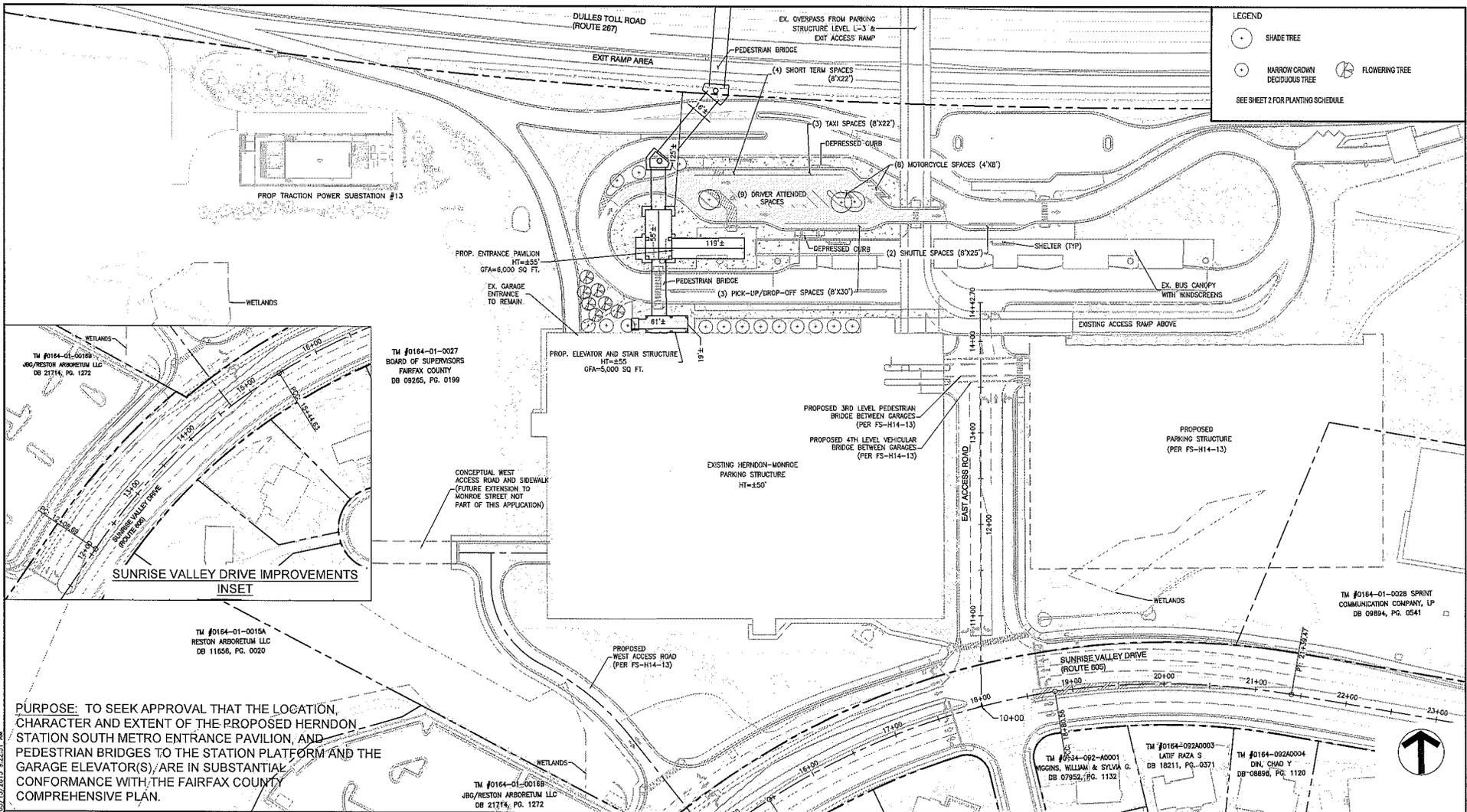
ALTERNATIVE SITES CONSIDERED FOR THIS USE

Alternative Station sites were considered prior to the *Locally Preferred Alternative* being selected, the *FEIS* being approved and the earlier 2232 *County Facility Determinations* being made. Once the location of the Herndon Station was established, the south entrance pavilion's specific location and design was determined by three objectives: (1) keep the elevated pedestrian bridge to the Station as short as possible; (2) minimize the redesign and reconstruction of the existing Herndon-Monroe transit Park-and-Ride facilities; and (3) optimize the ability to directly connect the elevated pedestrian bridge to the existing County garage. The proposed location and design shown on the *Public Facilities Plan* meets these three objectives.

CONCLUSION

The proposed Silver Line extension of Metrorail and the Herndon Station South Entrance are both identified in the Transportation Policies section of the Policy Plan, the land unit specific recommendations contained in the Area III Plan, and are shown on the Plan's Transportation Map. The location, character and extent of the proposed WMATA facilities are in substantial accord with the Comprehensive Plan.

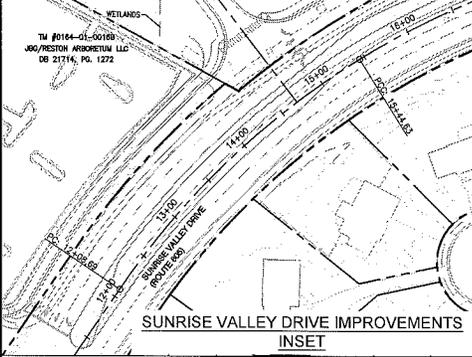
#2673511v1 SOJ Herndon South 2232 - Pavilion 080092/000009



LEGEND

- SHADE TREE
- NARROW CROWN DECIDUOUS TREE
- FLOWERING TREE

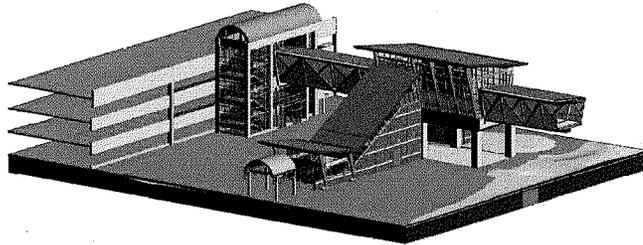
SEE SHEET 2 FOR PLANTING SCHEDULE



PURPOSE: TO SEEK APPROVAL THAT THE LOCATION, CHARACTER AND EXTENT OF THE PROPOSED HERNDON STATION SOUTH METRO ENTRANCE PAVILION, AND PEDESTRIAN BRIDGES TO THE STATION PLATFORM AND THE GARAGE ELEVATOR(S), ARE IN SUBSTANTIAL CONFORMANCE WITH THE FAIRFAX COUNTY COMPREHENSIVE PLAN.

Public Facilities Plan - STATION SHEET 1 - 05/15/2015 9:22:51 AM

SEE SUNRISE VALLEY DRIVE IMPROVEMENTS INSET (THIS SHEET)																																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">ORIGINATORS</th> <th colspan="2">REFERENCE DRAWINGS</th> <th colspan="2">REVISIONS</th> </tr> <tr> <th>NUMBER</th> <th>DATE</th> <th>NO</th> <th>DATE</th> <th>DESCRIPTION</th> <th>ORIG</th> </tr> </thead> <tbody> <tr> <td>M. CARMAN</td> <td>12/2014</td> <td>0</td> <td>01/28/2015</td> <td>PUBLIC FACILITIES PLAN SUBMISSION</td> <td>DT</td> </tr> <tr> <td>D. TUCKER</td> <td>12/2014</td> <td>1</td> <td>04/17/2015</td> <td>PUBLIC FACILITIES PLAN SUBMISSION</td> <td>JV</td> </tr> <tr> <td>J. VEGA</td> <td>12/2014</td> <td>2</td> <td>05/18/2015</td> <td>PUBLIC FACILITIES PLAN SUBMISSION</td> <td>JV</td> </tr> <tr> <td>T. CULLETON</td> <td>12/2014</td> <td></td> <td></td> <td></td> <td>TC</td> </tr> </tbody> </table>		ORIGINATORS		REFERENCE DRAWINGS		REVISIONS		NUMBER	DATE	NO	DATE	DESCRIPTION	ORIG	M. CARMAN	12/2014	0	01/28/2015	PUBLIC FACILITIES PLAN SUBMISSION	DT	D. TUCKER	12/2014	1	04/17/2015	PUBLIC FACILITIES PLAN SUBMISSION	JV	J. VEGA	12/2014	2	05/18/2015	PUBLIC FACILITIES PLAN SUBMISSION	JV	T. CULLETON	12/2014				TC		<p>METROPOLITAN WASHINGTON AIRPORTS AUTHORITY</p> <p>Capital Rail Constructors 195 Van Buren St, Suite 250, Herndon, Virginia 22070</p>	<p>Dewberry 5401 ARLINGTON BLVD, FAIRFAX, VA 22031 703-346-0100</p>	<p>DULLES CORRIDOR METRORAIL PROJECT</p>	<p>WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY</p> <p>WMATA LDP 2009</p> <p>DGS PROJECT IDENTIFICATION CODE:</p> <p>EXTENSION TO DULLES AIRPORT / ROUTE 772 PUBLIC FACILITIES PLAN HERNDON STATION - SOUTH</p>	<p>CONTRACT NO.: 8-13-C001</p> <p>SCALE: 1"=50'</p> <p>DRAWING NO.: N08-PFM-001S</p> <p>SHEET 1 OF 2</p>
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T. CULLETON	12/2014				TC																																						



PERSPECTIVE VIEW OF HERNDON STATION - SOUTH PAVILION

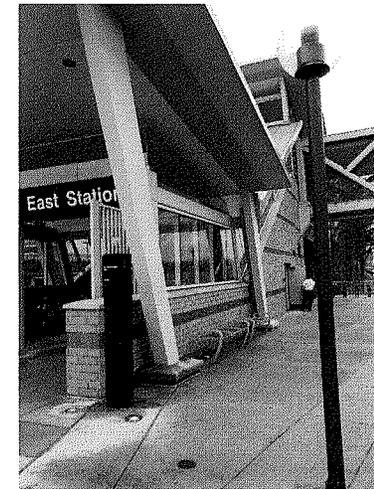
NOTE: THIS PERSPECTIVE VIEW IS FOR ILLUSTRATIVE PURPOSES TO SHOW THE CHARACTER OF THE PROPOSED STATION PAVILION ARCHITECTURE AND IS SUBJECT TO CHANGE WITH FINAL DESIGN.

PLANT SCHEDULE				
BOTANICAL NAME/ COMMON NAME	QTY	SIZE	10-YR TREE COVER SQ. FT.	TREE COVER SUB-TOTAL
SHADE TREES CAT. III OR IV	3	3" CAL.	250	750
ACER RUBRUM 'RED SUNSET'				
RED MAPLE				
QUERCUS PHELLOS 'HIGHTOWER'				
WILLOW OAK				
FLOWERING TREES CAT. II	7	2" CAL.	100	700
AMELANCHIER ARBOREA				
DOWNY SERVICEBERRY				
CORNUS X RUTGERSSENSIS				
RUTGERS DOGWOOD 'STELLAR PINK'				
NARROW CROWN DECIDUOUS TREES CAT. I	15	3" CAL.	75	1,125
CARPINUS BETULUS 'FASIGIATA'				
UPRIGHT EUROPEAN HORNBEAM				



DULLES CORRIDOR METRO RAIL PHASE I WIEHLE-RESTON EAST STATION

NOTE: THE PHOTOGRAPHS OF THE EXISTING DULLES CORRIDOR METRO RAIL PHASE I PAVILION (WIEHLE-RESTON EAST) IS FOR ILLUSTRATIVE PURPOSES TO SHOW THE CHARACTER OF THE PAVILION ARCHITECTURE PROPOSED WITH THE SPECIAL EXCEPTION WHICH IS SUBJECT TO FINAL DESIGN.



DULLES CORRIDOR METRO RAIL PHASE I WIEHLE-RESTON EAST STATION

Public Facilities Plan 1 STATION SHEET 2, 05/15/2016 9:27:28 AM

ORIGINATORS DRAWN M. CADMAN 12/2014 DATE DESIGNED D. TUCKER 12/2014 DATE CHECKED J. VEGA 12/2014 DATE APPROVED T. CULLEITON 12/2014 DATE		REFERENCE DRAWINGS NUMBER DESCRIPTION NO DATE DESCRIPTION 0 01/28/2015 PUBLIC FACILITIES PLAN SUBMISSION DT JV JV TC 1 04/17/2015 PUBLIC FACILITIES PLAN SUBMISSION DT JV JV TC 2 05/18/2015 PUBLIC FACILITIES PLAN SUBMISSION DT JV JV TC		REVISIONS ORIG CHKD SUPV APPR DT JV JV TC DT JV JV TC DT JV JV TC						WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY WMATA LDP 2009 DSS PROJECT IDENTIFICATION CODE:	CONTRACT NO.: 8-13-C001 EXTENSION TO DULLES AIRPORT / ROUTE 772 PUBLIC FACILITIES PLAN HERNDON STATION - SOUTH	SCALE: 1"=50' DRAWING NO.: N08-PFM-002S	SHEET 2 OF 2
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APR 17 2015
DEPARTMENT OF PLANNING & ZONING

Herndon Station - South

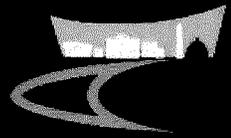
12530 Sunrise Valley Drive
SITE PHOTOGRAPHS



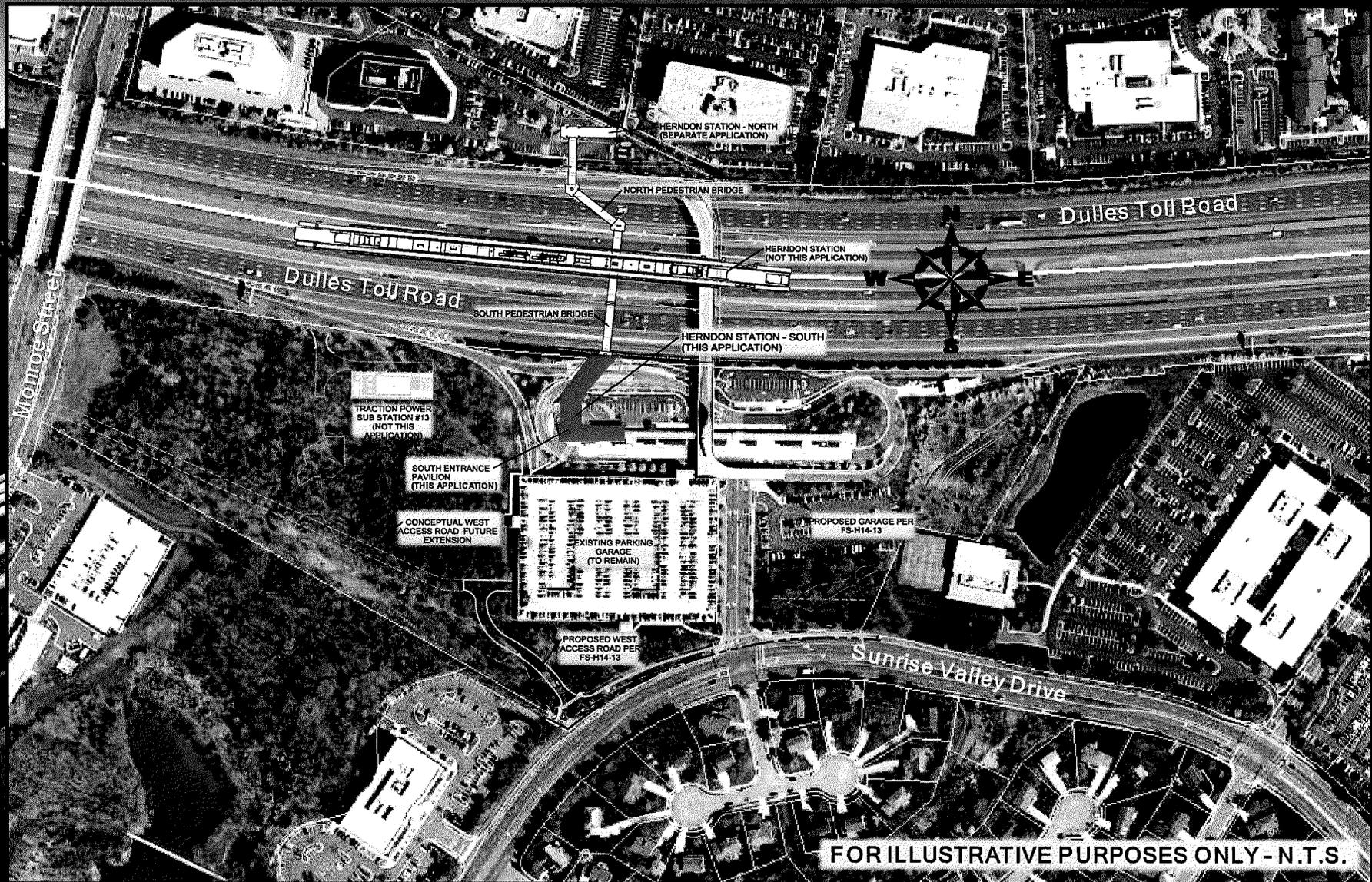
- Page 2 Aerial of Subject Site
- Page 3-4 Sunrise Valley Drive Access
- Page 5-7 Internal Accessibility & Features
- Page 8-9 Dulles Toll Road Access

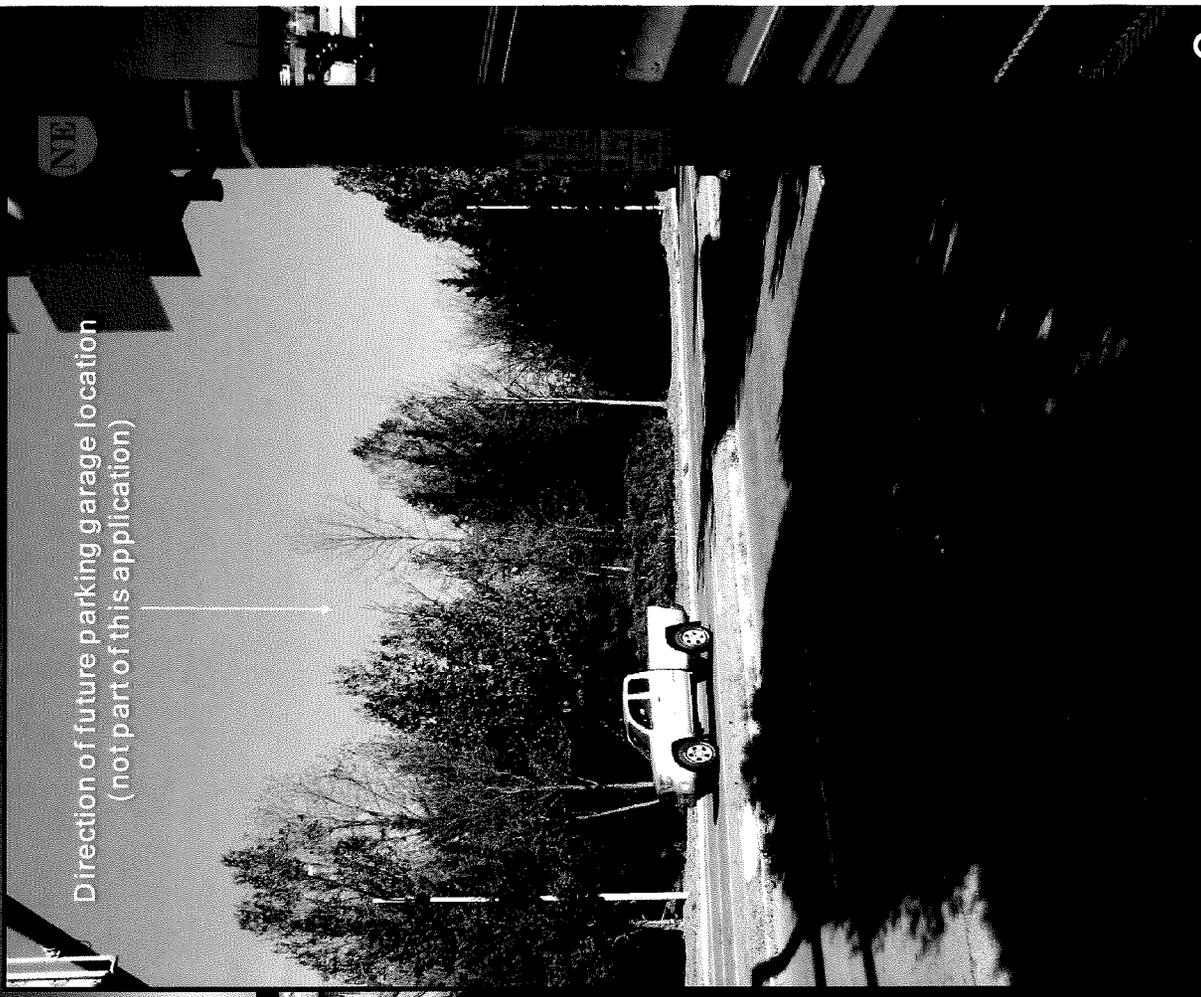
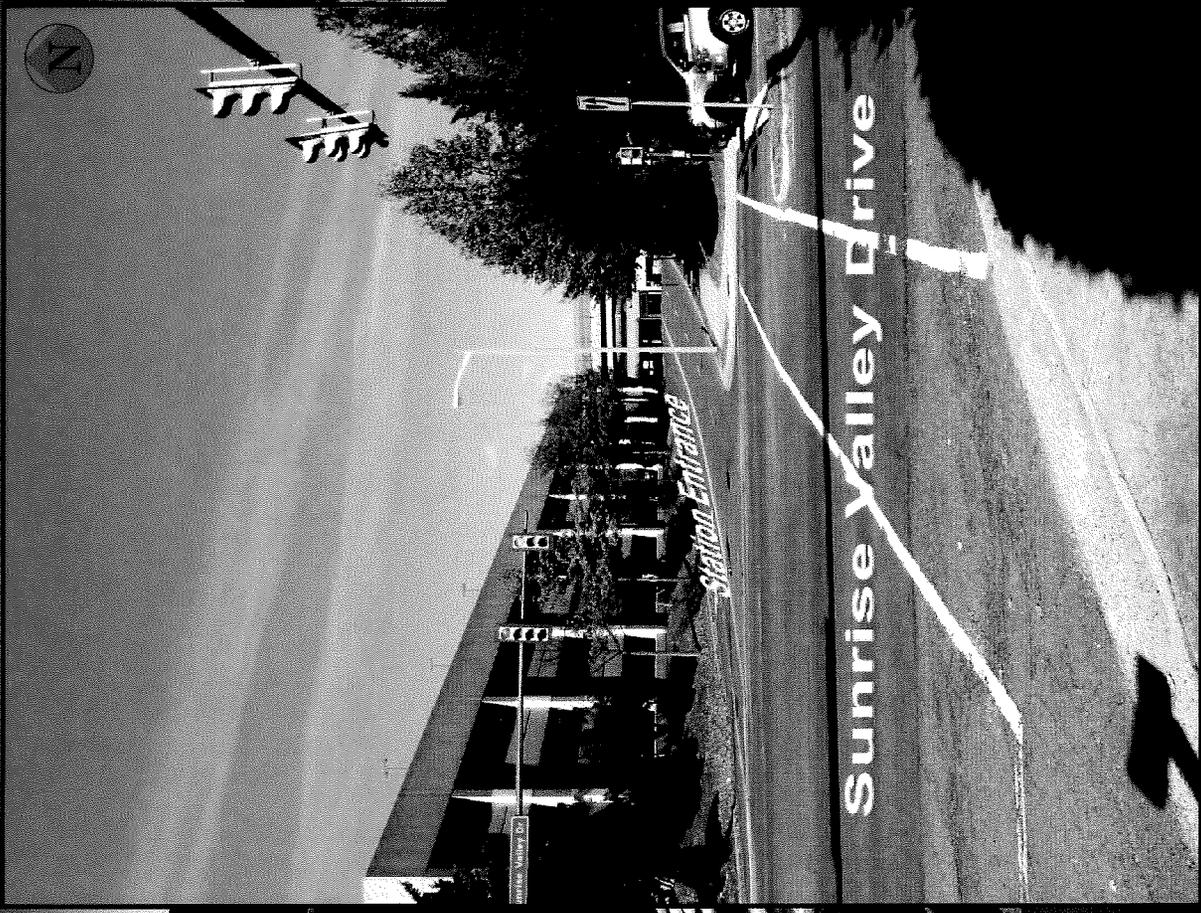


METROPOLITAN
WASHINGTON
AIRPORTS
AUTHORITY



11/18/2014
12/18/2014
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Feldman
Pittleman PC

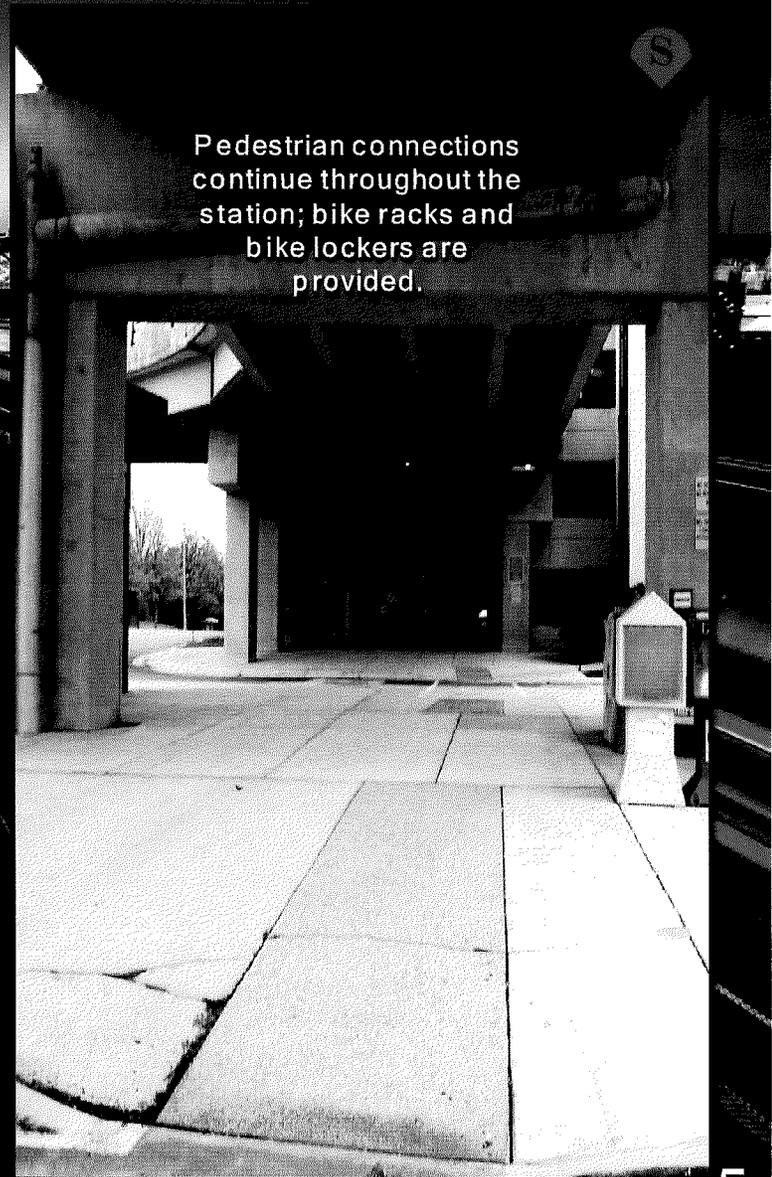




Direction of future parking garage location
(not part of this application)

The station entrance from Sunrise Valley Drive has an existing 4-way traffic signal and pedestrian connections in all directions.



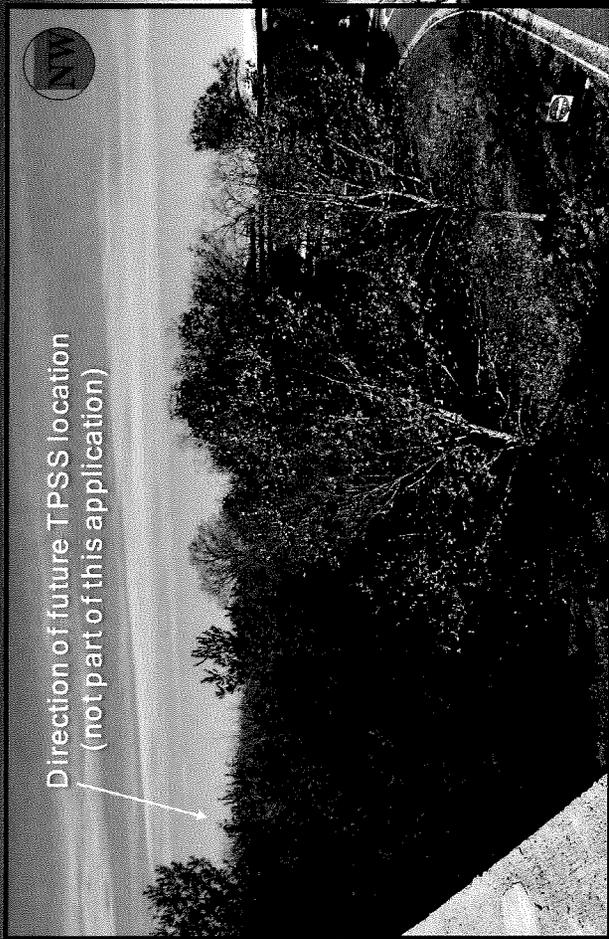




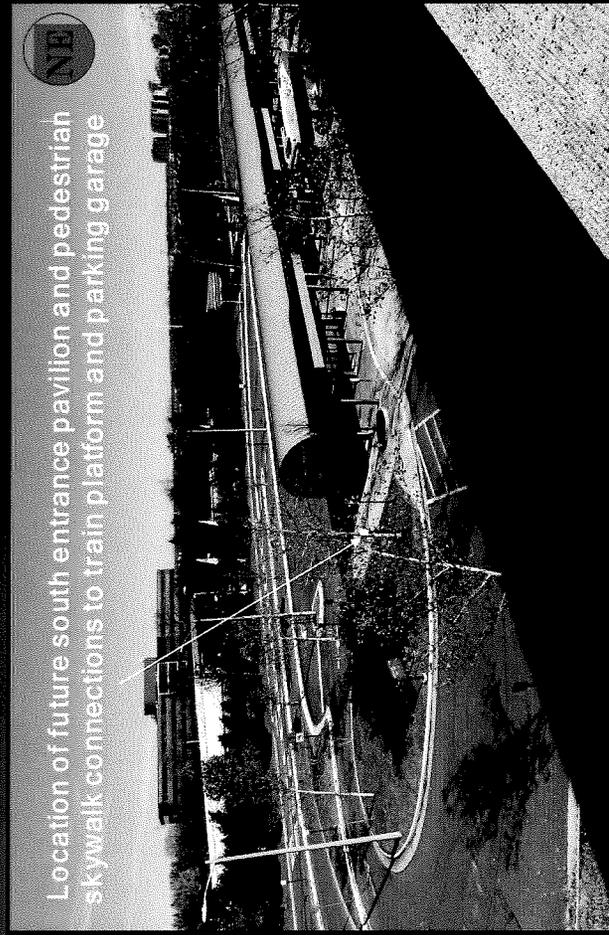
Exit To Toll Road West



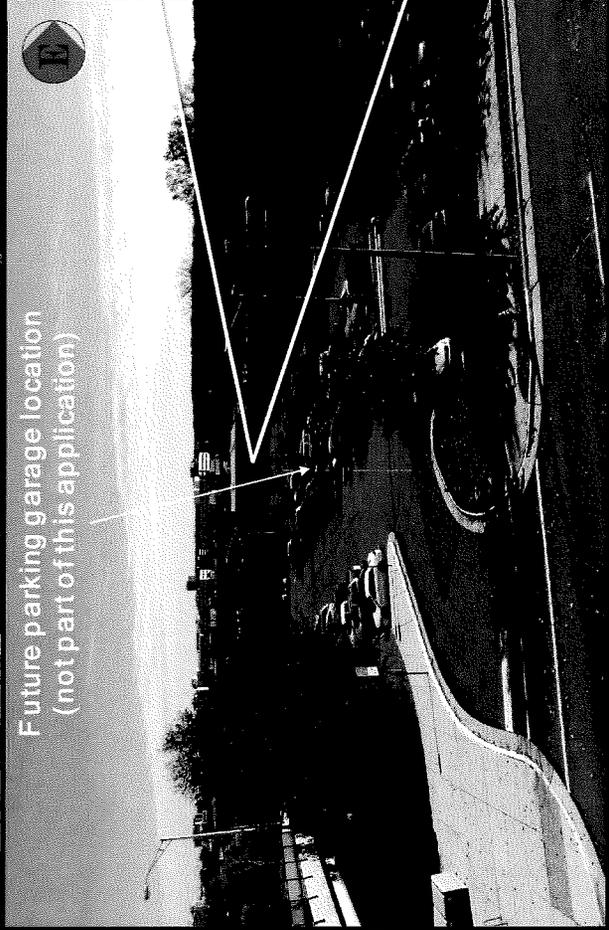
Direction of future TPSS location
(not part of this application)



Location of future south entrance pavilion and pedestrian
skywalk connections to train platform and parking garage



Future parking garage location
(not part of this application)



Adjacent property

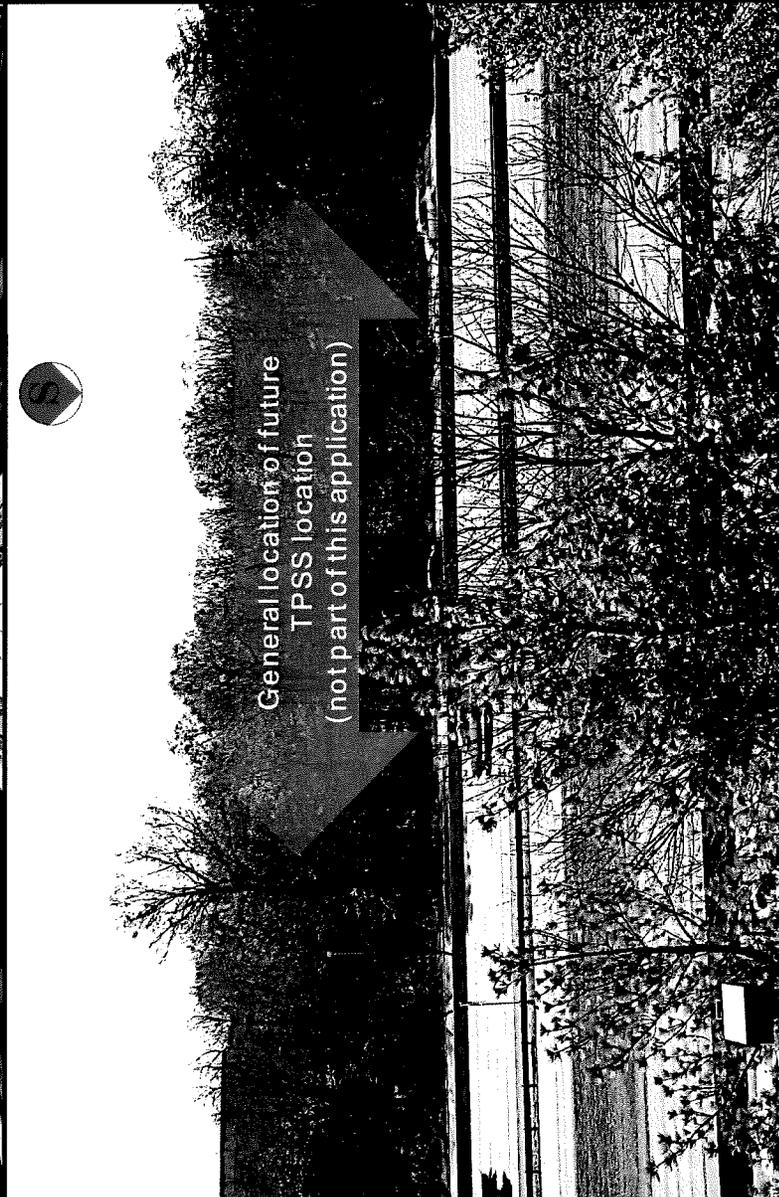




Existing garage



General location of future
TPSS location
(not part of this application)



ATTACHMENT B



County of Fairfax, Virginia

2232-H15-2

Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation, on behalf of the Washington Metropolitan Area Transit Authority (WMATA)- South Entrance Pavilion and Skywalk to the future Herndon Silver Line Station, and Traction Power Sub Station #13, both of which are part of the Washington Metropolitan Area Transit Authority's electrically-powered regional rail transit facilities.

12530 Sunrise Valley Drive

Tax Map Ref.: 16-4 ((1)) 27

Zoning District: I-4

Comments:

This request is for the proposed South Entrance Pavilion and Skywalk to the future Herndon Silver Line Station, and Traction Power Sub Station #13, to be located at the referenced property. The property consists of 27.36 acres and is zoned I-4. The property is currently developed with the Herndon-Monroe Park & Ride public commuter parking facility, which includes a 4-story parking structure, and has previously been approved for other improvements including an additional parking garage and pedestrian connections. A Special Exception application, SE 2015-HM-006, has also been filed on the property for the future electrically-powered regional rail transit facility, with pending public hearing dates before the Planning Commission on July 22, 2015, and the Board of Supervisors on July 28, 2015. The property is not subject to any proffered conditions or development conditions, and public uses are a permitted use in the I-4 District.

The proposal includes construction of a 6,000 square foot entrance pavilion with a 5,000 square foot elevator and stair structure and elevated pedestrian bridge connecting it to the parking garage and future transit station. Additionally, the proposal includes construction of a traction power station, "TPPS #13", which includes a 3,000 square foot modular building, a 110 square foot modular communication room, a 1,100 square foot transformer courtyard, and a 600 square foot 34.5 kv switch courtyard, all surrounded by a 15 foot high architectural screen wall. The I-4 District requirements include a maximum floor area ratio (FAR) of 0.50 by-right, a maximum building height of 75 feet, and a minimum front yard requirement controlled by a 45 degree angle of bulk plane, which results in a one-to-one ratio of building height to minimum yard requirement, but not less than 40 feet. The elevated pedestrian walkway connecting the entrance pavilion to the future transit station is considered most similar to "...any similar structures or devices which in the opinion of the Zoning Administrator are obviously intended to be otherwise located in the public interest, and are not incongruous with the aesthetic standards of the surrounding area" and are therefore exempt from the minimum yard requirements pursuant to Par. 2 of Sect. 2-104 of the Zoning Ordinance. The bulk regulations of the I-4 District appear to be satisfied with this request. Waivers and modifications for transitional screening and barrier requirements were previously granted at the time of site plan approval for the existing facility. All applicable Zoning Ordinance requirements must continue to be satisfied at the time of site plan approval for this request.

ZED: Not applicable

Prepared by: Cathy Belgin- March 12, 2015

Cathy S. Belgin, AICP

Senior Assistant to the Zoning Administrator

Zoning Administration Division

Fairfax County Department of Planning and Zoning

ATTACHMENT C

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.1-23.03 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

(Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 4 7, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690; 2012, cc. 803, 835.)



County of Fairfax, Virginia

MEMORANDUM

DATE: May 12, 2015

TO: Barbara Berlin, Director
Zoning Evaluation Division, Department of Planning & Zoning

FROM: Michael A. Davis, Acting Chief 
Site Analysis Section, Department of Transportation

FILE: SE 2015-HM-006

SUBJECT: SE 2015-HM-006 – Herndon Station South
Tax Map: 016-4 ((01)) 0027

This department has reviewed the subject application and plans, dated February 19, 2015, and revised through April 17, 2015. The application requests permission to construct regional rail facilities at the Herndon-Monroe Park and Ride facility, owned by Fairfax County, including the southern entrance pavilion to the future Herndon Metro Station, and an elevated pedestrian walkway from the pavilion.

Staff has requested that pedestrian circulation plan be updated to more clearly show future pedestrian paths, access points, and pedestrian paths and crossings not located at grade. To this end, staff has suggested the following:

- Change the pedestrian line type to remove the large gaps between dots on the line,
- Clearly label access points to the pavilion, noting where pedestrian paths are above grade, and
- Identify on the plan those locations where existing pedestrian facilities will be replaced.

MAD/VLH

cc: Mary Ann Tsai/DPZ



COMMONWEALTH of VIRGINIA
DEPARTMENT OF TRANSPORTATION

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

4975 Alliance Drive
Fairfax, VA 22030

March 18, 2015

Ms. Barbara Berlin, AICP, Director
Zoning Evaluation Division
Fairfax County Department of Planning and Zoning
12055 Government Center Parkway, Suite 730
Fairfax, Virginia 22035-5505

Re: Herndon Station South
Fairfax County Plan No: **SE 2015-HM-006**

Dear Ms. Berlin:

VDOT has reviewed the above referenced plan and has no objection to its approval.

Sincerely,

A handwritten signature in black ink that reads "Paul J. Kraucunas".

Paul J. Kraucunas, P.E.
Land Development Program Manager



County of Fairfax, Virginia

MEMORANDUM

DATE: April 28, 2015

TO: Mary Ann Tsai, Staff Coordinator
Zoning Evaluation Division, DPZ

FROM: Hugh C. Whitehead, Urban Forester III
Forest Conservation Branch, DPWES *HCW*

SUBJECT: Herndon Station South, SE 2015-HM-006

I have reviewed the above referenced Special Exception application, consisting of the applicant's Responses to County Agency Comments and the Special Exception Plat, stamped as received by the Zoning Evaluation Division on April 17, 2015 and April 20, 2015, respectively.

Previous review resulted in a comment regarding columnar varieties of trees proposed for parking lot landscaping. As noted in the applicant's response, the proposed landscape plan has been removed from the plans and the plan focuses on the scope of the SE. The comment regarding parking lot trees has been addressed in the concurrent 2232 plan associated with the site by selecting red maple and willow oak for parking lot landscaping.

Forest Conservation Branch staff considers this comment adequately addressed and has no further comments regarding the application at this time.

If there are any questions or further assistance is desired, please contact me at (703)324-1770.

HCW/
UFMDID #: 199542

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
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FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Barbara Berlin, AICP, Director
Zoning Evaluation Division
Department of Planning and Zoning

FROM: Sandy Stallman, AICP, Manager 
Park Planning Branch, PDD

DATE: March 25, 2015

SUBJECT: SE 2015-HM-006, Herndon Station South
Tax Map Number: 16-4 ((1)) 27

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land, resources, facilities or service levels of the Park Authority. However, the Cultural Resources Management and Protection (CRMP) staff notes that this project is federally funded and triggers Section 106 of the National Historic Preservation Act and will require archaeological survey under the guidance of the Virginia Department of Historic Resources (VDHR); coordination and consultation with VDHR should be initiated as soon as possible.

FCPA Reviewer: Anna Bentley
DPZ Coordinator: Mary Ann Tsai

Copy: Cindy Walsh, Director, Resource Management Division
Mary Ann Tsai, DPZ Coordinator
Chron File
File Copy

GLOSSARY

This Glossary is provided to assist the public in understanding the staff evaluation and analysis of development proposals. It should not be construed as representing legal definitions. Refer to the Fairfax County Zoning Ordinance, Comprehensive Plan or Public Facilities Manual for additional information.

ABANDONMENT: Refers to road or street abandonment, an action taken by the Board of Supervisors, usually through the public hearing process, to abolish the public's right-of-passage over a road or road right-of way. Upon abandonment, the right-of-way automatically reverts to the underlying fee owners. If the fee to the owner is unknown, Virginia law presumes that fee to the roadbed rests with the adjacent property owners if there is no evidence to the contrary.

ACCESSORY DWELLING UNIT (OR APARTMENT): A secondary dwelling unit established in conjunction with and clearly subordinate to a single family detached dwelling unit. An accessory dwelling unit may be allowed if a special permit is granted by the Board of Zoning Appeals (BZA). Refer to Sect. 8-918 of the Zoning Ordinance.

AFFORDABLE DWELLING UNIT (ADU) DEVELOPMENT: Residential development to assist in the provision of affordable housing for persons of low and moderate income in accordance with the affordable dwelling unit program and in accordance with Zoning Ordinance regulations. Residential development which provides affordable dwelling units may result in a density bonus (see below) permitting the construction of additional housing units. See Part 8 of Article 2 of the Zoning Ordinance.

AGRICULTURAL AND FORESTAL DISTRICTS: A land use classification created under Chapter 114 or 115 of the Fairfax County Code for the purpose of qualifying landowners who wish to retain their property for agricultural or forestal use for use/value taxation pursuant to Chapter 58 of the Fairfax County Code.

BARRIER: A wall, fence, earthen berm, or plant materials which may be used to provide a physical separation between land uses. Refer to Article 13 of the Zoning Ordinance for specific barrier requirements.

BEST MANAGEMENT PRACTICES (BMPs): Stormwater management techniques or land use practices that are determined to be the most effective, practicable means of preventing and/or reducing the amount of pollution generated by nonpoint sources in order to improve water quality.

BUFFER: Graduated mix of land uses, building heights or intensities designed to mitigate potential conflicts between different types or intensities of land uses; may also provide for a transition between uses. A landscaped buffer may be an area of open, undeveloped land and may include a combination of fences, walls, berms, open space and/or landscape plantings. A buffer is not necessarily coincident with transitional screening.

CHESAPEAKE BAY PRESERVATION ORDINANCE: Regulations which the State has mandated must be adopted to protect the Chesapeake Bay and its tributaries. These regulations must be incorporated into the comprehensive plans, zoning ordinances and subdivision ordinances of the affected localities. Refer to Chesapeake Bay Preservation Act, Va. Code Section 10.1-2100 et seq and VR 173-02-01, Chesapeake Bay Preservation Area Designation and Management Regulations.

CLUSTER DEVELOPMENT: Residential development in which the lots are clustered on a portion of a site so that significant environmental/historical/cultural resources may be preserved or recreational amenities provided. While smaller lot sizes are permitted in a cluster subdivision to preserve open space, the overall density cannot exceed that permitted by the applicable zoning district. See Sect. 2-421 and Sect. 9-615 of the Zoning Ordinance.

COUNTY 2232 REVIEW PROCESS: A public hearing process pursuant to Sect. 15.2-2232 (Formerly Sect. 15.1-456) of the Virginia Code which is used to determine if a proposed public facility not shown on the adopted Comprehensive Plan is in substantial accord with the plan. Specifically, this process is used to determine if the general or approximate location, character and extent of a proposed facility is in substantial accord with the Plan.

dba: The momentary magnitude of sound weighted to approximate the sensitivity of the human ear to certain frequencies; the dBA value describes a sound at a given instant, a maximum sound level or a steady state value. See also Ldn.

DENSITY: Number of dwelling units (du) divided by the gross acreage (ac) of a site being developed in residential use; or, the number of dwelling units per acre (du/ac) except in the PRC District when density refers to the number of persons per acre.

DENSITY BONUS: An increase in the density otherwise allowed in a given zoning district which may be granted under specific provisions of the Zoning Ordinance when a developer provides excess open space, recreation facilities, or affordable dwelling units (ADUs), etc.

DEVELOPMENT CONDITIONS: Terms or conditions imposed on a development by the Board of Supervisors (BOS) or the Board of Zoning Appeals (BZA) in connection with approval of a special exception, special permit or variance application or rezoning application in a "P" district. Conditions may be imposed to mitigate adverse impacts associated with a development as well as secure compliance with the Zoning Ordinance and/or conformance with the Comprehensive Plan. For example, development conditions may regulate hours of operation, number of employees, height of buildings, and intensity of development.

DEVELOPMENT PLAN: A graphic representation which depicts the nature and character of the development proposed for a specific land area: information such as topography, location and size of proposed structures, location of streets trails, utilities, and storm drainage are generally included on a development plan. A development plan is a submission requirement for rezoning to the PRC District. A **GENERALIZED DEVELOPMENT PLAN (GDP)** is a submission requirement for a rezoning application for all conventional zoning districts other than a P District. A development plan submitted in connection with a special exception (SE) or special permit (SP) is generally referred to as an SE or SP plat. A **CONCEPTUAL DEVELOPMENT PLAN (CDP)** is a submission requirement when filing a rezoning application for a P District other than the PRC District; a CDP characterizes in a general way the planned development of the site. A **FINAL DEVELOPMENT PLAN (FDP)** is a submission requirement following the approval of a conceptual development plan and rezoning application for a P District other than the PRC District; an FDP further details the planned development of the site. See Article 16 of the Zoning Ordinance.

EASEMENT: A right to or interest in property owned by another for a specific and limited purpose. Examples: access easement, utility easement, construction easement, etc. Easements may be for public or private purposes.

ENVIRONMENTAL QUALITY CORRIDORS (EQCs): An open space system designed to link and preserve natural resource areas, provide passive recreation and protect wildlife habitat. The system includes stream valleys, steep slopes and wetlands. For a complete definition of EQCs, refer to the Environmental section of the Policy Plan for Fairfax County contained in Vol. 1 of the Comprehensive Plan.

ERODIBLE SOILS: Soils that wash away easily, especially under conditions where stormwater runoff is inadequately controlled. Silt and sediment are washed into nearby streams, thereby degrading water quality.

FLOODPLAIN: Those land areas in and adjacent to streams and watercourses subject to periodic flooding; usually associated with environmental quality corridors. The 100 year floodplain drains 70 acres or more of land and has a one percent chance of flood occurrence in any given year.

FLOOR AREA RATIO (FAR): An expression of the amount of development intensity (typically, non-residential uses) on a specific parcel of land. FAR is determined by dividing the total square footage of gross floor area of buildings on a site by the total square footage of the site itself.

FUNCTIONAL CLASSIFICATION: A system for classifying roads in terms of the character of service that individual facilities are providing or are intended to provide, ranging from travel mobility to land access. Roadway system functional classification elements include Freeways or Expressways which are limited access highways, Other Principal (or Major) Arterials, Minor Arterials, Collector Streets, and Local Streets. Principal arterials are designed to accommodate travel; access to adjacent properties is discouraged. Minor arterials are designed to serve both through traffic and local trips. Collector roads and streets link local streets and properties with the arterial network. Local streets provide access to adjacent properties.

GEOTECHNICAL REVIEW: An engineering study of the geology and soils of a site which is submitted to determine the suitability of a site for development and recommends construction techniques designed to overcome development on problem soils, e.g., marine clay soils.

HYDROCARBON RUNOFF: Petroleum products, such as motor oil, gasoline or transmission fluid deposited by motor vehicles which are carried into the local storm sewer system with the stormwater runoff, and ultimately, into receiving streams; a major source of non-point source pollution. An oil-grit separator is a common hydrocarbon runoff reduction method.

IMPERVIOUS SURFACE: Any land area covered by buildings or paved with a hard surface such that water cannot seep through the surface into the ground.

INFILL: Development on vacant or underutilized sites within an area which is already mostly developed in an established development pattern or neighborhood.

INTENSITY: The magnitude of development usually measured in such terms as density, floor area ratio, building height, percentage of impervious surface, traffic generation, etc. Intensity is also based on a comparison of the development proposal against environmental constraints or other conditions which determine the carrying capacity of a specific land area to accommodate development without adverse impacts.

Ldn: Day night average sound level. It is the twenty-four hour average sound level expressed in A-weighted decibels; the measurement assigns a "penalty" to night time noise to account for night time sensitivity. Ldn represents the total noise environment which varies over time and correlates with the effects of noise on the public health, safety and welfare.

LEVEL OF SERVICE (LOS): An estimate of the effectiveness of a roadway to carry traffic, usually under anticipated peak traffic conditions. Level of Service efficiency is generally characterized by the letters A through F, with LOS-A describing free flow traffic conditions and LOS-F describing jammed or grid-lock conditions.

MARINE CLAY SOILS: Soils that occur in widespread areas of the County generally east of Interstate 95. Because of the abundance of shrink-swell clays in these soils, they tend to be highly unstable. Many areas of slope failure are evident on natural slopes. Construction on these soils may initiate or accelerate slope movement or slope failure. The shrink-swell soils can cause movement in structures, even in areas of flat topography, from dry to wet seasons resulting in cracked foundations, etc. Also known as slippage soils.

OPEN SPACE: That portion of a site which generally is not covered by buildings, streets, or parking areas. Open space is intended to provide light and air; open space may function as a buffer between land uses or for scenic, environmental, or recreational purposes.

OPEN SPACE EASEMENT: An easement usually granted to the Board of Supervisors which preserves a tract of land in open space for some public benefit in perpetuity or for a specified period of time. Open space easements may be accepted by the Board of Supervisors, upon request of the land owner, after evaluation under criteria established by the Board. See Open Space Land Act, Code of Virginia, Sections 10.1-1700, et seq.

P DISTRICT: A "P" district refers to land that is planned and/or developed as a Planned Development Housing (PDH) District, a Planned Development Commercial (PDC) District or a Planned Residential Community (PRC) District. The PDH, PDC and PRC Zoning Districts are established to encourage innovative and creative design for land development; to provide ample and efficient use of open space; to promote a balance in the mix of land uses, housing types, and intensity of development; and to allow maximum flexibility in order to achieve excellence in physical, social and economic planning and development of a site. Refer to Articles 6 and 16 of the Zoning Ordinance.

PROFFER: A written condition, which, when offered voluntarily by a property owner and accepted by the Board of Supervisors in a rezoning action, becomes a legally binding condition which is in addition to the zoning district regulations applicable to a specific property. Proffers are submitted and signed by an owner prior to the Board of Supervisors public hearing on a rezoning application and run with the land. Once accepted by the Board, proffers may be modified only by a proffered condition amendment (PCA) application or other zoning action of the Board and the hearing process required for a rezoning application applies. See Sect. 15.2-2303 (formerly 15.1-491) of the Code of Virginia.

PUBLIC FACILITIES MANUAL (PFM): A technical text approved by the Board of Supervisors containing guidelines and standards which govern the design and construction of site improvements incorporating applicable Federal, State and County Codes, specific standards of the Virginia Department of Transportation and the County's Department of Public Works and Environmental Services.

RESOURCE MANAGEMENT AREA (RMA): That component of the Chesapeake Bay Preservation Area comprised of lands that, if improperly used or developed, have a potential for causing significant water quality degradation or for diminishing the functional value of the Resource Protection Area. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

RESOURCE PROTECTION AREA (RPA): That component of the Chesapeake Bay Preservation Area comprised of lands at or near the shoreline or water's edge that have an intrinsic water quality value due to the ecological and biological processes they perform or are sensitive to impacts which may result in significant degradation of the quality of state waters. In their natural condition, these lands provide for the removal, reduction or assimilation of sediments from runoff entering the Bay and its tributaries, and minimize the adverse effects of human activities on state waters and aquatic resources. New development is generally discouraged in an RPA. See Fairfax County Code, Ch. 118, Chesapeake Bay Preservation Ordinance.

SITE PLAN: A detailed engineering plan, to scale, depicting the development of a parcel of land and containing all information required by Article 17 of the Zoning Ordinance. Generally, submission of a site plan to DPWES for review and approval is required for all residential, commercial and industrial development except for development of single family detached dwellings. The site plan is required to assure that development complies with the Zoning Ordinance.

SPECIAL EXCEPTION (SE) / SPECIAL PERMIT (SP): Uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors; a special permit requires a public hearing and approval by the Board of Zoning Appeals. Unlike proffers which are voluntary, the Board of Supervisors or BZA may impose reasonable conditions to assure, for example, compatibility and safety. See Article 8, Special Permits and Article 9, Special Exceptions, of the Zoning Ordinance.

STORMWATER MANAGEMENT: Engineering practices that are incorporated into the design of a development in order to mitigate or abate adverse water quantity and water quality impacts resulting from development. Stormwater management systems are designed to slow down or retain runoff to re-create, as nearly as possible, the pre-development flow conditions.

SUBDIVISION PLAT: The engineering plan for a subdivision of land submitted to DPWES for review and approved pursuant to Chapter 101 of the County Code.

TRANSPORTATION DEMAND MANAGEMENT (TDM): Actions taken to reduce single occupant vehicle automobile trips or actions taken to manage or reduce overall transportation demand in a particular area.

TRANSPORTATION SYSTEM MANAGEMENT (TSM) PROGRAMS: This term is used to describe a full spectrum of actions that may be applied to improve the overall efficiency of the transportation network. TSM programs usually consist of low-cost alternatives to major capital expenditures, and may include parking management measures, ridesharing programs, flexible or staggered work hours, transit promotion or operational improvements to the existing roadway system. TSM includes Transportation Demand Management (TDM) measures as well as H.O.V. use and other strategies associated with the operation of the street and transit systems.

URBAN DESIGN: An aspect of urban or suburban planning that focuses on creating a desirable environment in which to live, work and play. A well-designed urban or suburban environment demonstrates the four generally accepted principles of design: clearly identifiable function for the area; easily understood order; distinctive identity; and visual appeal.

VACATION: Refers to vacation of street or road as an action taken by the Board of Supervisors in order to abolish the public's right-of-passage over a road or road right-of-way dedicated by a plat of subdivision. Upon vacation, title to the road right-of-way transfers by operation of law to the owner(s) of the adjacent properties within the subdivision from whence the road/road right-of-way originated.

VARIANCE: An application to the Board of Zoning Appeals which seeks relief from a specific zoning regulation such as lot width, building height, or minimum yard requirements, among others. A variance may only be granted by the Board of Zoning Appeals through the public hearing process and upon a finding by the BZA that the variance application meets the required Standards for a Variance set forth in Sect. 18-404 of the Zoning Ordinance.

WETLANDS: Land characterized by wetness for a portion of the growing season. Wetlands are generally delineated on the basis of physical characteristics such as soil properties indicative of wetness, the presence of vegetation with an affinity for water, and the presence or evidence of surface wetness or soil saturation. Wetland environments provide water quality improvement benefits and are ecologically valuable. Development activity in wetlands is subject to permitting processes administered by the U.S. Army Corps of Engineers

TIDAL WETLANDS: Vegetated and nonvegetated wetlands as defined in Chapter 116 Wetlands Ordinance of the Fairfax County Code: includes tidal shores and tidally influenced embayments, creeks, and tributaries to the Occoquan and Potomac Rivers. Development activity in tidal wetlands may require approval from the Fairfax County Wetlands Board.

Abbreviations Commonly Used in Staff Reports

A&F	Agricultural & Forestal District	PDH	Planned Development Housing
ADU	Affordable Dwelling Unit	PFM	Public Facilities Manual
ARB	Architectural Review Board	PRC	Planned Residential Community
BMP	Best Management Practices	RC	Residential-Conservation
BOS	Board of Supervisors	RE	Residential Estate
BZA	Board of Zoning Appeals	RMA	Resource Management Area
COG	Council of Governments	RPA	Resource Protection Area
CBC	Community Business Center	RUP	Residential Use Permit
CDP	Conceptual Development Plan	RZ	Rezoning
CRD	Commercial Revitalization District	SE	Special Exception
DOT	Department of Transportation	SEA	Special Exception Amendment
DP	Development Plan	SP	Special Permit
DPWES	Department of Public Works and Environmental Services	TDM	Transportation Demand Management
DPZ	Department of Planning and Zoning	TMA	Transportation Management Association
DU/AC	Dwelling Units Per Acre	TSA	Transit Station Area
EQC	Environmental Quality Corridor	TSM	Transportation System Management
FAR	Floor Area Ratio	UP & DD	Utilities Planning and Design Division, DPWES
FDP	Final Development Plan	VC	Variance
GDP	Generalized Development Plan	VDOT	Virginia Dept. of Transportation
GFA	Gross Floor Area	VPD	Vehicles Per Day
HC	Highway Corridor Overlay District	VPH	Vehicles per Hour
HCD	Housing and Community Development	WMATA	Washington Metropolitan Area Transit Authority
LOS	Level of Service	WS	Water Supply Protection Overlay District
Non-RUP	Non-Residential Use Permit	ZAD	Zoning Administration Division, DPZ
OSDS	Office of Site Development Services, DPWES	ZED	Zoning Evaluation Division, DPZ
PCA	Proffered Condition Amendment	ZPRB	Zoning Permit Review Branch
PD	Planning Division		
PDC	Planned Development Commercial		