



SE APPLICATION ACCEPTED: May 4, 2015
2232 APPLICATION ACCEPTED: August 24, 2015
PLANNING COMMISSION: October 1, 2015
BOARD OF SUPERVISORS: October 20, 2015 @ 3:00 P.M.

County of Fairfax, Virginia

September 16, 2015

STAFF REPORT

SPECIAL EXCEPTION SE 2015-DR-016
AND 2232-D-15-6



DRANESVILLE DISTRICT

APPLICANTS: Metropolitan Washington Airports Authority, the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority, and the Board of Supervisors of Fairfax County, VA

ZONING: PRM, (Planned Residential Mixed Use)

PARCEL: 15-2 ((1)) 13A part

SITE AREA: 6,515 square feet

PLAN MAP: Transit Oriented Development - Mixed Use

SE CATEGORY: Sects. 6-403 and 6-405, 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-D15-6 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-DR-016, subject to the proposed development conditions contained in Appendix 1.

William O'Donnell, AICP

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.

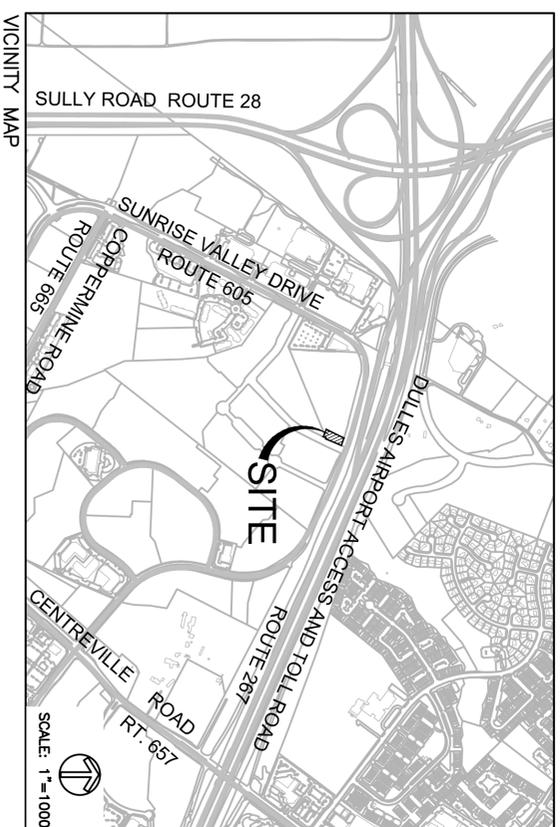
It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

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).



INNOVATION CENTER STATION - SOUTH

DULLES CORRIDOR METRO RAIL PROJECT PHASE 2

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN

APPLICANT: METROPOLITAN WASHINGTON AIRPORT AUTHORITY
 IN COORDINATION WITH THE
 VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
 ON BEHALF OF THE
 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

- SHEET INDEX**
1. COVER SHEET
 2. NOTES & TABULATION
 3. OVERALL SITE PLAN
 4. EXISTING CONDITIONS AND VEGETATION MAP
 5. SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN
 6. LANDSCAPE PLAN
 7. PAVILION ELEVATIONS
 8. PEDESTRIAN CIRCULATION PLAN
 9. CONNECTIVITY PLAN

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS										WMATA LDP 2009	CONTRACT NO.: 8-13-C001
NAME	DATE	NO	DATE	DESCRIPTION	LM	JC	JV	TC							
DESIGNED	J. CEVA 10/20/14	0	03/16/2015	SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION											
CHECKED	J. VEGA 10/20/14														
APPROVED	T. COLLETON 10/20/14														
EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH COVER SHEET		SCALE: AS NOTED		DRAWING NO.: N09-SE-001S		1 OF 9									

NOTES:

1. THE PROPERTY THAT IS THE SUBJECT OF THIS SPECIAL EXCEPTION PLAT IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 15-2 ((1)) 13 (PART), THE PROPERTY IS CURRENTLY ZONED PRM.
2. THE TOTAL LAND AREA OF THIS SPECIAL EXCEPTION APPLICATION IS APPROXIMATELY 0.15 ACRES.
3. THIS SPECIAL EXCEPTION PLAT ACCOMPANIES AN APPLICATION TO PERMIT THE ESTABLISHMENT OF AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY; SPECIFICALLY, ACCESSORY USES HERETO.
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 WMAVA 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.
6. A STATEMENT WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY AND THE NATURE OF THE APPLICANT'S INTEREST IN SAME IS PRESENTED IN A SEPARATE DOCUMENT.
7. THERE ARE NO MINIMUM YARD REQUIREMENTS FOR THE PRM DISTRICT.
8. AS STATED IN SECT. 9-404 AND 9-405 OF THE FAIRFAX COUNTY ZONING ORDINANCE THIS USE NEED NOT COMPLY WITH THE BULK REGULATIONS OR THE MINIMUM DISTRICT SIZE REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THE USE IS LOCATED.
9. SANITARY SEWER AND PUBLIC WATER ARE AVAILABLE AND WILL BE EXTENDED TO THE SITE AS NEEDED.
10. NO FLOOD PLAINS EXIST ON THE SITE. JURISDICTIONAL WETLANDS ARE NOT PRESENT WITHIN THE LIMITS OF THIS 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 (IB) 12. THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE OR MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED ON THE SUBJECT PROPERTY.
13. THE COMPREHENSIVE PLAN TRAILS MAP SHOWS A MAJOR PAVED TRAIL ON THE SOUTH SIDE OF SUNRISE VALLEY DRIVE. PLANNED IMPROVEMENTS TO SUNRISE VALLEY DRIVE WITH APPLICATION RZ 2009-HM-017 INCLUDES AN 8' WIDE ASPHALT TRAIL AND ON-ROAD BIKE LANES.
14. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO GRAVES LOCATED ON THE SUBJECT PROPERTY.
15. 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.
16. EXCEPT AS QUALIFIED ABOVE, THE PROPOSED DEVELOPMENT CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES AND ADOPTED STANDARDS.

EXISTING ZONING: PRM

TOTAL LAND AREA (6,530 SF) 0.15 ± AC
 FLOOR AREA RATIO (FAR) PERMITTED UNDER PRM 3.0

SOUTH PAVILION FLOOR AREA ±6,000 SQ FT
 FLOOR AREA RATIO (FAR) PROPOSED ±0.92
 MAXIMUM GROSS FLOOR AREA PERMITTED 19,590 ± SF

MAXIMUM BUILDING HEIGHT PERMITTED 80 FT
 SOUTH PAVILION BUILDING HEIGHT PROPOSED ±50 FT

OPEN SPACE REQUIRED (20%) * ± AC
 OPEN SPACE PROVIDED * ± AC

*MET ON THE OVERALL PRM ZONED SITE WITH APPROVED CDP/FDP RZ 2009-HM-017

PARKING SPACE REQUIRED/PROVIDED
 PARKING IS ADDRESSED BY APPROVED CDP/FDP RZ 2009-HM-017; SEE THE PARKING LOT TABULATION ON SHEET C-2 OF THE CDP/FDP.

LANDSCAPE CALCULATIONS
 TREE CANOPY AND INTERIOR AND PERIPHERAL PARKING LOT REQUIREMENTS ARE ADDRESSED BY APPROVED CDP/FDP RZ 2009-HM-017 FOR INNOVATION CENTER SOUTH AND THE INNOVATION CENTER STATION GARAGE; SEE SHEET C-6a OF THE CDP/FDP. A DEVATION OF THE TREE PRESERVATION TARGET PERCENTAGE WAS APPROVED IN FAVOR OF THE LANDSCAPING SHOWN WITH CDP/FDP RZ 2009-HM-017 APPROVAL.

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS	
DRAWN	DATE	NUMBER	DESCRIPTION	NO	DATE
L. MERRILL	10/20/14				
J. GENA	10/20/14			0	03/16/2015
J. VEGA	10/20/14				
T. COLLETTION	10/20/14				

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 (9-011 21 & 21)
- Cluster Subdivision (9-615 1G & 1N)
- Development Plans PRC District (16-302 2 & 4)
- FPP P Districts (except PRC) (916-502 1F & 1O)
- Amendments (18-202 10F & 10I)

Special Exceptions (9-011 21 & 21)

Commercial Reutilization District (9-622 2.A (12)&(14))

PRC Plan (16-303 1F & 1O)

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 for 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)
Totals						

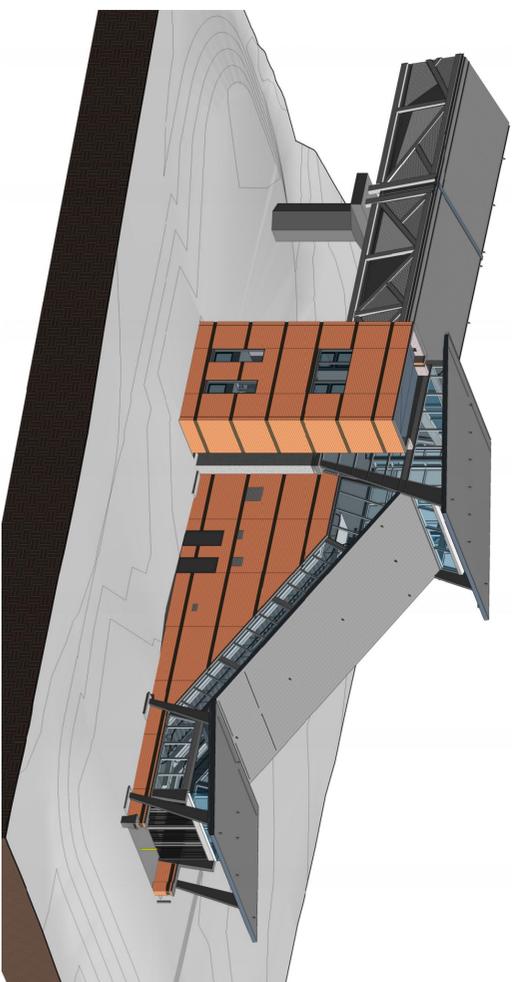
4. Onsite drainage channels, outfalls and pipe systems are shown on Sheet N/A.
5. Maintenance accesses (road) to stormwater management facility(ies) are shown on Sheet N/A.
6. Landscaping and tree preservation shown in and near the stormwater management facility is shown on Sheet _____.
7. A "stormwater 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 outlet 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 METROAIRL PROJECT WITH A SYSTEM WIDE APPROACH UTILIZING STATE IIB CRITERIA. THE PROPOSED STORMWATER MANAGEMENT APPROACH IS SUBJECT TO VIRGINIA DEQ REVIEW AND APPROVAL.

**MET ON THE OVERALL PRM ZONED SITE WITH APPROVED CDP/FDP RZ 2009-HM-017

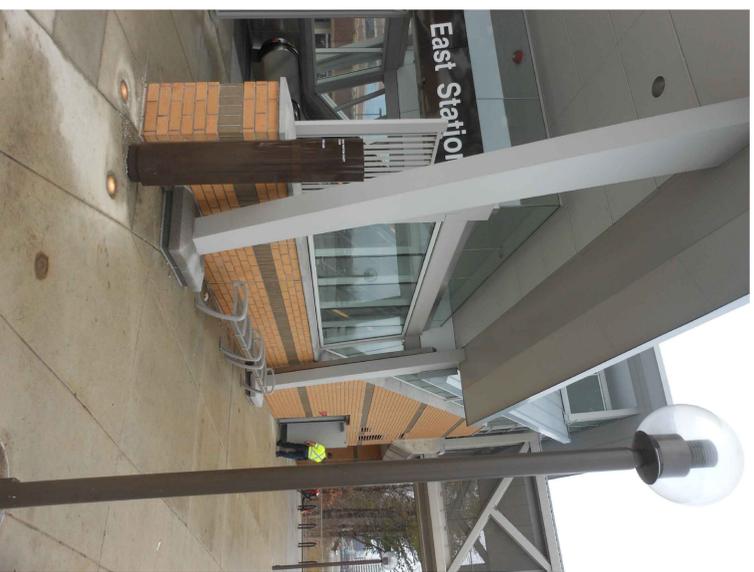


DULLES CORRIDOR METROAIRL PHASE 1 WIEHLE-RESTON EAST STATION
 NOTE: THE PHOTOGRAPHS OF THE EXISTING DULLES CORRIDOR METROAIRL PHASE 1 PAVILION (WIEHLE-RESTON EAST) IS FOR ILLUSTRATIVE PURPOSES TO SHOW THE CHARACTER OF THE PAVILION ARCHITECTURE PROPOSED WITH THE SPECIAL EXCEPTION WHICH IS SUBJECT TO FINAL DESIGN.



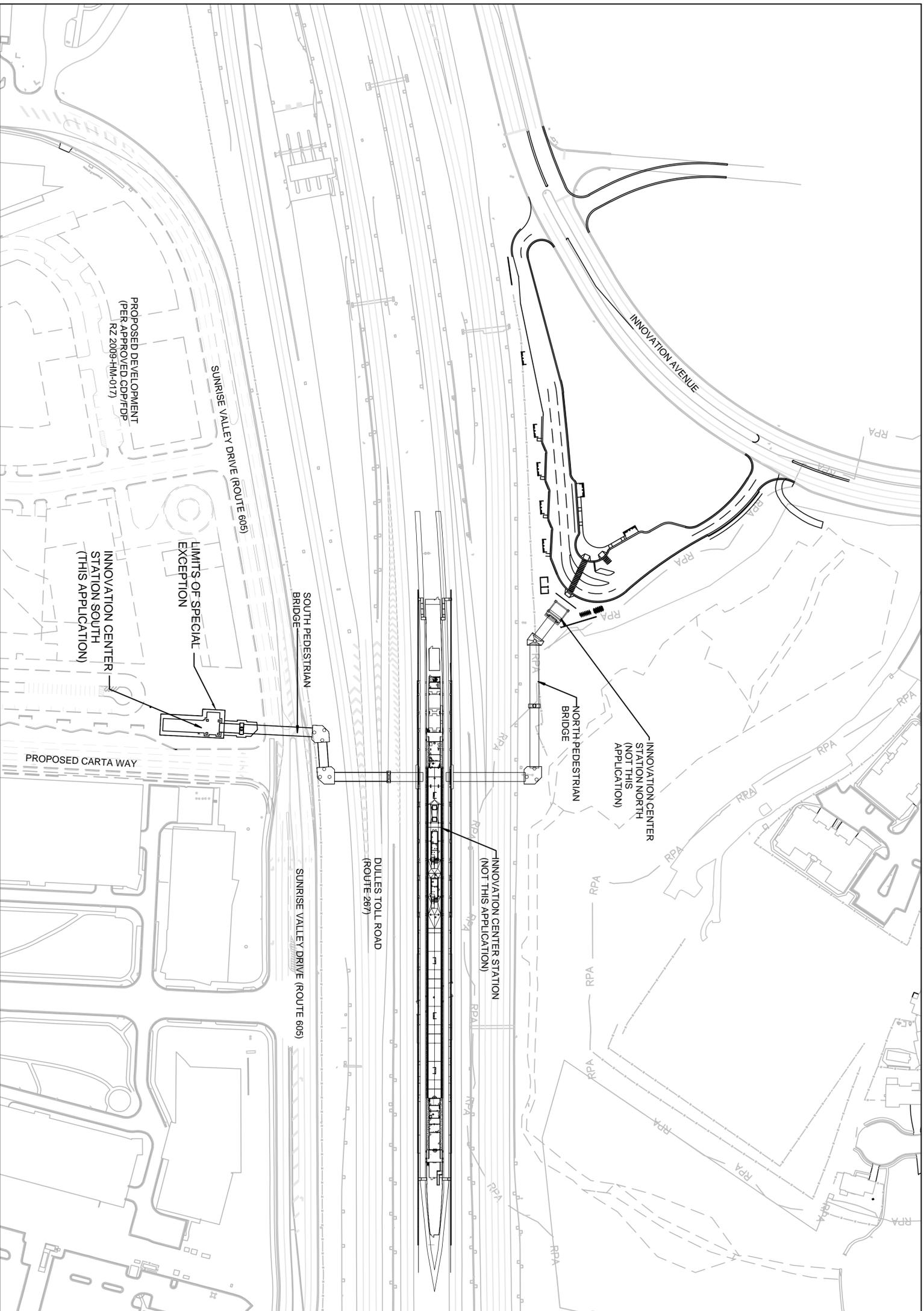
PERSPECTIVE VIEW OF INNOVATION STATION – SOUTH PAVILION

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.



DULLES CORRIDOR METROAIRL PHASE 1 WIEHLE-RESTON EAST STATION

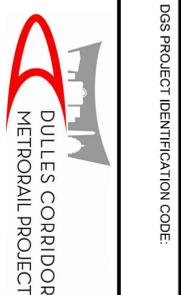
<p>METROPOLITAN WASHINGTON AIRPORTS AUTHORITY</p>	<p>Dewberry</p>	<p>DULLES CORRIDOR METROAIRL PROJECT</p>	<p>WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY</p>	<p>EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH STATION PERSPECTIVE, NOTES, & TABULATION</p>	<p>CONTRACT NO.: 8-13-C001</p>
<p>Capital Rail Constructors</p>	<p>Professional Engineer</p>	<p>DGS PROJECT IDENTIFICATION CODE:</p>	<p>WMAVA LDP 2009</p>	<p>SCALE: N/A</p>	<p>DRAWING NO.: N09-SE-002S</p>
<p>198 Van Buren St. Suite 250, Herndon, Virginia 20170</p>	<p>3-16-2015</p>	<p>8401 ARLINGTON BLVD, FARMEX, VA 22031 703-549-0100</p>	<p>WASHINGTON METROAIRL PROJECT</p>	<p>2 OF 9</p>	<p>8-13-C001</p>



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



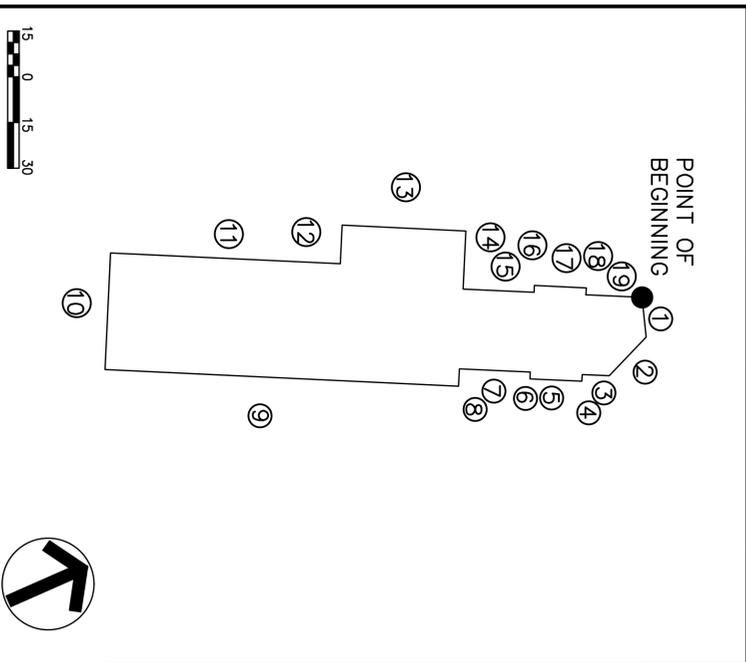
ORIGINATIONS		REFERENCE DRAWINGS		REVISIONS						
DRAWN	DATE	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHECKS	SUPV	APPR
L. MERRILL	10/20/14									
DESIGNED	DATE			0	03/16/2015	SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN SUBMISSION	LM	JC	JV	TC
J. CEVA	10/20/14									
J. VEGA	10/20/14									
CHECKED	DATE									
T. COULETTON	10/20/14									
APPROVED	DATE									



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

EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN
INNOVATION CENTER STATION - SOUTH
OVERALL SITE PLAN
SCALE: 1" = 100'
DRAWING NO.: N09-SE-003S
3 OF 9

SEGMENT NUMBER	NORTHING	EASTING	BEARING	LENGTH	RADIUS
P.O.B.	196506.1978	90901.9333	-	-	-
1	196501.9331	90914.3524	S21° 22' 28"E	13.13'	2456.00'
2	196485.6233	90920.7350	S27° 41' 11"W	17.51'	-
3	196477.7616	90916.6088	S62° 18' 49"E	8.88'	-
4	196476.7279	90918.5789	S62° 18' 49"E	2.22'	-
5	196461.6743	90910.6802	S27° 41' 11"W	17.00'	-
6	196462.7081	90908.7100	N62° 18' 54"W	2.22'	-
7	196442.1275	90897.9112	S27° 41' 11"W	23.24'	-
8	196439.4731	90902.9703	S62° 18' 54"E	5.71'	-
9	196336.9009	90849.1528	S27° 41' 06"W	115.83'	-
10	196354.7110	90815.2081	N62° 18' 54"W	38.33'	-
11	196421.3644	90850.1799	N27° 41' 07"E	75.27'	-
12	196427.2302	90839.0002	N62° 18' 54"W	12.63'	-
13	196463.1489	90857.8460	N27° 41' 06"E	40.56'	-
14	196454.2845	90874.7408	S62° 18' 54"E	19.08'	-
15	196474.8657	90885.5400	N27° 41' 11"E	23.24'	-
16	196475.9231	90883.5247	N62° 18' 49"W	2.28'	-
17	196490.9766	90891.4235	N27° 41' 11"E	17.00'	-
18	196489.9385	90893.4019	S62° 18' 49"E	2.23'	-
19	196506.1978	90901.9333	N27° 41' 11"E	18.36'	-

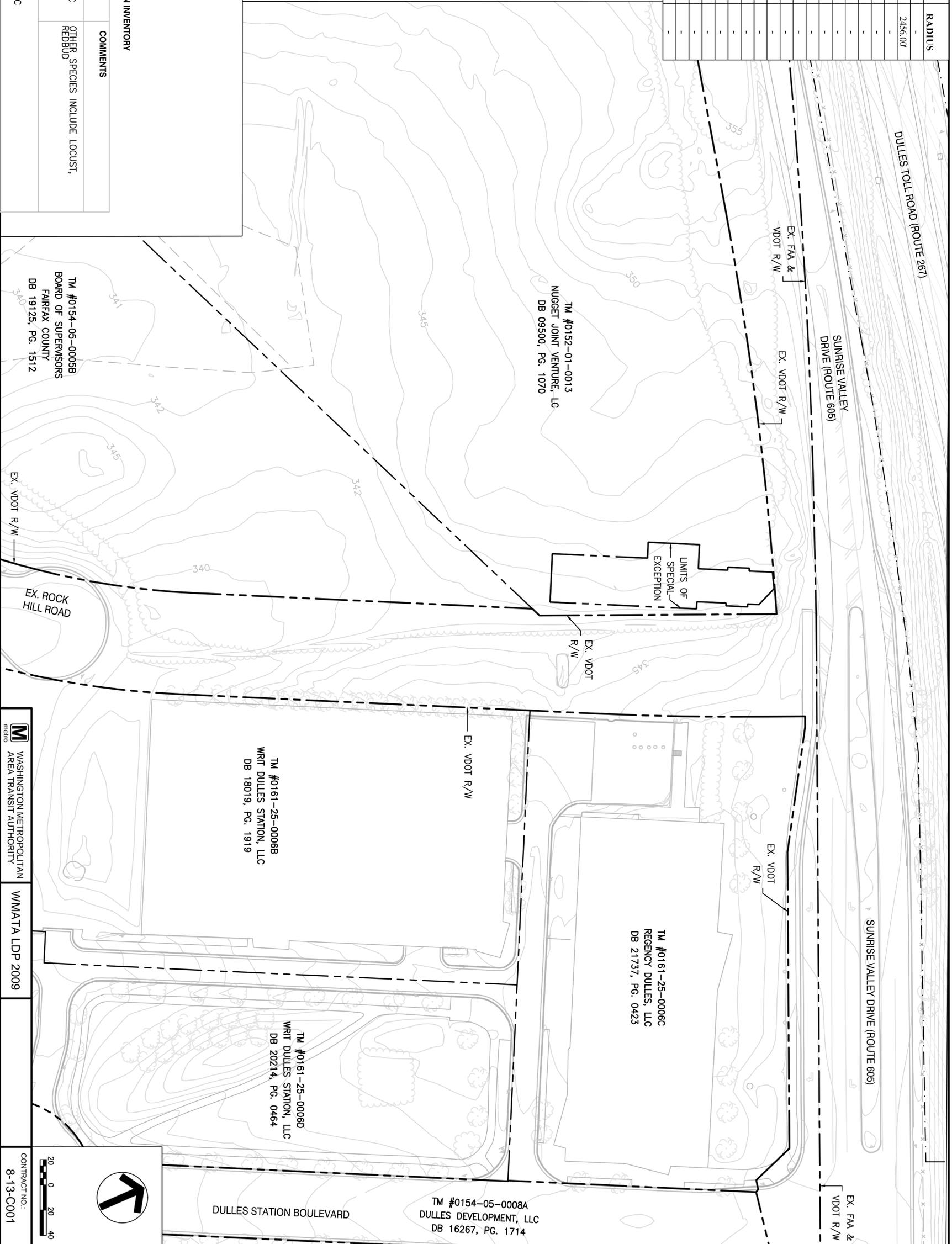


SPECIAL EXCEPTION BOUNDARY DETAIL

EXISTING VEGETATION INVENTORY

COVER TYPE	PRIMARY SPECIES	SUCCESSIONAL STAGES	CONDITION	ACREAGE	COMMENTS
UPLAND FOREST	OAK HICKORY AND POPLAR,	SUB-CLIMAX	GENERALLY GOOD	0.15± AC	OTHER SPECIES INCLUDE LOCUST,

TOTAL ACREAGE: 0.15± AC



ORIGINATORS		REFERENCE DRAWINGS		REVISIONS			
DRAWN	DATE	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	
L. MERRILL	10/20/14						
J. GENA	10/20/14			0	03/16/2015	SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION	LM
J. VEGA	10/20/14						JV
T. COULETTON	10/20/14						TC



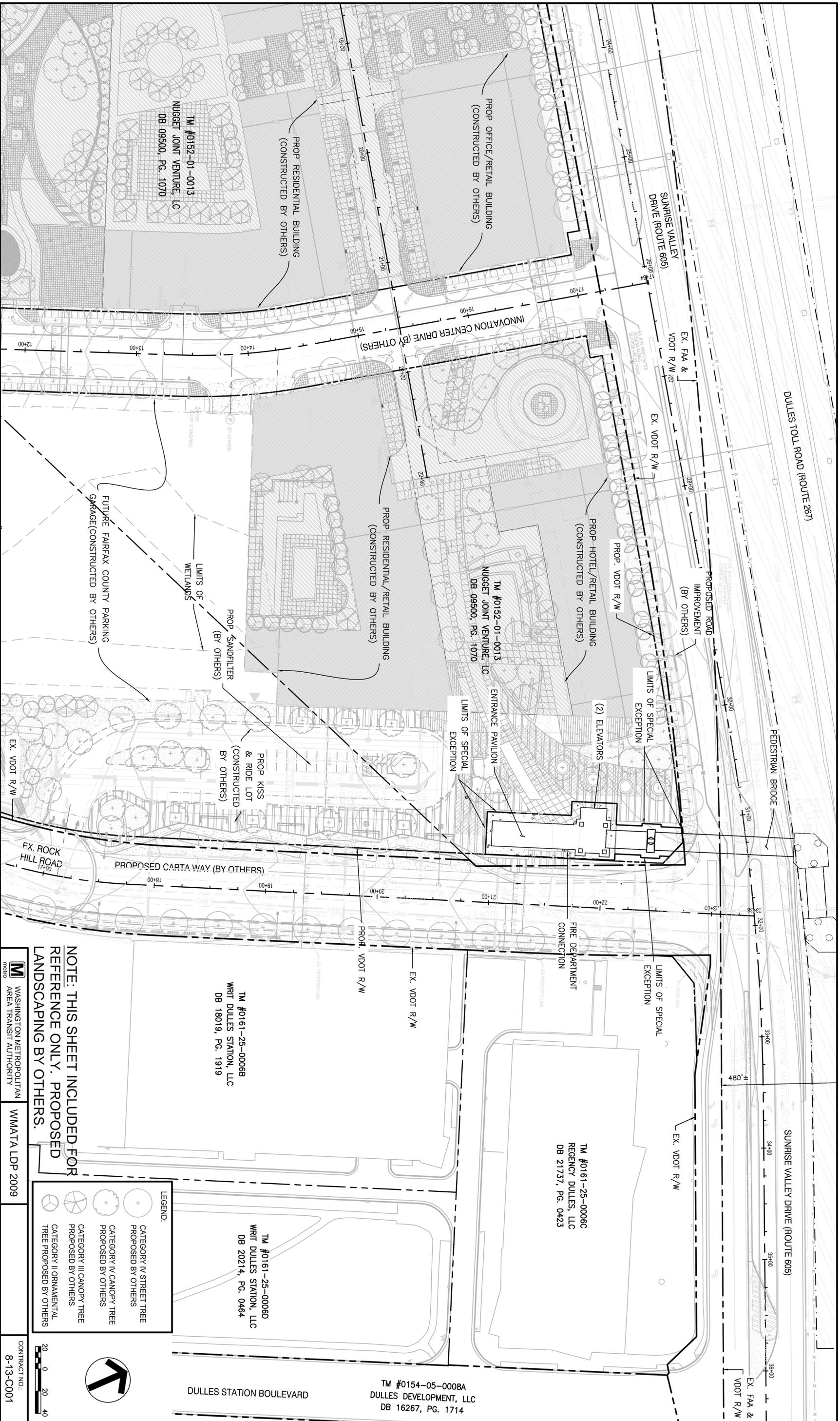
EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN
INNOVATION CENTER STATION - SOUTH
EXISTING CONDITIONS AND VEGETATION MAP

SCALE: 1" = 40'

DRAWING NO.: N09-SE-004S

4 OF 9





ORIGINATORS		REFERENCE DRAWINGS		REVISIONS			
DATE	BY	NO.	DATE	DESCRIPTION	ORIG	CHECKED	DATE
10/20/14	L. MERRILL						
10/20/14	J. CEVA		03/16/2015	SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN SUBMISSION	LM	JC	JV
10/20/14	J. VEGA						
10/20/14	T. COULETTON						



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

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

8401 ARLINGTON BLVD. FARMEX, VA 22031
703-549-0100

DGS PROJECT IDENTIFICATION CODE:

DULLES CORRIDOR METROLINK PROJECT

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WMATA LDP 2009

EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAN & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH LANDSCAPE PLAN

SCALE: 1" = 40'

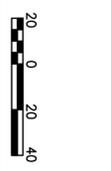
DRAWING NO.: N09-SE-006S

6 OF 9

NOTE: THIS SHEET INCLUDED FOR REFERENCE ONLY. PROPOSED LANDSCAPING BY OTHERS.

LEGEND:

	CATEGORY IV STREET TREE PROPOSED BY OTHERS
	CATEGORY IV CANOPY TREE PROPOSED BY OTHERS
	CATEGORY III CANOPY TREE PROPOSED BY OTHERS
	CATEGORY II ORNAMENTAL TREE PROPOSED BY OTHERS



TM #0161-25-0006B
WRIT DULLES STATION, LLC
DB 18019, PG. 1919

TM #0161-25-0006D
WRIT DULLES STATION, LLC
DB 20214, PG. 0464

TM #0154-05-0008A
DULLES DEVELOPMENT, LLC
DB 16267, PG. 1714

TM #0161-25-0006C
REGENCY DULLES, LLC
DB 21737, PG. 0423

TM #0152-01-0013
NUGGET JOINT VENTURE, LC
DB 09500, PG. 1070

PROP OFFICE/RETAIL BUILDING
(CONSTRUCTED BY OTHERS)

PROP RESIDENTIAL BUILDING
(CONSTRUCTED BY OTHERS)

INNOVATION CENTER DRIVE (BY OTHERS)

SUNRISE VALLEY DRIVE (ROUTE 605)

DULLES TOLL ROAD (ROUTE 267)

PROP HOTEL/RETAIL BUILDING
(CONSTRUCTED BY OTHERS)

PROP RESIDENTIAL/RETAIL BUILDING
(CONSTRUCTED BY OTHERS)

FUTURE FAIRFAX COUNTY PARKING GARAGE (CONSTRUCTED BY OTHERS)

PROP SANDFILTER
(BY OTHERS)

PROP KISS & RIDE LOT
(CONSTRUCTED BY OTHERS)

ENTRANCE PAVILION

LIMITS OF SPECIAL EXCEPTION

PEDESTRIAN BRIDGE

PROPOSED CARTA WAY (BY OTHERS)

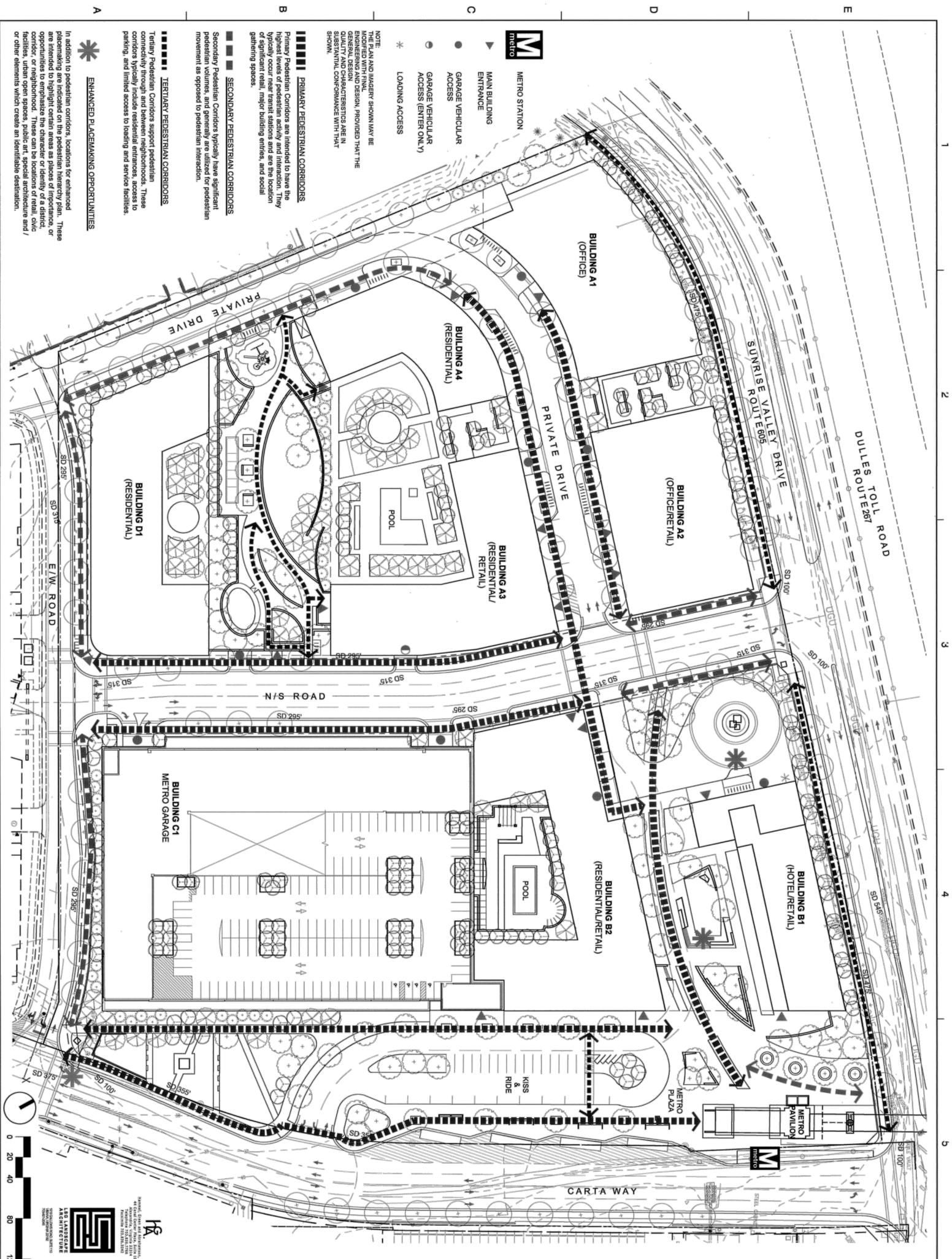
EX. ROCK HILL ROAD

FIRE DEPARTMENT CONNECTION

LIMITS OF SPECIAL EXCEPTION

SUNRISE VALLEY DRIVE (ROUTE 605)

EX. FAA & VDOT R/W



REVISIONS

NO.	DATE	DESCRIPTION	ORIG.	CHKD.	APPV.
0	03/16/2015	SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN SUBMISSION	LM	JC	JV

ORIGINATORS

NAME	DATE
L. MERRILL	10/20/14
J. CENA	10/20/14
J. VEGA	10/20/14
T. COLETTION	10/20/14

PROJECT INFO

PROJECT NO: 13046.00

SHEET NO: M-10831

SCALE: 1"=40'-0"

TITLE: PEDESTRIAN CIRCULATION PLAN

DATE: 09/06/2013

REVISIONS:

No.	DATE	BY	Description
1	9/06/13	BCP	CDP
2	11/22/13	BCP	CDP
3	01/03/14	BCP	CDP
4	02/21/14	BCP	CDP
5	02/27/14	BCP	CDP
6	04/21/14	BCP	CDP

LOGO AND CONTACTS

Dewberry
8401 ARLINGTON BLVD, FAYETTE, VA 22031
703-546-0100

DCS
DANIEL SCOTT
1000 COMMONWEALTH BLVD
FAYETTE, VA 22031
703-546-0100

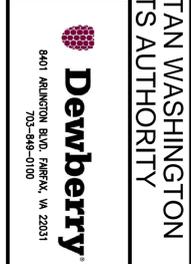
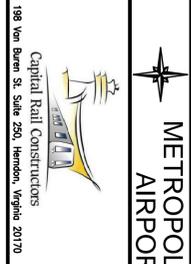
ROCKS
REAL ESTATE DEVELOPMENT SERVICES, INC.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

DULLES CORRIDOR METROPOLITAN PROJECT

INNOVATION CENTER SOUTH AND THE INNOVATION CENTER STATION GARAGE
Conceptual/Final Development Plan
DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

PLAN PROVIDED FOR REFERENCE ONLY



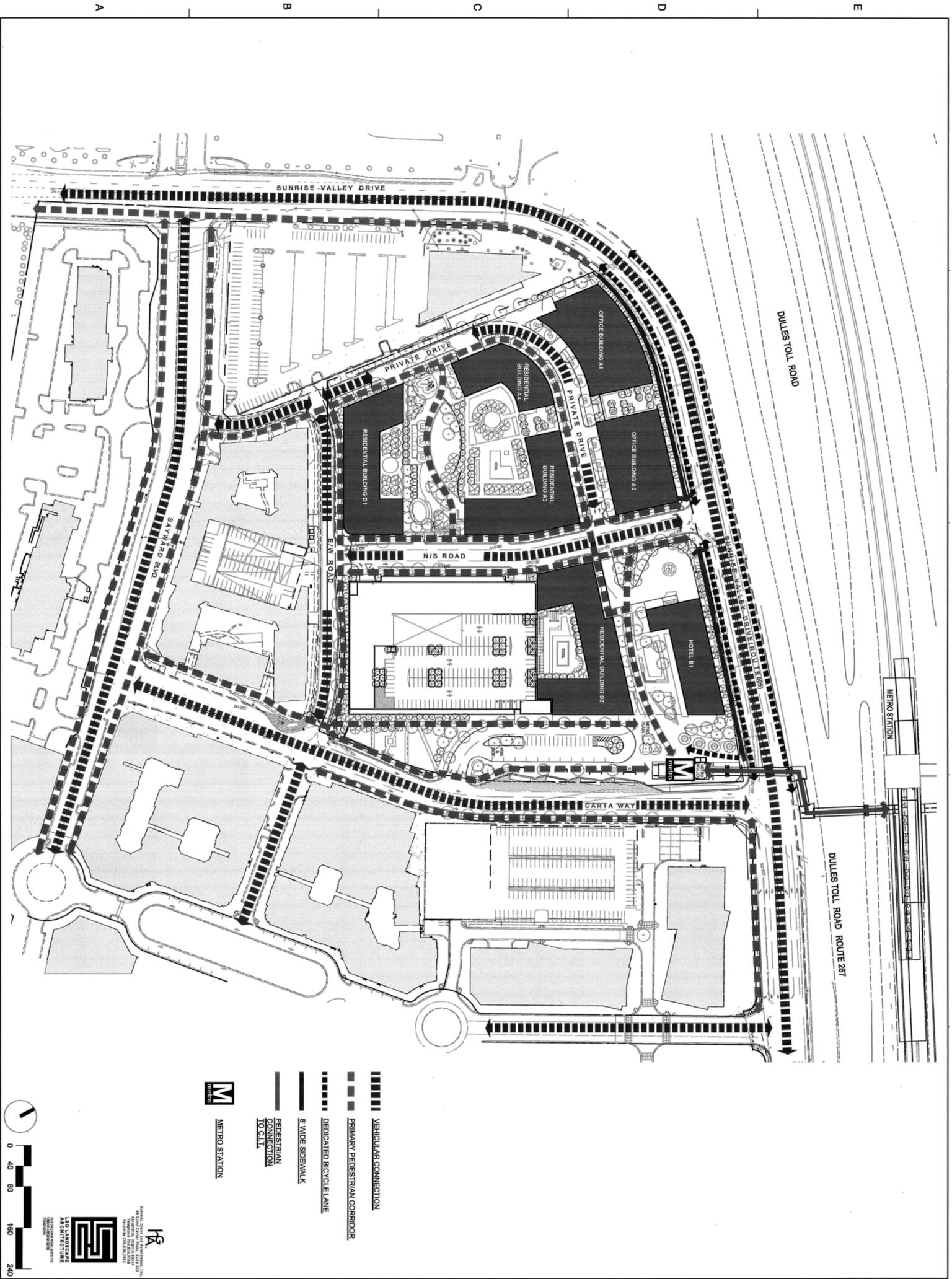
EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAN & PUBLIC FACILITIES PLAN
PEDESTRIAN CIRCULATION PLAN

SCALE: N/A

DRAWING NO.: N09-SE-0088

8 OF 9

CONTRACT NO.: 8-13-C001



LEGEND

- VEHICULAR CONNECTION
- PRIMARY PEDESTRIAN CORRIDOR
- DEDICATED BICYCLE LANE
- 8' WIDE SIDEWALK
- PEDESTRIAN CONNECTION TO SITE
- METRO STATION

SCALE

1"=40'-0"

0 40 80 160 240

PLAN PROVIDED FOR REFERENCE ONLY

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS			
DRAWN	DATE	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG
L. MERRILL	10/20/14						
J. GENA	10/20/14	0	03/16/2015	03/16/2015		PUBLIC FACILITIES PLAN SUBMISSION	LM
J. VEGA	10/20/14						JC
T. COULETTON	10/20/14						JV
							TC

	<p>METROPOLITAN WASHINGTON AIRPORTS AUTHORITY</p> <p>Capital Rail Constructors 198 Van Buren St. Suite 250, Herndon, Virginia 20170</p> <p>Dewberry 8401 ARLINGTON ROAD, FARMEX, VA 22031 703-549-0100</p> <p>DULLES CORRIDOR METROPOLITAN PROJECT</p>
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<p>WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY</p> <p>DGS PROJECT IDENTIFICATION CODE:</p>	<p>WMAITA LDP 2009</p> <p>CONTRACT NO.: 8-13-C001</p>
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<p>EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH CONNECTIVITY PLAN</p>	<p>SCALE: N/A</p> <p>DRAWING NO.: N09-SE-09S</p> <p>9 OF 9</p>
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Dewberry

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dcs

SAULIS
CANTER
SCOTT
DESIGN

ROCKS

PLANNING, DESIGN, AND CONSTRUCTION SERVICES

INNOVATION CENTER SOUTH AND THE INNOVATION CENTER STATION GARAGE

Conceptual/Final Development Plan

DRANESVILLE DISTRICT
FAIRFAX COUNTY, VIRGINIA

SEAL

KEY PLAN

No.	DATE	BY	Description
6	04.21.14		CDP
5	03.27.14		CDP
4	02.21.14		CDP
3	01.03.14		CDP
2	11.22.13		CDP
1	9.09.13		CDP

DRAWN BY: BC	APPROVED BY: SC
CHECKED BY: BE	DATE: 09.06.2013

TITLE: **CONNECTIVITY PLAN**

PROJECT NO.: 13046.00

SHEET NO.: L-3A

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

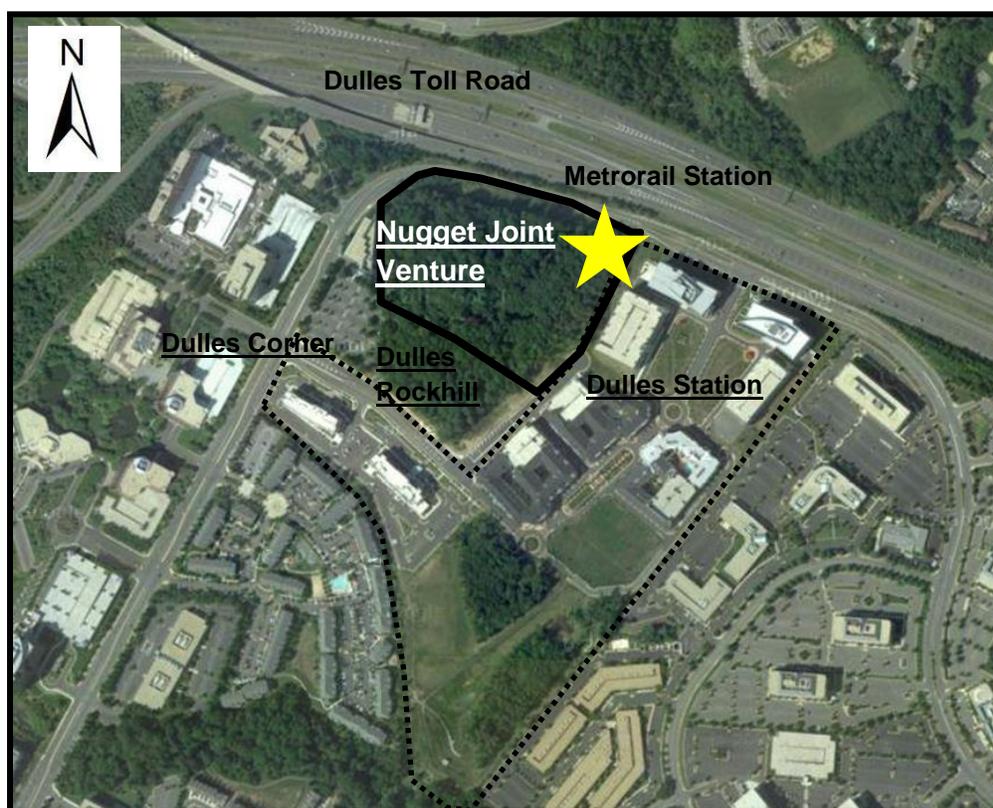


Figure 2: Subject property and surrounding area

Site Description:

The site is (highlighted with a star) is currently undeveloped but approved for transit oriented development associated with RZ 2009-HM-017, approved by the Board of Supervisors on July 28, 2014. The site is bordered on the north by Dulles Toll Road, and Sunrise Valley Drive, to the west by Sunrise Valley Drive and Dulles Corner development, to the south and east by Nugget Joint Venture, Dulles Rockhill and Dulles Station developments. Land to the east is zoned Planned Development Commercial (PDC) and

has been developed as part of the Dulles Station development. This includes an adjacent six-story office building and associated 7-story parking structure, and the Camden Apartments, a low-rise multifamily residential development. Land to the west is zoned to the Planned Residential Mixed Use (PRM) and will be developed with transit oriented development, which includes a public and private development integrating two private office buildings, a hotel and four residential buildings with public plazas and public infrastructure (kiss-and-ride, bus bays and parking garage with bicycle storage that will be owned and operated by Fairfax County). The land to the south is zoned PRM and is currently vacant, but was recently approved as the Dulles Rockhill development, which would be a medium-rise multifamily residential building.

The chart below provides the land use, zoning and current plan for surrounding properties.

Surrounding Area Description:

Direction	Use	Zoning	Plan
North	Dulles Toll Road	-	Mixed Use
	Industrial	I-4	
South	Dulles Rockhill and Nugget Joint Venture	PRM	Dulles Suburban Center, Land Unit A for Mixed Use
East	Dulles Station - Office and Residential)	PDC	Dulles Suburban Center, Land Unit A for Mixed Use
West	Office	C-3	Dulles Suburban Center, Land Unit A for Mixed Use
	Nugget Joint Venture	PRM	

BACKGROUND

On August 25, 1975, the Board of Supervisors approved RZ C-698 to rezone 38.20 acres from the RE-1 District to the PDC District to allow the development of the property with up to 784,000 square feet of office and hotel development at an overall FAR of 0.47. The property was separated into two portions. The northern portion (Parcel 13) included 13.48 acres for development of two hotels and a service station totaling 324,000 square feet and the southern portion (Parcels 3, 5, and 9) included 24.72 acres and was approved for up to 460,000 square feet of office development.

On August 2, 1993, the Board of Supervisors approved PCA C-698 (concurrent with RZ 92-H-015) to delete the southern portion (24.72 acres) of the PDC district from

RZ C-698. This land area was combined with an adjacent R-1 district (0.15 acres) and rezoned to the PDH-20 district to allow for the development of 451 multifamily units at a density of 18.3 du/ac and a child care center for 140 students as a secondary use pursuant to RZ 92-H-015. The proffers reserved approximately three acres of land on Parcel 13 for future transit.

On November 17, 2006, the Federal Transit Administration (FTA) issued a final Record of Decision endorsing the westward extension of the WMATA Regional Metrorail System from the East Falls Church Metro Station. Eleven new Metro stations with related facilities were planned to be constructed by the Dulles Rail Project. Innovation Center Metrorail Station is one of the stations to be constructed and is shown to have supporting Metrorail facilities.

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 Fairfax 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 Fairfax 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 July 30, 2013, the Board of Supervisors approved a Real Estate Exchange Agreement between the Board of Supervisors and Nugget Joint Venture, LC to facilitate a property exchange necessary for processing a joint TOD development plan near the future Innovation Center Transit Station.

On December 3, 2013, the Board of Supervisors approved two Plan Amendments (ST09-III-DS1 and S07-III-UP2) to achieve stronger transit-oriented development and encourage a mix of uses in an urban form in the planned Innovation Center Transit Station Area (TSA). The area north of the Merrybrook Run Stream Valley is proposed to be in the designated TSA with planned intensity ranging from .75 to 3.0 FAR. South of

the Merrybrook Run Stream Valley, the proposed plan is to maintain the existing character and uses with intensity ranging from .50 to 1.0 FAR. The large area of vacant land north of Frying Pan Road is also proposed for a mix of uses at an intensity range of .50 to 1.0 FAR. Additional guidance addressing transportation improvements, environmental stewardship, urban design and provision of services such as parks and schools is provided.

On July 28, 2014, the Board of Supervisors approved RZ/FDP 2009-HM-017 and PCA C-696-10 on Tax Map Parcels 15-2 ((1)) 13pt., 15-4 ((5)) 5B, and 15-4 ((5)) 5A to integrate Metrorail facilities that will be owned and operated by Fairfax County and include a kiss-and-ride; a bicycle storage area; four bus bays; and an approximately 2,108 space parking garage, with other private office, retail, hotel and residential uses. Approximately 1,646,041 square feet (an overall floor area ratio of 3.01(including bonus density associated with the provision of workforce dwelling units (WDU)) was approved with a maximum of 501,000 square feet of office, 90,000 square feet of hotel, 104,000 square feet of retail and 951,041 square feet of multi-family residential use (with approximately 1,005 units) within seven buildings. ***These applications govern the site and excerpts of relevant proffers and CDP/FDP sheets are available in Appendix 5. Copies of the approved proffers and CDP/FDP are on file with Department of Planning and Zoning, Zoning Evaluation Division the Herrity Building, 12055 Government Center Parkway, Suite 701, Fairfax.***

COMPREHENSIVE PLAN

Plan Area: III
 Planning District/Sector: Dulles Suburban Center; Land Unit A-1
 Plan Map: Transit-Oriented Development

Plan Text:

Excerpts of the relevant Comprehensive Plan text are available in Appendix 6; the complete text may be found in Fairfax County Comprehensive Plan, 2013 Edition, Dulles Suburban Center, as amended through July 28, 2015, Dulles Suburban Center Land Unit Recommendations, Land Unit A General Land Unit Recommendations p. 56-82.

SPECIAL EXCEPTION (SE) PLAT ANALYSIS

The SE Plat entitled “Innovation Center Station - South” was prepared by Dewberry and consists of nine sheets dated March 16, 2015, and revised through April 28, 2015, and is reviewed below.

Site Layout

The southern entrance pavilion to the Innovation Center transit station is located on the northeast corner of Tax Map 15-2 ((1)) 13A part, which is currently vacant but approved for transit oriented development associated with RZ 2009-HM-017, as shown in Figure 1.

On the north side of the entrance pavilion is the elevated pedestrian walkway that connects the entrance pavilion to the Innovation Center transit station via a pedestrian bridge located over the DTR. The entrance pavilion consists of an escalator entrance located on the south side of the pavilion and an elevator entrance on the east side of the pavilion. The entrance pavilion and elevated pedestrian walkway are proposed to be similar to those at the Wiehle-Reston East transit station and to the other existing Silver Line transit stations, as shown in Figure 3.



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

Vehicular and Pedestrian Circulation

Sheets 5, 8 and 9 of the SE Plat illustrate the existing and proposed on-site and off-site vehicular and bicycle circulation plans 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 8 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 kiss-and-ride, bus bays, and parking garage that will be owned and operated by Fairfax County. The future site improvements are intended to support the future Innovation Center 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 the Notes of Sheet 2 of the SE Plat, landscaping for the southern entrance pavilion is provided on the approved conceptual and final development plans for RZ 2009-HM-019 and will be planted during the construction of the Fairfax County owned transit facilities.

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-D15-06 Review (Appendix 6)

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 property owned by Fairfax County. 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, Dulles Suburban Center, Land Unit A-1 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-D15-6, excerpts of relevant Comprehensive Plan guidance, and the 2232 application are provided as Appendix 6. The following is staff's analysis of the 2232 application.

Location: The proposed entrance pavilion and elevated pedestrian bridge will be located in Land Unit A-1 of the Dulles Suburban Center Plan. The Innovation Center transit station location is referenced by text and figures throughout the Dulles Suburban Center Plan. Land development intensity within the Dulles Suburban Center Plan is based on the location of the proposed entrance pavilion and elevated pedestrian bridge associated with the Innovation Center transit station location. Planned mixed use areas with higher density areas are recommended within one-quarter mile of the station,

decreasing density recommended between one-quarter and one-half mile, and even less density recommended beyond one-half mile of the station location. The specific location of the proposal is required, as it sets the boundary areas for land development intensities 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 currently wooded, undeveloped, and approved for transit oriented development. The property was rezoned in 2014, and staff believes the proposal is compatible with the character of the future planned use. The Plan recommends higher intensity mixed uses within specific distances of the planned transit stations. 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 Dulles Suburban Center. 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 other transit related improvements that have already been planned and approved. This includes a Fairfax County operated parking garage, bicycle storage area, kiss-and-ride, and bus bays. The location of the entrance pavilion and elevated pedestrian bridge is south of Sunrise Valley Drive with the closest residences located to the southeast and southwest of the entrance pavilion within Dulles Station, Dulles Corner and the future Nugget Joint Venture and Dulles Rockhill developments. Staff believes the proposed facilities support 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.

Transportation (Appendix 7)

No significant issues were identified. Staff requested the applicant to provide additional bicycle storage spaces under the pedestrian bridge between the entrance pavilion and Sunrise Valley Drive. The applicant agreed and a development condition was written to ensure that the storage spaces are provided prior to the issuance of the non-residential use permit for the entrance pavilion. The Virginia Department of Transportation reviewed the application and indicated that they do not object to the application.

Urban Forest Management

No issues were identified.

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 (Appendix 9)

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 Fairfax 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 Fairfax 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 Fairfax 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 Fairfax 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 PRM 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 proposed entrance pavilion and elevated pedestrian bridge will be located in Land Unit A-1 of the Dulles Suburban Center Plan. The Innovation Center transit station location is referenced by text and figures throughout the Dulles Suburban Center Plan. Land development intensity within the Dulles Suburban Center Plan is also based on the location of the proposed entrance pavilion and elevated pedestrian bridge associated with the Innovation Center transit station location. Planned mixed use areas with higher density areas are recommended within one-quarter mile of the station, decreasing density recommended between one-quarter and one-half mile, and even less density recommended beyond one-half mile of the station location. Staff finds that the location of the southern entrance pavilion and associated elevated pedestrian walkway 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 PRM District and the purpose and intent of the district is to provide for high density, residential mixed use developments. Category 4 transportation facilities include electrically-powered regional rail transit facilities, which are permitted in the PRM District with special exception approval when the use is not designated on an approved final development plan. As previously mentioned, RZ 2009-HM-017 approved a transit oriented development that integrated transit facilities that would be owned by Fairfax County (which include a kiss-and-ride, bus bays, bicycle storage and an approximately 2,108 space parking garage,) with other private office, retail, hotel and residential uses. The approved CDP/FDP also included a

Metrorail clear zone on the northeast corner of the site to allow the integration of the future Metrorail entrance pavilion and elevated pedestrian walkway designs into the transit oriented development. The applicant has filed the special exception to now show the final designs of the pavilion and walkway. With the proposed development conditions, the use is in harmony with the general purpose and intent of the PRM 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 on the northeast corner of a site that was approved for transit oriented development. 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 transit oriented development associated with RZ 2009-HM-017. As previously discussed, additional site improvements are planned to support the southern entrance pavilion and the Innovation Center 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 5, 8 and 9 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. As noted on the circulation sheets and as previously discussed, additional site improvements are planned with the development of RZ 2009-HM-017, (which are 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 as shown on the approved conceptual and final development plans for RZ 2009-HM-017.

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 PRM District, 20 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 2 of the SE Plat indicates that signage will be consistent with the WMATA system-wide Metrorail stations.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The proposed site is within the previously approved transit oriented development associated with RZ 2009-HM-017 and provides an appropriate location for the southern entrance pavilion to the Innovation Center 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-D15-6 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-DR-016, 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.

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. RZ 2009-HM-017 proffer excerpt
6. 2232-D15-6 Review and Application
7. Transportation Memo
8. Park Authority Memo
9. Zoning Ordinance Requirements
10. Glossary

PROPOSED DEVELOPMENT CONDITIONS

SE 2015-DR-016

September 16, 2015

The Board of Supervisors approved SE 2015-DR-016 located at Tax Map 15-2 ((1)) 13A pt.) for electrically-powered regional rail transit facilities pursuant to Sects. 6-405 and 9-405 of the Fairfax County Zoning Ordinance and conditioned 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. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Innovation Center Station – South," prepared by Dewberry dated March 16, 2015 and revised through April 28, 2015. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. 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).
5. 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.
6. 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.

7. 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.
8. A minimum of ten (10) bicycle racks shall be installed underneath the pedestrian bridge (north of the pavilion entrance and south of Sunrise Valley Drive), in consultation with FCDOT. Maintenance of these bicycle racks shall be provided by Fairfax County.

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 Innovation Center Silver Line Rail Station
"South Entrance"
STATEMENT OF JUSTIFICATION
April 6, 2015

DESCRIPTION OF THE SPECIAL EXCEPTION REQUEST

The southern entrance to the Innovation Center Silver Line Metro Station will be located outside the right-of-way of the Dulles Airport Access Road/Dulles Toll Road (Rt. 267) ("DAAR/DTR") and within the 14.68 acre Innovation Center project that was recently rezoned to the PRM district in RZ/CDP/FDP 2009-HM-017 (concurrent with PCA C-606-10). This transit station entrance is shown on the CDP/FDP and is described in the proffers. Fairfax County and the commercial landowner/developer will retain ownership and operation of this site, except for the Metrorail station entrance pavilion and the pedestrian bridge to 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 approximately 0.15 acres of the 14.68 acres of PRM 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 commercially-owned plazas and County-owned bus transfer, vehicle parking, bike storage, and kiss-and-ride facilities have been permitted through approval by the Board of Supervisors of the referenced proffered rezoning.

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 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 WMATA and the Federal Transit Administration ("FTA"). The environmental, transportation, social, and economic impacts of this rail transit extension, including the location of the Innovation Center Station's 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

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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*, 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 Innovation Center. 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 later, 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 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 overall stormwater management plan 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 stringent DEQ 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 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 December 3, 2013, the Comprehensive Plan for the Dulles Suburban Center area was amended by the Fairfax Board of Supervisors in a manner which shows the specific platform location of the Innovation Center Silver Line rail transit station.

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 a small portion of the undeveloped property located at the corner of Sunrise Valley Drive and

future Carta Way, 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 "Innovation Center Station – South," prepared by Dewberry Consultants LLC, last revised March 16, 2015 and containing 9 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 the Innovation Center rail transit station within the median of the Dulles Airport Access Road). Other transit-related improvements which are to be constructed to support this station entrance on this property have already been approved through a proffered rezoning approval. Thus, the County-operated parking garage, bicycle storage area, kiss-and-ride area and bus transfer area are not included within the scope of this SE application. They are already planned and permitted. The station entrance pavilion and pedestrian bridge are the only transit-related facilities on this site which will not be owned and operated by the County or the commercial landowner/developer. They will be owned and operated by WMATA.

The Innovation Center Station, located in the median of the DAAR/DTR, will be the eighth 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 DAAR/DTR 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 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 Innovation Station south entrance: Dulles, Floris, Sterling, Sully, Chantilly and Herndon 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 7 of the SE Plat.

The design will be very similar to the existing Wiehle-Reston East Station and its southern entrance pavilion and pedestrian bridge.

- Listing of Hazardous or Toxic Substances on site: WMATA Metrorail station entrances and pedestrian bridges 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. 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. WMATA's "Art in Transit" program will integrate public art in the stations. Art in the Innovation Center Station will be integrated into the concrete walkway paving at the north entrance pavilion.

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

The December 3, 2013 amendments to the adopted Comprehensive Plan (Area III, Dulles Suburban Center, Sully Community Planning Sector (UP-6)), specifically locate the Innovation Center Station and its southern entrance pavilion area. The station's integration with the Board-approved 1.6 million square foot mixed-use Innovation Center development RZ/CDP/FDP 2009-HM-017 (concurrent with PCA C-606-10) shifted the location of the south entrance to align better with its surrounding development. The 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 Land Unit A-1. This south entrance pavilion specifically supports the more intense development potential defined by the boundary of the transit station "mixed use" land use category. The 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 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 Innovation Center Station – South Entrance Pavilion and its elevated pedestrian walkway have not changed significantly since the *Locally Preferred Alternative* was selected and its *FEIS* approved. Their location on the site has been coordinated with the landowner and the Fairfax County Department of Transportation Planning Division and will not interfere with the recently re-planned and rezoned intense mixed-use development or the enhanced "grid of streets," which are envisioned in the Comprehensive Plan.

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

The PRM 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 Innovation Center Station – South Entrance Pavilion are no different than those in identical facilities approved in previous SE applications. Visual and light impacts have been minimized. The closest residences will be new multifamily housing located on the same subject parcel, which are also part of the Innovation Center development RZ/CDP/FDP 2009-HM-017 (concurrent with PCA C-606-10). The design integration of these uses with the station entrance plaza was reviewed in the referenced rezoning. The location of the station entrance pavilion will be at the corner of Sunrise Valley Drive and future Carta Way.

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 significant positive impact to the region 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. This includes a County-operated garage offering over 2,000 spaces, several bus bays, a kiss-and-ride area, and both secure and unsecure bicycle storage areas. Pedestrian pathways will be provided throughout the Innovation Center development and along adjacent roadways.

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. The Entrance Pavilion is shown on the proffered Innovation Center development CDP/FDP 2009-HM-017 (concurrent with PCA C-606-10).

6. **OPEN SPACE IS TO BE PROVIDED IN AN AMOUNT EQUIVALENT TO THAT SPECIFIED FOR THE PRM DISTRICT (20%).**

Sufficient open space and tree canopy requirements have been met with the associated Innovation Center development RZ/CDP/FDP 2009-HM-017 (concurrent with PCA C-606-10).

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.**

Acknowledged. The SE area comprises approximately 0.15 acres, which includes the pavilion and the elevated pedestrian bridge.

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 future adjacent County-owned parking structure will comply with zoning as proffered by the Innovation Center zoning approval (RZ/CDP/FDP 2009-HM-017, concurrent with PCA C-606-10).

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 general location of the Innovation Center Station was established by these prior actions and by the adoption of the 2013 amendments to the adopted Comprehensive Plan, the south entrance pavilion's specific location and alignment was further determined by the Innovation Center zoning approval (RZ/CDP/FDP 2009-HM-017, concurrent with PCA C-606-10).

CONCLUSION

The proposed Silver Line extension of Metrorail and the Innovation Center 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 Plan's Transportation Map. The proposed Innovation Center – South entrance pavilion and elevated pedestrian bridge connections are in conformance with the adopted 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 both the Comprehensive Plan and the Innovation Center Development zoning approvals.

SPECIAL EXCEPTION AFFIDAVIT

DATE: 3 SEPTEMBER 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)

129520a

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

in Application No.(s): SE 2015-DR-016
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
The Board of Supervisors of Fairfax County, Virginia Agent: Edward L. Long, Jr., County Executive	12000 Government Center Parkway, Suite 533, Fairfax, Virginia 22035	Co-applicant and Future Title Owner
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

(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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(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)
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
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 Agents: Eric H. Halvorson 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
Nugget Joint Venture, L.C. Agents: Samuel A. Rocks Nicholas P. H. Rocks Michael R. F. Rocks Michael J. Hellyer S. Randall Cohen	1960 Gallows Road, Suite 300, Vienna, Virginia 22182	Title Owner of Tax Map No. 15-2((1)) 13A

(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: 3 SEPTEMBER 2015 (enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016 (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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(enter County-assigned application number (s))

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

Metropolitan Washington Airports Authority (MWAAs)
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)

MWAAs, 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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(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)

Barry K. Dewberry	The Michael Sidney Dewberry Credit
Karen S. Grand Pre	Shelter Trust u/a/d 11/23/2005 f/b/o
Thomas L. Dewberry	Michael S. Dewberry II, Katie A. Dewberry,
	John M. Dewberry and one other minor
	child

(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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(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 Urgen
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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(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.

(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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520 a

for Application No. (s): SE 2015-DR-016
(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 Attachment to Par. 1(b)

DATE: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(enter County-assigned application number (s))

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

Nugget Joint Venture, L.C.
1960 Gallows Road, Suite 300, Vienna, Virginia 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

NPHR Enterprises LLC
SAROCKS Enterprises LLC

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

NPHR Enterprises LLC
1960 Gallows Road, Suite 300, Vienna, Virginia 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Nicholas P. H. Rocks	Michael R. F. Rocks, Trustee of the Michael R. F. Rocks Revocable Trust dated 8/19/08	Michael R. F. Rocks and Nicholas P. H. Rocks, Trustees f/b/o Hilary G. Rocks "Hilary G. Rocks MD Trust"
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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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(enter County-assigned application number (s))

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

SAROCKS Enterprises LLC
1960 Gallows Road, Suite 300, Vienna, Virginia 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Samuel A. Rocks, Nicholas P. H. Rocks and	Samuel A. Rocks, Nicholas P. H. Rocks and	Samuel A. Rocks, Nicholas P. H. Rocks and
Michael R. F. Rocks, Trustees f/b/o	Michael R. F. Rocks, Trustees f/b/o Emma	Michael R. F. Rocks, Trustees f/b/o Hanna
Samantha C. Rocks "Samantha C. Rocks	M. Rocks "Emma M. Rocks MD Trust"	E. Rocks "Hanna E. Rocks MD Trust"
MD Trust"		

*And below

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

*From above:

Samuel A. Rocks, Nicholas P. H. Rocks and Michael R. F. Rocks, Trustees f/b/o Trevor A. Rocks "Trevor A. Rocks MD Trust"
Samuel A. Rocks

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: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(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: 3 September 2015
(enter date affidavit is notarized)

129520a

for Application No. (s): SE 2015-DR-016
(enter County-assigned application number(s))

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

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

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

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

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

None.

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 3 SEPTEMBER 2015
(enter date affidavit is notarized)

129520a

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)

Applicant

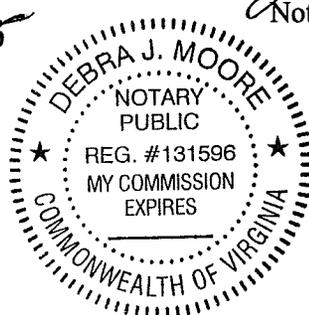
Applicant's Authorized Agent

MWAA 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 3rd day of SEPTEMBER 2015, in the State/Comm. of VIRGINIA, County/City of FAIRFAX.

My commission expires: March 31, 2015

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.

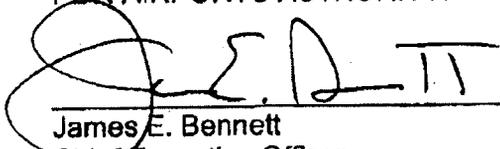
Section 9.7 This Agreement is intended by the parties to be construed as whole and indivisible and its meaning is to be ascertained from the entire instrument. All parts of the Agreement are to be given effect with equal dignity, including but not limited to the recitals at the beginning of this Agreement, 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.

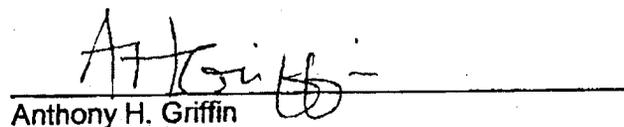
FOR AIRPORTS AUTHORITY:



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

Board of Supervisors of Fairfax County;
Nugget Joint Venture, L.C.
RZ 2009-HM-017
Tax Map: 15-2((1)) Parcel 13 (pt.),
Tax Map: 15-4((5)) Parcel 5B and Parcel 5A (pt.)

PROFFER STATEMENT

July 25, 2014

Pursuant to Section 15.2-2303 (A) of the Code of Virginia (1950, as amended) (“Code of Virginia”) and Section 18-204 of the Zoning Ordinance of Fairfax County (1978, as amended) (“Ordinance”), the applicant (as defined below) and title owners, for themselves and their successors and/or assigns (hereinafter collectively referred to as the "Applicant"), hereby proffer that the development of the parcels under consideration and shown on the Fairfax County 2014 Tax Maps as 15-2((1)) Parcel 13 (pt.), 15-4((5)) Parcel 5B and Parcel 5A (pt.) (collectively, the "Property") shall be in accordance with the following conditions (“Proffers”) if, and only if, Rezoning/Final Development Plan Application RZ/FDP 2009-HM-017 (“Rezoning”) is granted by the Board of Supervisors of Fairfax County, Virginia to the PRM District. In the event said application request is denied or the Board’s approval is overturned by a court of competent jurisdiction, these proffers shall be null and void. Approval of this Rezoning application shall supersede and replace all prior approvals on the Property, and all proffers, conditions, and development plans associated therewith shall be null and void.

PREAMBLE – OVERVIEW OF PROPOSED DEVELOPMENT

Nugget Joint Venture, L.C. (“Nugget JV”) is the owner of certain land located in Fairfax County, Virginia (“County”), consisting of approximately 11.65 acres and having a tax assessment number as 15-2((1)) Parcel 13 (pt.) (“Parcel 13”) and 15-4((5)) Parcel 5A (pt.) (“Parcel 5A”) (collectively, the “Nugget Parcel”). Fairfax County is the title owner of certain land located in the County, consisting of 3.03 acres and having a tax assessment number as 15-4((5)) Parcel 5B (“County Parcel”) and has joined this application. The Nugget Parcel and the County Parcel are collectively 14.68 acres and are hereinafter referred to as the “Property.” Nugget JV and the County are hereinafter referred to as the “Applicant”. The Property currently consists of undeveloped land.

Phase II of the Dulles Corridor Metrorail Project contemplates that a new Metrorail station, to be named the Innovation Center Station (“Metro Station”), be constructed and placed in the median of the Dulles International Airport Access Highway/Dulles Toll Road (“Toll Road”). In connection with the construction of the Metro Station, a structured public parking garage containing approximately 2,108 spaces (“Parking Facilities”), a minimum of twenty-five (25) kiss and ride facilities (“Kiss and Ride Facilities”), four (4) bus bays (“Bus Bays”), and secure bicycle storage facilities and associated amenities for between 80 to 100 bicycles (“Bicycle Storage Facilities”) will also be constructed. The Parking Facilities Kiss and Ride Facilities, Bus Bays and Bicycle Storage Facilities, together with the other elements comprising the Metro Station’s Facilities are sometimes collectively referred to as the “Metro Station

Facilities.” The Metro Station Facilities will be located on the Property to serve the Metro Station and will be owned, maintained and operated by the County.

Nugget JV and the County intend to enter into an Infrastructure Development Agreement, including a Proffer Allocation Agreement, after the approval of this Application (the “Development Agreement”), pursuant to which all improvements in these Proffers will be implemented and responsibility allocated and assigned according to the Development Agreement. Whenever herein a proffer establishes an obligation that applies to a specific Land Bay, then the term “Applicant” shall mean the owner undertaking such development according to the Development Agreement.

CONCEPTUAL DEVELOPMENT PLAN/FINAL DEVELOPMENT PLAN

1. Substantial Conformance. The Property shall be developed in substantial conformance with the Conceptual Development Plan (“CDP”) and Final Development Plan (“FDP”) entitled “Innovation Center South and the Innovation Center Station Garage” dated August 1, 2013 and revised through April 21, 2014, prepared by Dewberry Consultants LLC, consisting of 76 sheets. The CDP and the FDP are collectively referred to in these Proffers as “CDP/FDP.”

2. Elements of CDP. Notwithstanding the fact that the CDP and FDP are presented on the same plan, the elements that are components of the CDP are limited to the points of perimeter access, the maximum number and type of dwelling units, the maximum square footage of non-residential uses, the minimum and maximum building heights, the minimum percent of open space, the location of the limits of clearing and grading, setbacks from peripheral lot lines and the general location and arrangement of the buildings and parking facilities, and only a future amendment to such elements shall require a subsequent Conceptual Development Plan Amendment (“CDPA”) or Proffered Condition Amendment (“PCA”). The Applicant reserves the right to request a Final Development Plan Amendment (“FDPA”) for elements other than CDP/FDP elements referenced above from the Planning Commission for all or a portion of the FDP in accordance with Section 16-402 of the Ordinance if such amendment is in accordance with these Proffers, as determined by the Fairfax County Zoning Administrator (“Zoning Administrator”).

3. Principal and Secondary Uses. The principal uses on the Property shall be multi-family residential dwellings and public uses, as identified on the CDP/FDP, with secondary office, hotel, retail, service and other uses, including uses listed in the CDP/FDP notes and in Proffers 9 through 14 below, and may include accessory uses and/or accessory service uses as defined in the Ordinance.

4. Modifications. Minor modifications to the CDP/FDP may be permitted pursuant to Paragraph 4 of Section 16-403 of the Ordinance.

5. Maximum Density/ Bonus Density. The maximum gross floor area (“GFA”) that may be constructed on the Property shall be 1,646,041 square feet, which is inclusive of potential bonus density associated with providing affordable or workforce housing. The Applicant reserves the right to construct a lesser amount of GFA. Any bonus density associated with the

provision of affordable or workforce dwelling units in accordance with Proffers 87 and 88 may be allocated to any use category, and, may be allocated to any building, subject to the Maximum Zoning Height (as defined in Proffer 62). GFA may be shifted among any of the buildings provided the maximum height shown for each building is not exceeded, the minimum height for each building is not reduced, the overall urban form and building type shown on the CDP/FDP are maintained, and such adjustments are consistent with these Proffers. The minimum and maximum building gross floor areas and building heights (stories) are stated on the Estimated Building Gross Floor Area Chart on Sheet A-100.

6. Phasing. The proposed development includes seven (7) buildings and the Metro Station Facilities structure (Building C1) in four (4) Land Bays (A, B, C and D), which are identified on the CDP/FDP as Buildings A1, A2, A3, A4, B1, B2 and D1. Development of each building may proceed in any order provided that each such building provides, at a minimum, the phasing conditions depicted for such building on the CDP and that all proffers that apply to such building are addressed with the development of that building.

A. The Applicant shall construct the grid of streets and provide pedestrian improvements, public parks, private amenities and public facilities on the Property in conjunction with the development of each individual building in accordance with the phasing sheet contained as Sheet C-8 in the CDP/FDP (“Phasing Plan”) and as further described in these Proffers. In addition, interim uses and improvements as outlined in Proffers 10 and 72 and as may be determined at time of site plan approval shall be provided commensurate with the construction of each building in consultation with the Fairfax County Department of Transportation (“FCDOT”). Adjustments to the phasing may be approved with FDPA approvals without the requirement for a PCA or CDPA, provided the adjustments do not materially adversely affect the other phases and are in substantial conformance with the CDP.

B. For purposes of these Proffers, the term “construct” shall mean (A) in regard to road improvements, that a committed road improvement is substantially complete and is available for use by the public for travel, whether or not such improvement has been accepted for maintenance by the Virginia Department of Transportation (“VDOT”), and (B) in regard to parks and recreation facilities, that a committed publicly accessible park space or recreation facility improvement is substantially complete and open to use by the public for use in accordance with the Urban Parks Framework applied by the Fairfax County Park Authority (“FCPA”).

7. Density Credit. The Applicant reserves intensity/density credit as may be permitted by the provisions of the Ordinance for all eligible dedications described herein or as may be required by the County, VDOT or any other public entity.

Access and use of the Plazas by the public shall be authorized and regulated by the Plaza Access Management Plan described in Proffer 76 below. The Plazas shall be privately maintained.

72. Metro Plaza. The Applicant shall provide a street-level park of approximately 1.14 acres located adjacent to the Metro Station Facilities and consistent with the Design Guidelines.

A. The Applicant shall initially provide interim improvements (Phase 1) to the Metro Plaza, as shown on Sheet L-4A of the CDP/FDP to activate the Metro Plaza upon opening of the Metro Station. These interim improvements shall include an extensive walkway system and/or careful integration of paving surfaces and includes benches, seat walls, bike racks, picnic lawn areas, landscaping, garbage containers and mobile restrooms, and may also include provision of interim “place making” uses, such as pop-up retail or service uses (collectively, “Temporary Retail Use Establishments”), on the Property immediately adjacent to the Metro Plaza. Said Temporary Retail Use Establishments may be housed in temporary buildings such as storage/shipping containers, movable carts, kiosks or food trucks or similar retail sales or service vehicles, or a combination thereof. Any Temporary Retail Use Establishment shall be installed in conformance with the Design Guidelines and in the general location depicted on Sheet L-4A of the CDP/FDP. The minimum interim improvements shall consist of 5,000 square feet of land area and up to eight (8) different Temporary Retail Use Establishments.

B. Ultimately, the Applicant shall also provide permanent improvements to the Metro Plaza, including hardscaping, landscaping, bike racks and bench seating, a terraced lawn panel with stepped seating for people watching and viewing events and public art as a focal element, as conceptually shown on Sheet L-6A-1 of the CDP/FDP, contingent on agreements with WMATA and the County. Space and requisite utility connections in accordance with FCDOT specifications (electric and telecommunications) shall also be provided for a multi-modal commuter information kiosk; said kiosk to be provided by others. The Metro Plaza shall be constructed prior to the issuance of the initial RUP or Non-RUP for the Metro Station Facilities or Building B2, whichever shall occur first.

C. If approved as part of a Comprehensive Sign Plan for the Property, the Applicant may install a video display or provide a moveable screen on the façade of Building B2 facing the park or located in the plaza area animating the Metro Plaza. Details of the video wall or flexible screen (including size, content, lighting and sound) shall be provided in the Comprehensive Sign Plan application.

D. As noted in Proffer 53, Exhibit A provides an alternative stormwater treatment method for the Metro Plaza.

E. As depicted on Sheet C-4 of the CDP/FDP, there is an area in the Metro Plaza on the west, south and east sides of the Metro Station’s pavilion that is marked as the “15’ Metro Clear Zone.” This area will be subject to additional engineering and improvement through a future Special Exception (“SE”), FDPA or

other zoning application for the Metro Station. The SE design shall be coordinated and consistent with the design shown on the CDP/FDP. The use of the 15' Metro Clear Zone is established by this Application.

73. Urban Park. The Applicant shall provide an Urban Park at street level from the west and accessible from the east of approximately 0.85 acres to be located adjacent and between Buildings A3, A4 and D1. The Urban Park shall include features such as, but not limited to, lawn panels, hardscape and landscape areas, bench seating, a bocce ball court, seating with engraved game boards (e.g., chess), children's play area, decorative screen wall and dog park as conceptually shown on Sheets L-6B-1 and L-6B-2 of the CDP/FDP and consistent with the Design Guidelines. More specific details shall be determined at time of site plan approval for the first of the buildings referenced in the first sentence above. The Urban Park shall be constructed prior to the issuance of the first RUP for such buildings. The Urban Park shall be privately maintained and shall be designed to coordinate with or connect to the private courtyards of the residential buildings.

74. Pocket Park. The Applicant shall provide a Pocket Park of approximately 0.32 acres designed for casual use by transit users and as a neighborhood park for demonstrating protection, preservation and sustainability of natural resources. The design shall include native planting, a wooden deck and boardwalk system over a bio-retention area, benches, educational and information kiosk, and an art feature display, as conceptually shown on Sheets L-4, L-6C-1, and L-9 (Views 3 and 4) of the CDP/FDP and consistent with the Design Guidelines. Further, an interpretative sign may be added subject to Article 12 of the Ordinance or a CSP. More specific details shall be determined at time of site plan approval for the Metro Station Facilities and construction of the Pocket Park shall occur prior to the issuance of the Non-RUP for the Metro Station Facilities. The Pocket Park shall be privately maintained.

75. Plaza Phasing. The Plazas shall be constructed in phases and as generally shown on the CDP/FDP and in conformance with the Design Guidelines attached as Exhibit B. The applicable phased portion shall be substantially completed, i.e., open to the public and available for its intended purpose, prior to the issuance of the Non-RUP for the Metro Station Facilities for the improvements shown to be constructed with the Metro Station Facilities. The general location of the pedestrian connections to each Plaza associated with a particular phase/building is as set forth in the CDP/FDP.

76. Plaza Access Management Plan. Prior to the issuance of the Non-RUP for the Metro Station Facilities, the Applicant will implement a Plaza Access Management Plan to grant public access and to provide safe access and use of each Plaza to all persons by seeking to minimize the number of vehicles on the Plazas while preserving vehicular access. The plan shall be submitted to FCDOT and the Zoning Administrator for approval consistent with the parameters set forth in this Proffer. The plan will be provided as a supplement to office and retail leases and to residential/rental materials and will be posted on the project's or property manager's website. The Plaza Access Management Plan will be included in the packages of informational materials referenced in the TDM Plan.

77. Means of Enforcing Restrictions. Restrictions on accessing the Plazas are to be enforced by the deployment of physical barriers and/or on-site personnel.



County of Fairfax, Virginia

MEMORANDUM

DATE: August 20, 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-D15-6 (Concurrent with **SE 2015-DR-016**)
Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority; and the Board of Supervisors of Fairfax County, Virginia
South Entrance Pavilion and Elevated Pedestrian Bridge to the Innovation Center Station-South
No assigned address
Tax Map 0152 01 0013A

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 and the Board of Supervisors of Fairfax County, Virginia, propose to construct the south entrance to the Innovation Center Station-South, consisting of the pavilion structure and elevated pedestrian bridge to the station platform. The proposal is also subject to review and approval of SE 2015-DR-016. 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: No assigned address. The 4.91 acre property is bordered on the north and west by Sunrise Valley Drive and Dulles Corner Development, and on the south and east by Dulles Rockhill and Dulles Corner Development.

Site: The site is currently an undeveloped and wooded parcel. The use will be located in the north eastern portion of the property.

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

Access: Access will be provided by the proposed Carta Way.

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, UP6 Sully Planning Sector, Dulles Suburban Center. The Comprehensive Plan Map identifies the property as planned for Mixed Use.

Area Plan

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Dulles Suburban Center, Amended through 6-2-2015, Dulles Suburban Center Land Unit Recommendations, Page 56:

“RECOMMENDATIONS

Consistent with the Concept for Future Development and County Transit Oriented Development policies, Land Unit A encompasses the highest planned intensities in the Dulles Suburban Center. The land unit recommendations are organized by the land units as shown in Figure 12. Within each land unit, the Plan provides recommendations for planned use and intensity. Land Unit A-1 is the area north of the Merrybrook Run Stream Valley and is the southern portion of the Innovation Center Transit Station Area (TSA), shown in Figure 13, where a mix of uses in an urban form is encouraged within walking distance from the station ..

...

Land Use

The planned land use pattern in Land Unit A focuses most future growth within walking distance of the future Innovation Center Metrorail station which is generally considered to be within ¼ and ½ mile from the station. Intensities will be highest in areas with the closest proximity to the station, tapering down to lower density areas in the rest of the land unit ...

This land unit is planned for a complementary mix of land uses including office, residential, hotel and support retail. Development in this land unit should provide for the incorporation of future transit related facilities and pedestrian and vehicular access to transit . . .”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Dulles Suburban Center, Amended through 6-2-2015, Dulles Suburban Center Land Unit Recommendations, Pages 57-58:

“Innovation Center Transit Station Area, Figures 12-13”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Dulles Suburban Center, Amended through 6-2-2015, Dulles Suburban Center Land Unit Recommendations, Page 60-61:

“Land Unit A-1: Innovation Center Transit Station-South

Land Unit A-1 is the southern portion of the Innovation Center Transit Station Area, is 330 acres and is developed with a mix of office, hotel, residential and support retail uses. This area is planned for transit-oriented development (TOD) which focuses growth within walking distance of the Metrorail station . . .”

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 and elevated pedestrian bridge will be located in Land Unit A-1 of the Dulles Suburban Center Plan. The Innovation Center Station-South location is referenced by text and figures throughout the Dulles Suburban Center Plan. Land development intensity within the Dulles Suburban Center Plan is based on the location of the proposed entrance pavilion and elevated pedestrian bridge associated with the Innovation Center Station location. Planned mixed use areas with higher density areas are recommended within one-quarter mile of the station, decreasing density recommended between one-quarter and one-half mile, and even less density recommended beyond one-half mile of the station location. The specific location of the proposal is required, as it sets the boundary areas for land development intensities 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 currently wooded, undeveloped, and planned for mixed use. The property was rezoned in 2014, and staff believes the proposal is compatible with the character of the future 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 Dulles Suburban Center. 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 other transit related improvements that have already been planned and approved. This includes a County operated parking garage, bicycle storage area, kiss-and-ride area, and bus transfer area. The location of the entrance pavilion and elevated pedestrian bridge is south of Sunrise Valley Drive with the closest residences located to the north across the Dulles Toll Road. Staff believes the proposed facilities support 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; and the Board of Supervisors of Fairfax County, Virginia, to locate an entrance pavilion and elevated pedestrian bridge at tax map parcel number 0152 01 0013A, 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-D15-6**, as amended, substantially in accord with provisions of the adopted Comprehensive Plan.

CBC: HDC

ATTACHMENT A



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-D15-6

(Please Type or Clearly Print)

PART I: APPLICATION SUMMARY

LOCATION OF PROPOSED USE

Address [No registered address]

City/Town Herndon Zip Code 20171

Place Name (if at county facility) Innovation Center Station - South

Tax Map I.D. Number(s) 15-2((1))13A (pt.)

Fairfax County Supervisor District Dranesville

Total Area of Subject Parcel(s) 213,962 square feet (per tax record)

Zoning District PRM

APPLICANT(S) Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority;
Name (Company or Agency) and the Board of Supervisors of Fairfax County, Virginia.

Agent Name John McBride

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

Agent's Mailing Address Qdin, 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 Nugget Joint Venture LC

Street Address 1960 Gallows Road, Suite 300

City/Town Vienna State VA Zip Code 22182

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

BRIEF DESCRIPTION OF PROPOSED USE

To establish the South Entrance Pavilion and Pedestrian Bridge to the Innovation Center METRO Station, which 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

None

PRIOR ZONING APPROVALS

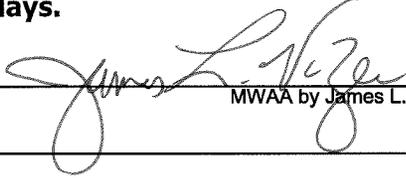
Provide previous Zoning Approvals for all uses on site such as proffered conditions, special permits, special exceptions, variances, or development plans.

RZ 2009-HM-017
PCA-C-698-03
RZ 2012-DR-016

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

Date 3 Aug 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)

March 31, 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
Innovation Center Station South
Combined Special Exception and 2232 Application
Dated: March 13, 2015

Dear Mr. VanZee:

You are hereby authorized to submit the Innovation Center 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
DRPT

cc: Kevin Page, DRPT

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

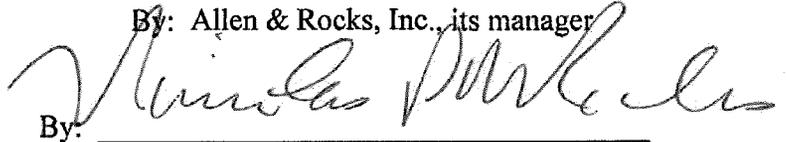
Nicholas P.H. Rocks, President
Nugget Joint Venture, L.C.
1960 Gallows Road, Suite 300
Vienna, Virginia 22182

OWNER/AGENT AUTHORIZATION

The undersigned, owner of the property identified by Fairfax County Tax Map No. 15-2((1))13A (the "Property"), does hereby authorize James L. Van Zee, Deputy Director of Project Development for the Metropolitan Washington Airports Authority, and Noah Klein, Esquire, John McBride, Esquire and Douglas Forno of Odin, Feldman & Pittleman, P.C. (individually or collectively, "Agent"), on behalf of Nugget Joint Venture, L.C., ("Owner") full power and authority to do and perform those acts and make representation necessary to make and pursue applications on a portion of the Property for a 2232 Review and a Category 4 Special Exception, to permit the Metro Station entrance pavilion referenced in Proffer No. 72.E of RZ 2009-HM-017.

Nugget Joint Venture, L.C.

By: Allen & Rocks, Inc., its manager



By:

Nicholas P.H. Rocks, President

STATE OF Virginia
COUNTY OF Fairfax

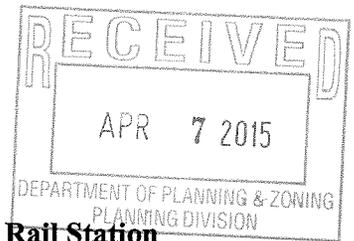
The foregoing instrument was acknowledged before me this 24th day of March, 2015, by Nicholas P.H. Rocks, as President of Allen & Rocks, Inc., manager of Nugget Joint Venture, L.C., who is personally known to me.



(SEAL)

Emily Ruth Hechter

Notary Public-State of VA
Commission Number: 369058
My Commission Expires: 01-31-18



DULLES CORRIDOR METRORAIL PROJECT
Section 15.2 – 2232 Application for the Innovation Center Silver Line Rail Station
"South Entrance"
STATEMENT OF JUSTIFICATION
April 6, 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 December 3, 2013, the Comprehensive Plan for the Dulles Suburban Center area was amended by the Fairfax Board in a manner which shows the specific platform location of the Innovation Center Silver Line transit rail station.

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 a small portion of the undeveloped property located at the corner of Sunrise Valley Drive and future Carta Way, 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 the same as those shown on the combined Special Exception Plat and Public Facilities Plan titled "Innovation Center Station – South," prepared by Dewberry Consultants LLC, last revised March 16, 2015 and containing 9 sheets (the "Plan"). The scope of this application is limited to the establishment of the entrance pavilion and an elevated pedestrian walkway (connecting the entrance pavilion to the Innovation Center rail transit station within the median of the Dulles Airport Access Road). Other transit-

related improvements which are planned to be constructed to support this station have already been approved through a proffered rezoning approval. Thus, the County-operated parking garage, bicycle storage area, kiss-and-ride area and bus transfer area are not included within the scope of this 2232 application. They are already planned and approved. The station entrance pavilion and pedestrian bridge are the only transit-related facilities on this site which will not be owned and operated by the County or the commercial landowner. They will be owned and operated by WMATA.

The Innovation Center Station, located in the median of the DAAR/DTR, will be the eighth 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 DAAR/DTR 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 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 Innovation Station south entrance: Dulles, Floris, Sterling, Sully, Chantilly and Herndon 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 7 of the Plan. The design will be very similar to the existing Wiehle-Reston East Station and its southern entrance pavilion and pedestrian bridge.
- Listing of Hazardous or Toxic Substances on site: WMATA Metrorail station entrances and pedestrian bridges 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. 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. WMATA's "Art in Transit" program will integrate public art in the stations. Art in the Innovation Center Station will be integrated into the concrete walkway paving at the north entrance pavilion.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The December 3, 2013 amendments to the adopted Comprehensive Plan (Area III, Dulles Suburban Center, Sully Community Planning Sector (UP-6)), specifically locate the Innovation Center Station and its southern entrance pavilion area. The station's integration with the Board-approved 1.6 million square foot mixed-use Innovation Center development (RZ/CDP/FDP 2009-HM-017, concurrent with PCA C-606-10) shifted the location of the south entrance to align better with its surrounding development. The 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 Land Unit A-1. This south entrance pavilion specifically supports the more intense development potential defined by the boundary of the transit station "mixed use" land use category. The 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 parcel.

This application and its Public Facility Plan 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 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.

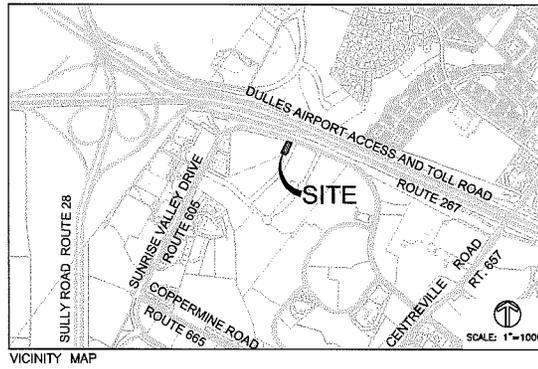
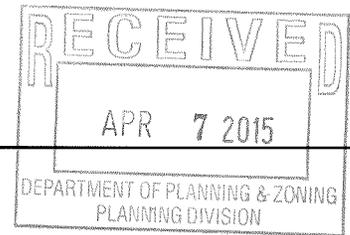
The location, character and extent of the Innovation Center Station – South Entrance Pavilion and its elevated pedestrian walkway have not changed significantly since the *Locally Preferred Alternative* was selected and its *FEIS* approved. Their location on the site has been coordinated with the landowner and the Fairfax County Department of Transportation Planning Division and will not interfere with the recently re-planned and rezoned intense mixed-use development or the enhanced "grid of streets," which are envisioned in the Comprehensive Plan.

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 general location of the Innovation Center Station was established by these prior actions and by the adoption of the 2013 amendments to the adopted Comprehensive Plan, the south entrance pavilion's specific location and alignment was further determined by the Innovation Center zoning approval (RZ/CDP/FDP 2009-HM-017, concurrent with PCA C-606-10).

CONCLUSION

The proposed Silver Line extension of Metrorail and the Innovation Center 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 Plan's Transportation Map. The location, character and extent of the proposed WMATA facilities are in substantial accord with the adopted Comprehensive Plan.



INNOVATION CENTER STATION - SOUTH

DULLES CORRIDOR METRORAIL PROJECT PHASE 2

DRANESVILLE DISTRICT

FAIRFAX COUNTY, VIRGINIA

SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN

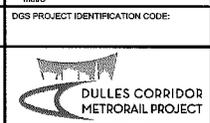
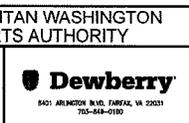
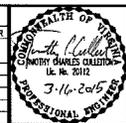
APPLICANT: METROPOLITAN WASHINGTON AIRPORT AUTHORITY
 IN COORDINATION WITH THE
 VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
 ON BEHALF OF THE
 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SHEET INDEX

1. COVER SHEET
2. NOTES & TABULATION
3. OVERALL SITE PLAN
4. EXISTING CONDITIONS AND VEGETATION MAP
5. SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN
6. LANDSCAPE PLAN
7. PAVILION ELEVATIONS
8. PEDESTRIAN CIRCULATION PLAN
9. CONNECTIVITY PLAN

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY DGS PROJECT IDENTIFICATION CODE:		WMATA LDP 2009	CONTRACT NO: 8-13-C001
METROPOLITAN WASHINGTON AIRPORTS AUTHORITY 		EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH COVER SHEET	
SCALE: AS NOTED		DRAWING NO.: N09-SE-001S	
1 OF 9			

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS								
DATE	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKD	SUPV	APPR	LM	JC	JV	TC
10/20/14	DATE											
10/20/14	DATE	0	03/16/2015	SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION								
10/20/14	DATE											
10/20/14	DATE											
10/20/14	DATE											



INNOVATION CENTER STATION - SOUTH

NOTES:

1. THE PROPERTY THAT IS THE SUBJECT OF THIS SPECIAL EXCEPTION PLAT IS IDENTIFIED ON THE FAIRFAX COUNTY ZONING MAP AS 15-2 ((1)) 13 (PART). THE PROPERTY IS CURRENTLY ZONED PRM.
2. THE TOTAL LAND AREA OF THIS SPECIAL EXCEPTION APPLICATION IS APPROXIMATELY 0.15 ACRES.
3. THIS SPECIAL EXCEPTION PLAT ACCOMPANIES AN APPLICATION TO PERMIT THE ESTABLISHMENT OF AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY; SPECIFICALLY, ACCESSORY USES THEREOF.
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 WYATA 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.
6. A STATEMENT WHICH CONFIRMS THE OWNERSHIP OF THE SUBJECT PROPERTY AND THE NATURE OF THE APPLICANT'S INTEREST IN SAME IS PRESENTED IN A SEPARATE DOCUMENT.
7. THERE ARE NO MINIMUM YARD REQUIREMENTS FOR THE PRM DISTRICT.
8. AS STATED IN SECT. 9-404 AND 9-405 OF THE FAIRFAX COUNTY ZONING ORDINANCE THIS USE NEED NOT COMPLY WITH THE BULK REGULATIONS OR THE MINIMUM DISTRICT SIZE REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THE USE IS LOCATED.
9. SANITARY SEWER AND PUBLIC WATER ARE AVAILABLE AND WILL BE EXTENDED TO THE SITE AS NEEDED.
10. NO FLOOD PLAINS EXIST ON THE SITE. JURISDICTIONAL WETLANDS ARE NOT PRESENT WITHIN THE LIMITS OF THIS 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 (18)12. THERE ARE NO EXISTING UTILITY EASEMENTS HAVING A WIDTH OF TWENTY-FIVE (25) FEET OR MORE OR MAJOR UNDERGROUND UTILITY EASEMENTS LOCATED ON THE SUBJECT PROPERTY.
13. THE COMPREHENSIVE PLAN TRAILS MAP SHOWS A MAJOR PAVED TRAIL ON THE SOUTH SIDE OF SUNRISE VALLEY DRIVE. PLANNED IMPROVEMENTS TO SUNRISE VALLEY DRIVE WITH APPLICATION RZ 2009-HM-017 INCLUDES AN 8' WIDE ASPHALT TRAIL AND ON-ROAD BIKE LANES.
14. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO GRAVES LOCATED ON THE SUBJECT PROPERTY.
15. 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 SMD REGULATIONS.
16. EXCEPT AS QUALIFIED ABOVE, THE PROPOSED DEVELOPMENT CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES AND ADOPTED STANDARDS.

TABULATION:

EXISTING ZONING.....	PRM
TOTAL LAND AREA (6,530 SF)	0.15 ± AC
FLOOR AREA RATIO (FAR) PERMITTED UNDER PRM	3.0
SOUTH PAVILION FLOOR AREA	±6,000 SQ FT
FLOOR AREA RATIO (FAR) PROPOSED	±0.92
MAXIMUM GROSS FLOOR AREA PERMITTED.....	19,590 ± SF
MAXIMUM BUILDING HEIGHT PERMITTED	80 FT
SOUTH PAVILION BUILDING HEIGHT PROPOSED	±50 FT
OPEN SPACE REQUIRED (20%).....	* ± AC
OPEN SPACE PROVIDED	* ± AC

*MET ON THE OVERALL PRM ZONED SITE WITH APPROVED CDP/FDP RZ 2009-HM-017

PARKING SPACE REQUIRED/PROVIDED

PARKING IS ADDRESSED BY APPROVED CDP/FDP RZ 2009-HM-017; SEE THE PARKING LOT TABULATION ON SHEET C-2 OF THE CDP/FDP.

LANDSCAPE CALCULATIONS

TREE CANOPY AND INTERIOR AND PERIPHERAL PARKING LOT REQUIREMENTS ARE ADDRESSED BY APPROVED CDP/FDP RZ 2009-HM-017 FOR INNOVATION CENTER SOUTH AND THE INNOVATION CENTER STATION GARAGE; SEE SHEET C-6 OF THE CDP/FDP. A DEVIATION OF THE TREE PRESERVATION TARGET PERCENTAGE WAS APPROVED IN FAVOR OF THE LANDSCAPING SHOWN WITH CDP/FDP RZ 2009-HM-017 APPROVAL.

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 minimum 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 21 & 21.1) Special Exceptions (9-011 21 & 21.1)
 Cluster Subdivisions (9-015 (1) & (2)) Commercial Reutilization Districts (9-022 2A (12)(b)(14))
 Development Plans (16-302 2 & 4) PRC Plan (16-303 1E & 10)
 FDP F Districts (except PRC) (16-502 1F & 1Q) Amendments (18-202 10F & 10G)

1. Plot in 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	On-Site area	Off-Site area	Drainage	Footprint	Storage	If pond, dam
Type & No.	acres (acres)	acres (acres)	acres (ac)	acres (ac)	Volume (cf)	height (ft)
4. On-site drainage channels, outfalls and pipe systems are shown on Sheet N/A.
5. Maintenance access (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 low 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 in requester for N/A
12. Stormwater management is not required because N/A

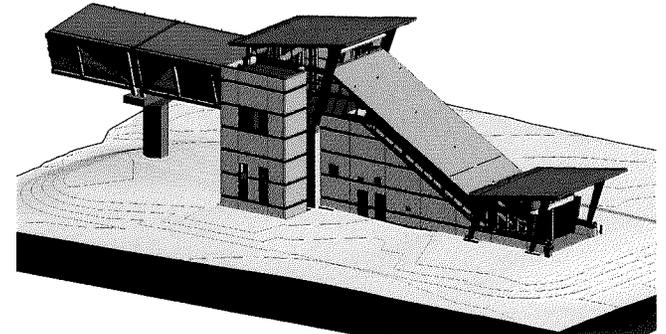
* STORMWATER MANAGEMENT HAS BEEN DESIGNED FOR PHASE 2 OF THE DULLES CORRIDOR METRO RAIL PROJECT WITH A SYSTEM WIDE APPROACH UTILIZING STATE 11B CRITERIA. THE PROPOSED STORMWATER MANAGEMENT APPROACH IS SUBJECT TO VIRGINIA DEQ REVIEW AND APPROVAL.

**MET ON THE OVERALL PRM ZONED SITE WITH APPROVED CDP/FDP RZ 2009-HM-017



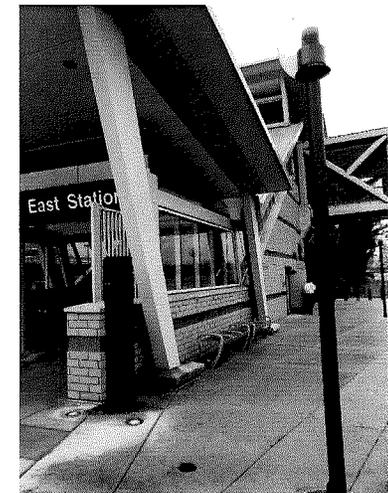
DULLES CORRIDOR METRO RAIL PHASE I WHEEL-RESTON EAST STATION

NOTE: THE PHOTOGRAPHS OF THE EXISTING DULLES CORRIDOR METRO RAIL PHASE I PAVILION (WHEEL-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.



PERSPECTIVE VIEW OF INNOVATION 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.



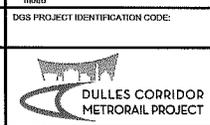
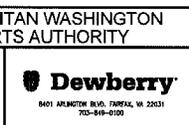
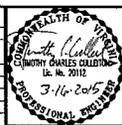
DULLES CORRIDOR METRO RAIL PHASE I WHEEL-RESTON EAST STATION

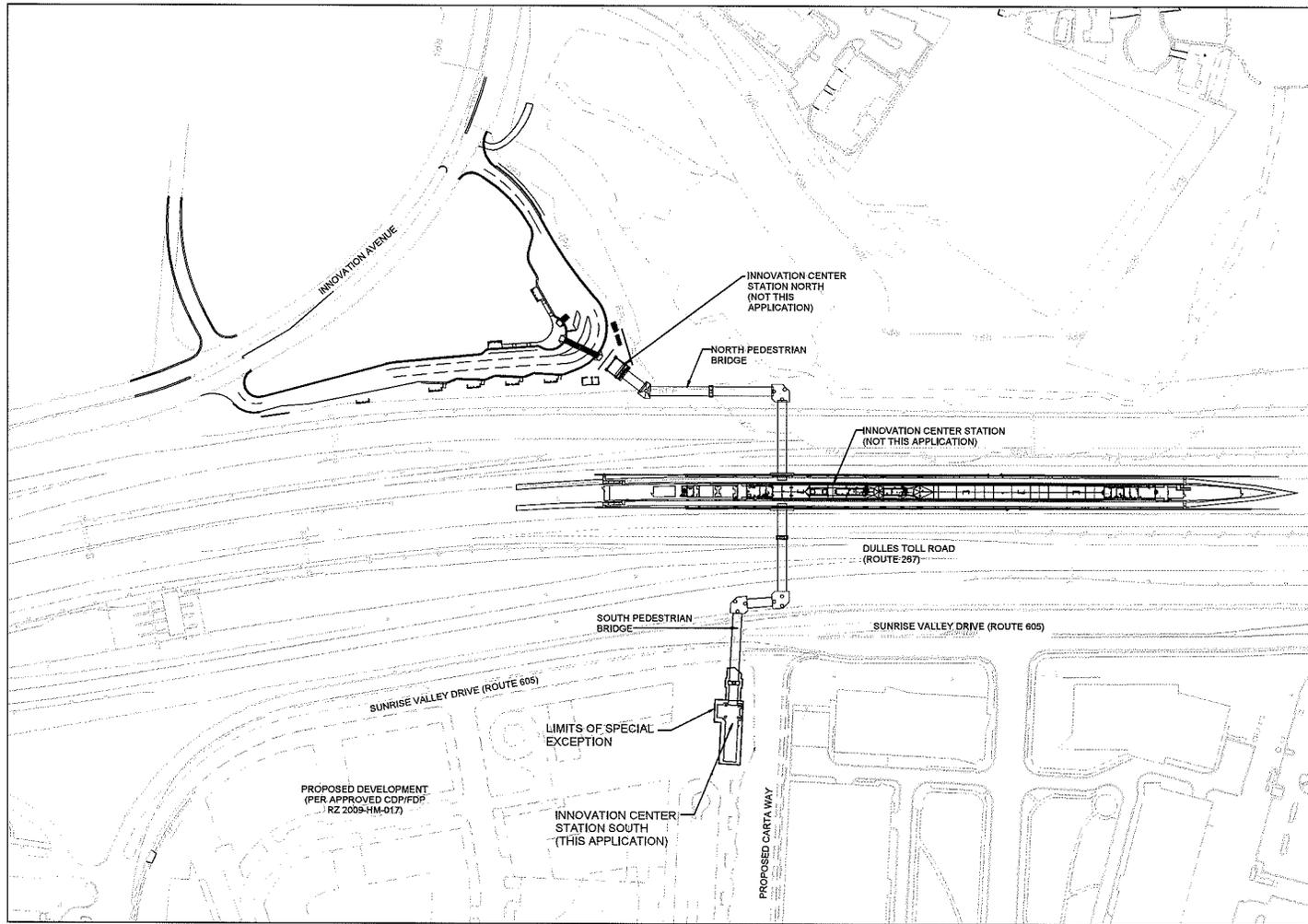
		WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY WMATA LDP 2009	CONTRACT NO.: 8-13-C001
DGS PROJECT IDENTIFICATION CODE:		EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH STATION PERSPECTIVE, NOTES, & TABULATION	
		SCALE: N/A	DRAWING NO.: N09-SE-002S
2 OF 9			

ORIGINATOR	DATE	DESCRIPTION
L. MERRILL	10/2014	
J. CENA	10/2014	
D. RESNAIL	10/2014	
J. VEGA	10/2014	
T. CULLETON	10/2014	

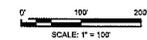
NUMBER	DATE	DESCRIPTION
0	03/16/2015	SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION

NO	DATE	DESCRIPTION	ORIG	CHK	SUPV	APPR
			LM	JC	JV	TC



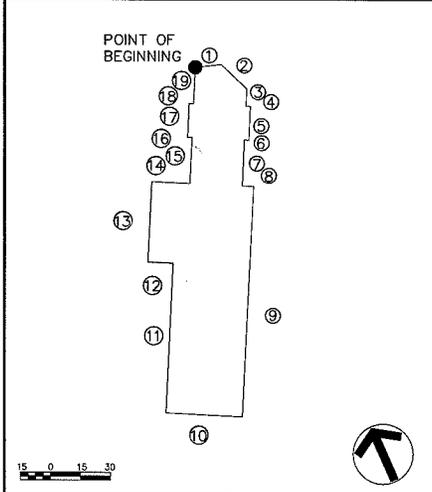


OVERALL SITE PLAN
1" = 100'-0"



		WMATA LDP 2009	CONTRACT NO.: 8-13-C001																		
ORIGINATORS DRAWN: I. MERRILL 10/2014 DATE: 10/2014 DESIGNED: J. CENA 10/2014 DATE: 10/2014 CHECKED: J. VEGA 10/2014 DATE: 10/2014 T. CULLETON 10/2014 DATE: 10/2014 APPROVED:		REFERENCE DRAWINGS <table border="1"> <thead> <tr> <th>NUMBER</th> <th>DESCRIPTION</th> <th>NO</th> <th>DATE</th> <th>DESCRIPTION</th> <th>ORIG</th> <th>CHKR</th> <th>SUPV</th> <th>APPR</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION</td> <td></td> <td>03/16/2015</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR	0	SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION		03/16/2015					
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REVISIONS <table border="1"> <thead> <tr> <th>NO</th> <th>DATE</th> <th>DESCRIPTION</th> <th>ORIG</th> <th>CHKR</th> <th>SUPV</th> <th>APPR</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR													
NO	DATE	DESCRIPTION	ORIG	CHKR	SUPV	APPR															
		SCALE: 1"=100' DRAWING NO.: ND9-SE-003S																			
185 Van Buren St., Suite 250, Herndon, Virginia 20170		3 OF 9																			

SEGMENT NUMBER	NORTHING	EASTING	BEARING	LENGTH	RADIUS
P.O.B.	196506.1978	90901.9333	-	-	-
1	196501.9331	90914.3524	-	13.13'	2456.00'
2	196485.6253	90920.7507	S21° 22' 28"E	17.51'	-
3	196477.7616	90916.6088	S27° 41' 11"W	8.88'	-
4	196476.7279	90918.5789	S62° 18' 49"E	2.22'	-
5	196461.6743	90910.6802	S27° 41' 11"W	17.00'	-
6	196462.7081	90908.7107	N62° 18' 49"W	2.22'	-
7	196442.1275	90887.9112	S27° 41' 11"W	23.24'	-
8	196439.4731	90902.9703	S62° 18' 54"E	5.71'	-
9	196336.9009	90849.1528	S27° 41' 06"W	115.83'	-
10	196354.7110	90815.2081	N62° 18' 54"W	38.33'	-
11	196421.3644	90850.1799	N27° 41' 07"E	75.27'	-
12	196427.2302	90839.0002	N62° 18' 54"W	12.63'	-
13	196463.1489	90857.8467	N27° 41' 06"E	40.59'	-
14	196454.2845	90874.7408	S62° 18' 54"E	19.08'	-
15	196474.8657	90885.5400	N27° 41' 11"E	23.24'	-
16	196475.9231	90883.5247	N62° 18' 49"W	2.28'	-
17	196490.9766	90891.4235	N27° 41' 11"E	17.00'	-
18	196489.9385	90893.4019	S62° 18' 49"E	2.23'	-
19	196506.1978	90901.9333	N27° 41' 11"E	18.36'	-



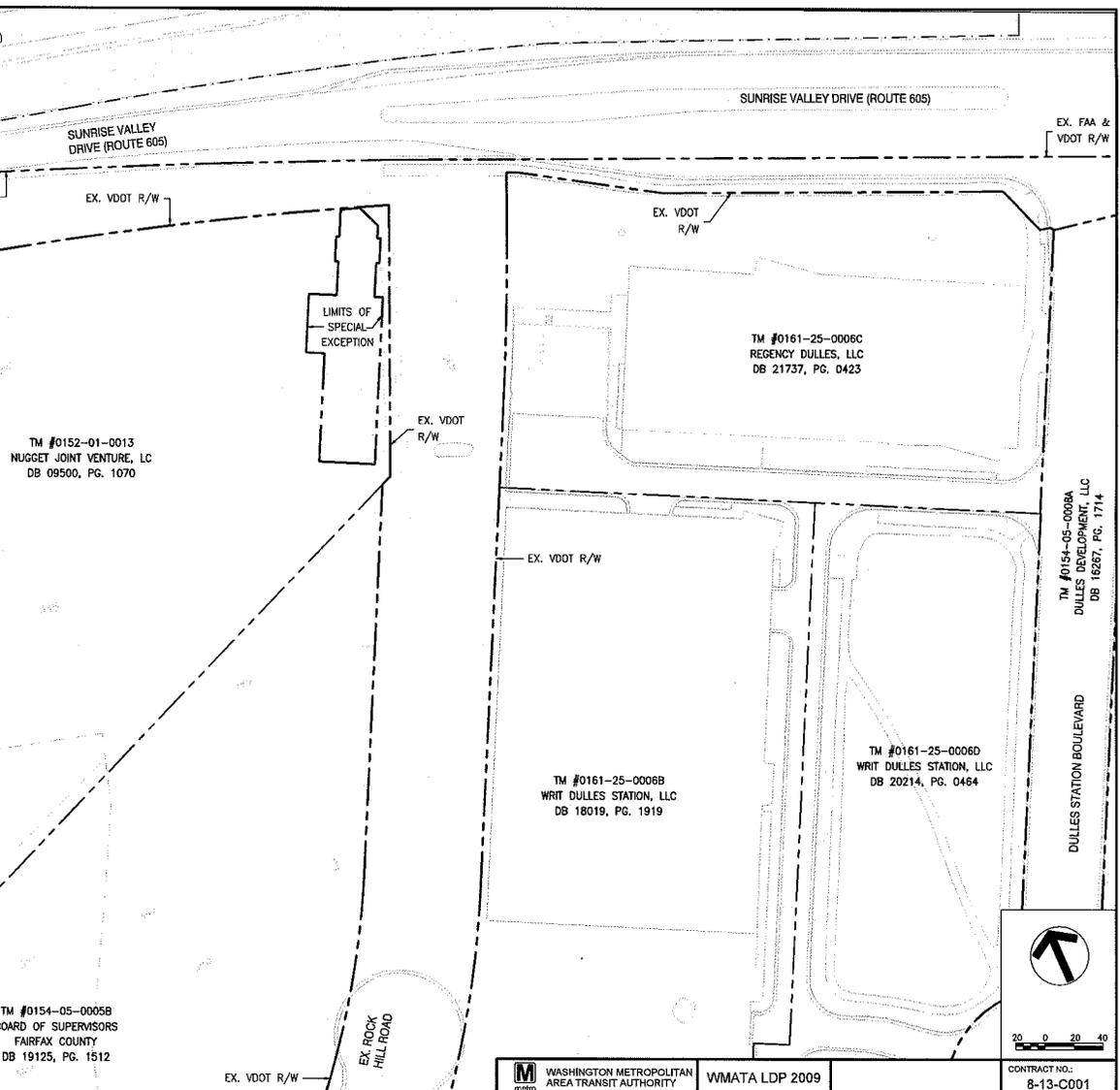
SPECIAL EXCEPTION BOUNDARY DETAIL

EXISTING VEGETATION INVENTORY

COVER TYPE	PRIMARY SPECIES	SUCCESSIONAL STAGES	CONDITION	ACREAGE	COMMENTS
UPLAND FOREST	OAK HICKORY AND POPLAR	SUB-CLIMAX	GENERALLY GOOD	0.15± AC	OTHER SPECIES INCLUDE LOCUST, REDBUD

TOTAL ACREAGE: 0.15± AC

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS			
NAME	DATE	NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG
L. MERILL	10/2014						
J. CENA	10/2014			0	03/18/2015	SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION	LM
J. VEGA	10/2014						
T. CULLETON	10/2014						



TM #0152-01-0013
NUGGET JOINT VENTURE, LC
DB 09500, PG. 1070

TM #0154-05-0005B
BOARD OF SUPERVISORS
FAIRFAX COUNTY
DB 19125, PG. 1512

EX. VDOT R/W

EX. ROCK HILL ROAD

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
VMATA LDP 2009

CONTRACT NO.: 8-13-C001

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Dewberry
8401 ARLINGTON BLVD, FARMAS, VA 22031
703-649-0700

DULLES CORRIDOR METRO RAIL PROJECT

**EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN
INNOVATION CENTER STATION - SOUTH
EXISTING CONDITIONS AND VEGETATION MAP**

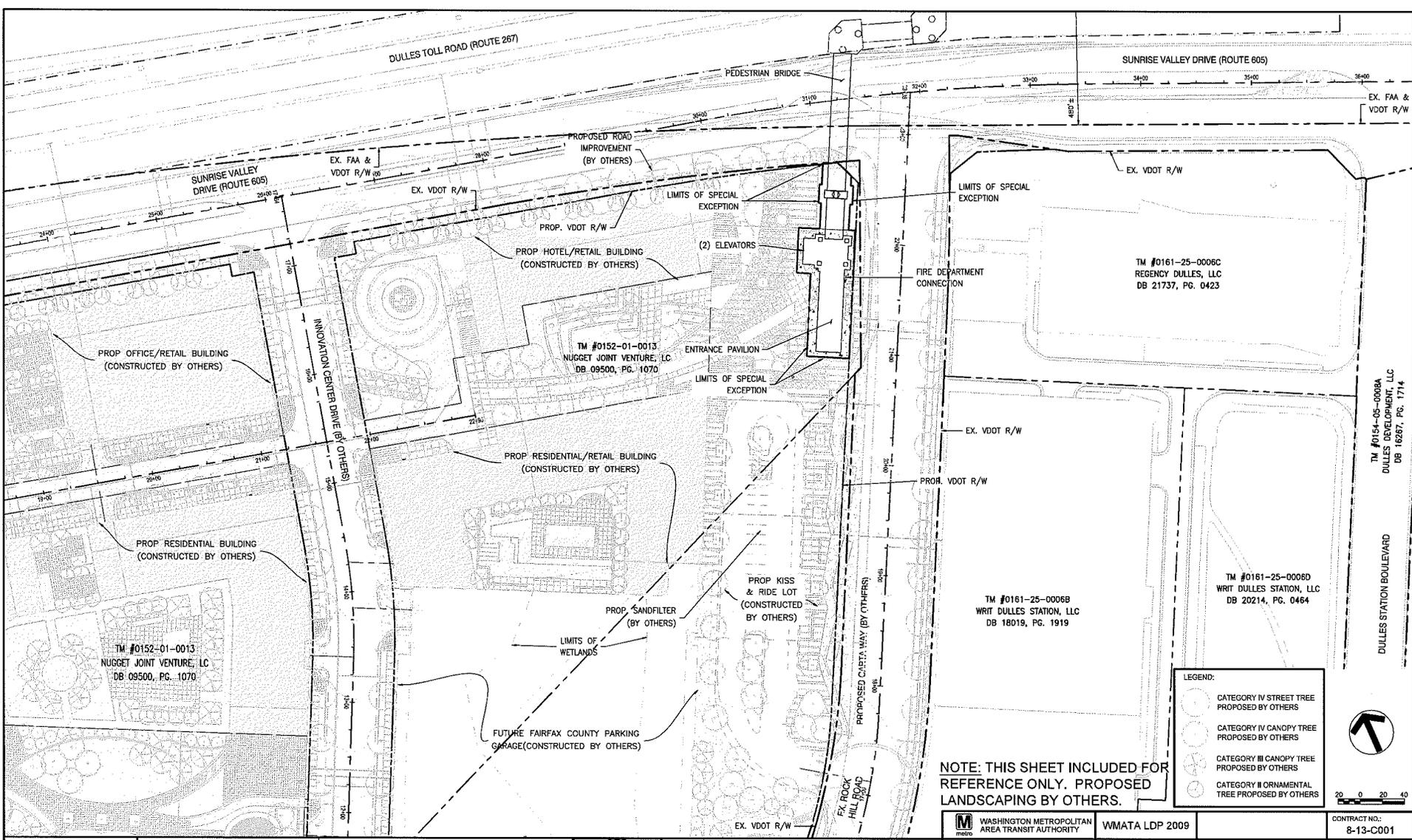
SCALE: 1" = 40'

DRAWING NO.: N09-SE-004S

4 OF 9

1-Existing Conditions and Existing Vegetation Map, 03/16/2015 1:27:35 PM

March 16, 2015 1:35 PM G-LANDSCAPE PLANNING

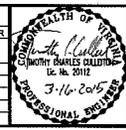


LEGEND:

- CATEGORY IV STREET TREE PROPOSED BY OTHERS
- CATEGORY IV CANOPY TREE PROPOSED BY OTHERS
- CATEGORY III CANOPY TREE PROPOSED BY OTHERS
- CATEGORY II ORNAMENTAL TREE PROPOSED BY OTHERS

NOTE: THIS SHEET INCLUDED FOR REFERENCE ONLY. PROPOSED LANDSCAPING BY OTHERS.

ORIGINATOR		REFERENCE DRAWINGS		REVISIONS			
DATE	DESCRIPTION	NO.	DATE	DESCRIPTION	DRG	CHK	APP
10/2014	L. MERRILL						
10/2014	J. CENA						
10/2014	J. VEGA						
10/2014	T. CULLETON						



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

601 ARMISTEY BLVD. FAIRFAX, VA 22031
703-819-0100

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

DGS PROJECT IDENTIFICATION CODE:

WMATA LDP 2009

CONTRACT NO.: 8-13-C001

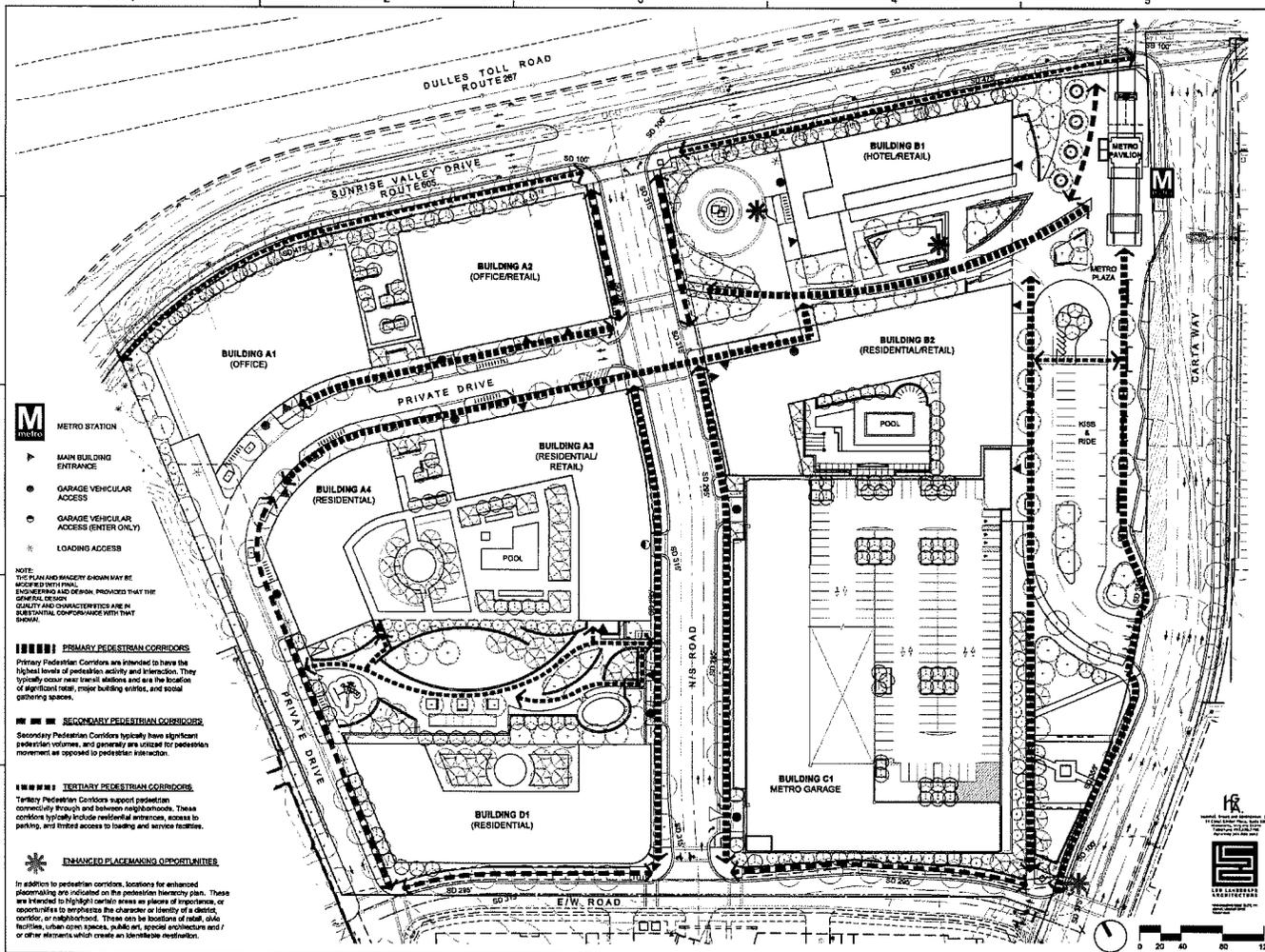
EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH LANDSCAPE PLAN

SCALE: 1" = 40'

DRAWING NO.: N09-SE-006S

6 OF 9

March 16, 2015 1:41 PM 9-PED-ING



- M** METRO STATION
- ▶ MAIN BUILDING ENTRANCE
- GARAGE VEHICULAR ACCESS
- GARAGE VEHICULAR ACCESS (CENTER ONLY)
- ⊛ LOADING ACCESS

NOTE:
THIS PLAN AND SCHEDULE DRAWING MAY BE SUBJECT TO FINAL ENGINEERING AND DESIGN PROVIDED THAT THE QUALITY AND CHARACTERISTICS ARE IN SUBSTANTIAL COMPLIANCE WITH THAT SHOWN.

PRIMARY PEDESTRIAN CORRIDORS
Primary Pedestrian Corridors are intended to have the highest levels of pedestrian activity and interaction. They typically occur near transit stations and are the location of significant retail, major building entrances, and social gathering spaces.

SECONDARY PEDESTRIAN CORRIDORS
Secondary Pedestrian Corridors typically have significant pedestrian volumes, and generally are utilized for pedestrian movement as opposed to pedestrian interaction.

TERTIARY PEDESTRIAN CORRIDORS
Tertiary Pedestrian Corridors support pedestrian connectivity through and between neighborhoods. These corridors typically include residential entrances, access to parking, and limited access to loading and service facilities.

ENHANCED PLACEMAKING OPPORTUNITIES
In addition to pedestrian corridors, locations for enhanced placemaking are indicated on the pedestrian hierarchy plan. These are intended to highlight certain areas of importance, or opportunities to emphasize the character or identity of a district, corridor, or neighborhood. These can be location of retail, civic facilities, urban open spaces, public art, special architecture and / or other elements which create an identifiable destination.

Dewberry

Dewberry Consultants LLC
1000 WASHINGTON BLVD
SUITE 1000
FALLS CHURCH, VA 22046

dcs DATA CENTER SOLUTIONS
9 615 116 M

ROCKS

INNOVATION CENTER SOUTH AND THE INNOVATION CENTER STATION GARAGE
Conceptual/Final Development Plan
UNIVERSITY MICROFILMS INTERNATIONAL
PROJECT NUMBER: 10000000000000000000



KEY PLAN

SCALE 1"=45'-0"

NO.	DATE	BY	DESCRIPTION
1	04.21.14	SC	CDP
2	05.27.14	SC	CDP
3	05.21.14	SC	CDP
4	03.03.14	SC	CDP
5	11.22.13	SC	CDP
6	11.06.13	SC	CDP

DESIGNED BY SC
APPROVED BY SC
CHECKED BY ME
DATE 09.08.2013

TITLE
PEDESTRIAN CIRCULATION PLAN

PROJECT NO 13046.00

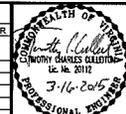
DATE NO L-3

PLAN PROVIDED FOR REFERENCE ONLY

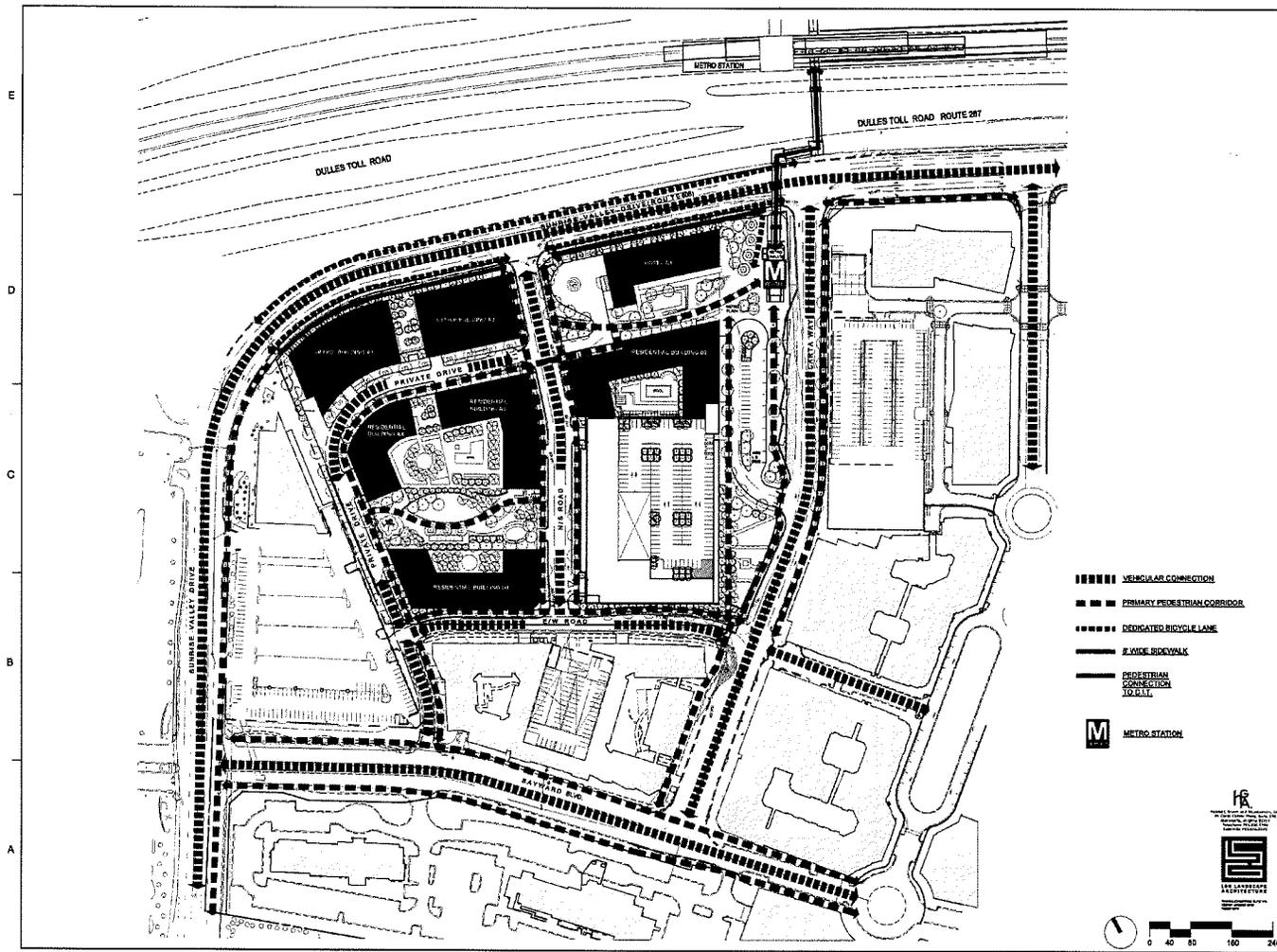
			WMATA LDP 2009	CONTRACT NO: 8-13-C001
METROPOLITAN WASHINGTON AIRPORTS AUTHORITY		DGS PROJECT IDENTIFICATION CODE:		EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - SOUTH PEDESTRIAN CIRCULATION PLAN
				SCALE: N/A
CAPITAL RAIL CONSTRUCTORS 198 Van Buren St, Suite 250, Herndon, Virginia 20170		801 ARLINGTON BLVD, FALLS CHURCH, VA 22041 703-448-0100		DRAWING NO: N09-SE-008S
8 OF 9				

ORIGINATOR	DATE
L. MERRILL	10/2014
J. CENA	10/2014
J. VEGA	10/2014
T. CULLETON	10/2014
DATE	

NUMBER	DESCRIPTION	NO	DATE	DESCRIPTION	ORIG	CHKD	APPV	APPR
0	SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN SUBMISSION		03/16/2015		LM	JC	JV	TC



March 16, 2015 1:45 PM 10 - CONNECTIVITY.DWG



- VEHICULAR CONNECTION
- PRIMARY PEDESTRIAN CORRIDOR
- DEDICATED BICYCLE LANE
- 2-WAY SIDEWALK
- PEDESTRIAN CONNECTION NODELL
- METRO STATION



Dewberry
 Dewberry Consultants LLC
 4000 Leesville Blvd.
 Suite 200
 Fairfax, VA 22031
 703-448-2100

dcs DESIGN
 DESIGN CONSULTANTS
 10000 WOODBRIDGE BLVD
 SUITE 100
 FARMINGTON HILLS, MI 48334
 248-850-0000

ROCKS
 ROCKS CONSULTANTS
 10000 WOODBRIDGE BLVD
 SUITE 100
 FARMINGTON HILLS, MI 48334
 248-850-0000

INNOVATION CENTER SOUTH
 AND THE
 INNOVATION CENTER STATION
 GAPAGE
 Conceptual/Final Development Plan
 FARMINGTON DISTRICT
 FARMINGTON, VIRGINIA

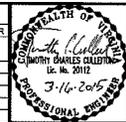
SCALE: 1"=40'-0"

NO.	DATE	BY	DESCRIPTION
6	04/21/14	CDP	
5	03/27/14	CDP	
4	02/21/14	CDP	
3	01/23/14	CDP	
2	11/22/13	CDP	
1	8/09/13	CDP	

DRWN BY: SC
 APPR'D BY: SE
 CHECKED BY: SE
 DATE: 06/04/2013
 TITLE: CONNECTIVITY PLAN
 PROJECT NO: 13048.00
 SHEET NO: L-3A
 M-10831

PLAN PROVIDED FOR REFERENCE ONLY

ORIGINATOR		REFERENCE DRAWINGS		REVISIONS							METROPOLITAN WASHINGTON AIRPORTS AUTHORITY		WMATA LDP 2009		CONTRACT NO.: 8-13-C001	
NO.	DATE	NO.	DESCRIPTION	NO.	DATE	DESCRIPTION	ORIG	CHKD	SUPV	APPR	DATE	DESCRIPTION	SCALE:	DRAWING NO.:	SHEET NO.:	
0	03/16/2015		SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN SUBMISSION	LM	JC	JV	TC						N/A	N09-SE-09S	9 OF 9	



ATTACHMENT B

2232-D15-6

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 Innovation Center Silver Line Station

(no registered street address)

Tax Map Ref.: 15-2 ((1)) 13A (pt.)

Zoning District: PRM

Comments:

This request is for the proposed entrance pavilion and elevated pedestrian walkway that will connect the pavilion to the Innovation Center Metro Station that will be located within the median of the Dulles Airport Access Road. Additional features of the station and surroundings are or will be addressed through other zoning applications. The proposed improvements will be located on the referenced parcel, which consists of a total of 4.91 acres and is zoned PRM, Planned Residential Mixed Use District. The property is currently undeveloped. The property is subject to proffered conditions associated with Rezoning application RZ 2009-HM-017, which was approved by the Board of Supervisors on July 29, 2014, and Final Development Plan application FDP 2009-HM-017, which was approved by the Planning Commission on May 15, 2014. In addition, a Special Exception application with temporary ID Number SE 2015-0112 was filed with the Zoning Evaluation Division on April 7, 2015.

The proposal includes construction of a 6,000 square foot entrance pavilion that would be approximately 50 feet in height, and an elevated pedestrian bridge connecting it to the future transit station to the north. The PRM District allows a maximum floor area ratio (FAR) of 3.0, excluding the floor area for affordable and bonus market rate units and workforce dwelling units. Maximum building height and minimum yard requirements are subject to the standards contained in Part 1 of Article 16. 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 is therefore exempt from the minimum yard requirements pursuant to Par. 2 of Sect. 2-104 of the Zoning Ordinance. The bulk regulations of the PRM District appear to be satisfied with this request, provided it is deemed to be in substantial conformance with the RZ/FDP approval. Waivers and modifications for transitional screening and barrier requirements were previously granted by the Board of Supervisors at the time of RZ/FDP approval on the property. All applicable Zoning Ordinance requirements must continue to be satisfied at the time of site plan approval for this request.

ZED: Must be in substantial conformance with RZ/FDP 2009-HM-017, referred for review on April 23, 2015.

Prepared by: Cathy Belgin- April 27, 2015.

Cathy S. Belgin, AICP

Senior Assistant to the Zoning Administrator

Zoning Administration Division

Fairfax County Department of Planning and Zoning

703-324-1314

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.)

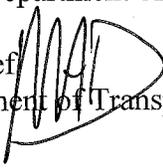


County of Fairfax, Virginia

MEMORANDUM

DATE: August 31, 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-DR-016

SUBJECT: MWAA & VDRPT on behalf of WMATA (Innovation Center Station-South)
Tax Map: #15-2 ((1)) 13A (part)

This department has reviewed the subject application including the Special Exception Plat and Public Facilities Plan, dated April 28, 2015, and offers the following comment:

- FCDOT recommends the applicant provide additional bicycle parking spaces under the pedestrian bridge between the entrance pavilion and Sunrise Valley Drive. The number of parking spaces, type of bicycle rack, and final design/location should be coordinated with FCDOT during the site plan approval process.

cc: William O'Donnell, DPZ

MAD/EAI



COMMONWEALTH of VIRGINIA

DEPARTMENT OF TRANSPORTATION

4975 Alliance Drive
Fairfax, VA 22030

CHARLES A. KILPATRICK, P.E.
COMMISSIONER

June 19, 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: Innovation Center Silver Line Station
Fairfax County Plan No: **SE 2015-DR-016**

Dear Ms. Berlin:

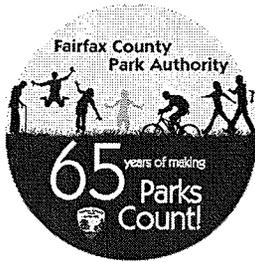
VDOT has reviewed the above referenced plan, received on June 9, 2015, and has no objection to its approval.

Sincerely,

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

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

William O'Donnell, ZED



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 *SS*

DATE: July 17, 2015

SUBJECT: SE 2015-DR-016, Innovation Center Station – South
Tax Map Number: 15-2 ((1)) 13Apt.

The Park Authority staff has reviewed the above referenced plan and plan set (dated 4/28/15). Based on that review, staff has the following comment regarding cultural resources:

The parcel was subjected to archival review. It has moderate potential to contain significant resources and contains one known site (44FX2868). Park Authority staff understands that the proposed MWAA project will receive Federal funding and as such will trigger or has already triggered Section 106 of the National Historic Preservation Act.

The Park Authority recommends the applicant consult with the Virginia Department of Historic Resources (VDHR) for cultural resources guidance as they work through the Section 106 process. Staff also requests that any cultural resource studies prepared for the Federal review process be shared with the Park Authority's Resource Management Division (Attention: Liz Crowell). Materials can be sent to 2855 Annandale Road Falls Church, VA 20110.

Please note the Park Authority would like to review and comment on development conditions related to park and recreation issues. We request that draft and final development conditions be submitted to the assigned reviewer noted below for review and comment prior to completion of the staff report and prior to final Board of Supervisors approval.

FCPA Reviewer: Anna Bentley
DPZ Coordinator: William O'Donnell

Copy: Cindy Walsh, Director, Resource Management Division
Liz Crowell, Manager, Cultural Resource Management & Protection Section
William O'Donnell, DPZ Coordinator

Chron File
File Copy

9-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special exception uses, all such uses shall satisfy the following general standards:

- 1) The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
- 2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- 3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
- 4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- 5) In addition to the standards which may be set forth in this Article for a particular category or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13.
- 6) Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
- 7) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
- 8) Signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

9-308 Additional Standards for Medical Care Facilities

1. In its development of a recommendation and report as required by Par. 3 of Sect. 303 above, the Health Care Advisory Board shall, in addition to information from the applicant, solicit information and comment from such providers and consumers of health services, or organizations representing such providers or consumers and health planning organizations, as may seem appropriate, provided that neither said Board nor the Board of Supervisors shall be bound by any such information or comment. The Health Care Advisory Board may hold such hearing or hearings as may seem appropriate, and may request of the Board of Supervisors such deferrals of Board action as may be reasonably necessary to accumulate information upon which to base a recommendation.
2. The Advisory Board, in making its recommendations, and the Board of Supervisors, in deciding on the issuance of such an exception, shall specifically consider whether or not:
 - A. There is a demonstrated need for the proposed facility, in the location, at the time, and in the configuration proposed. Such consideration shall take into account alternative facilities and/or services in existence or approved for construction, and the present and projected utilization of specialized treatment equipment available to persons proposed to be served by the applicant.
 - B. Any proposed specialized treatment or care facility has or can provide for a working relationship with a general hospital sufficiently close to ensure availability of a full range of diagnostic and treatment services.
 - C. The proposed facility will contribute to, and not divert or subvert, implementation of a plan for comprehensive health care for the area proposed to be served; such consideration shall take into account the experience of the applicant, the financial resources available and projected for project support and operation, and the nature and qualifications of the proposed staffing of the facility.
3. All such uses shall be designed to accommodate service vehicles with access to the building at a side or rear entrance.
4. No freestanding nursing facility shall be established except on a parcel of land fronting on, and with direct access to, an existing or planned collector or arterial street as defined in the adopted comprehensive plan.
5. No building shall be located closer than 45 feet to any street line or closer than 100 feet to any lot line which abuts an R-A through R-4 District.
6. In the R-E through R-5 Districts, no such use shall be located on a lot containing less than five (5) acres.
7. For hospitals, the Board of Supervisors may approve additional on-site signs when it is determined, based on the size and nature of the hospital, that additional signs are necessary in order to provide needed information to the public and that such signs will not have an adverse impact on adjacent properties. All proposed signs shall be subject to the maximum area and height limitations for hospital signs set forth in Article 12. All requests shall show the location, size, height and number of all signs, as well as the information to be displayed on the signs.

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		