



SE APPLICATION ACCEPTED: October 20, 2015
2232 APPLICATION ACCEPTED: December 11, 2015
PLANNING COMMISSION: February 3, 2016
BOARD OF SUPERVISORS: February 16, 2016 @ 3:30 P.M.

County of Fairfax, Virginia

January 19, 2016

STAFF REPORT

SPECIAL EXCEPTION SE 2015-DR-028 AND 2232-D15-14

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: I-4

PARCEL: 15-2 ((1)) 17 part

SITE AREA: 2.31 acres

PLAN MAP: Transit Oriented Development - Mixed Use

SE CATEGORY: Sects. 5-404, Category 4 Use – Transportation Facilities (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-D15-14 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-028, subject to the proposed development conditions contained in Appendix 1.

William O'Donnell, AICP

Staff recommends approval of a modification of the transitional screening and barrier requirements to the south and east, in favor of the landscape treatments depicted on the SE plat and as conditioned.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the SE Plat.

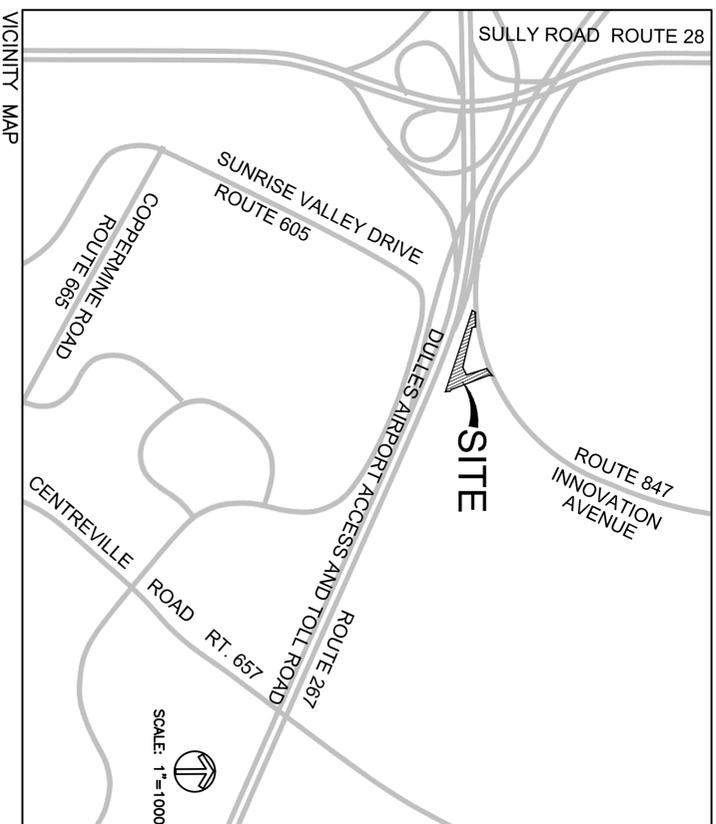
It should be noted that it is not the intent of staff to recommend that the Board of Supervisors, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

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.





INNOVATION CENTER STATION - NORTH

DULLES CORRIDOR METRO RAIL PROJECT PHASE 2

DRANESVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA

SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN

APPLICANT:

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
 IN COORDINATION WITH THE
 VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
 ON BEHALF OF THE
 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY;
 AND THE
 BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

- SHEET INDEX**
1. COVER SHEET
 2. NOTES & TABULATION
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 4. EXISTING CONDITIONS, VEGETATION MAP AND SE BOUNDARY DETAIL
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 6. LANDSCAPE PLAN
 7. VEHICULAR & BICYCLE CIRCULATION PLAN
 8. PEDESTRIAN CIRCULATION PLAN
 9. CANOPY ENTRANCE & BUS SHELTER ELEVATIONS

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS	
NAME	DATE	NO	DATE	DESCRIPTION	
M. CADMAN	04/20/15	0			
D. TUCKER	04/20/15	1	09/28/15	SE PLAT & PFP SUBMISSION	DT JV
J. VEGA	04/20/15	2	12/02/15	SE PLAT & PFP SUBMISSION	DT JV
T. COLLETON	04/20/15	3	12/21/15	SE PLAT & PFP SUBMISSION	DT JV

ORIG	CHKD	ISSUED BY	DATE	APPR
DT	JV	JV	JV	TC
DT	JV	JV	JV	TC
DT	JV	JV	JV	TC
DT	JV	JV	JV	TC

<small>198 Van Buren St. Suite 250, Herndon, Virginia 20170</small>	<small>Capital Rail Constructors</small>	<small>8401 ARLINGTON BLVD, FAIRFAX, VA 22031 703-949-0100</small>	<small>DGS PROJECT IDENTIFICATION CODE:</small>

WMATA LDP 2009	CONTRACT NO.: 8-13-C001
SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - NORTH COVER SHEET	SCALE: AS SHOWN
DRAWING NO.: N09-SE-001N	1 OF 9

INNOVATION CENTER STATION - NORTH

NOTES:

1. THE PROPERTY THAT IS THE SUBJECT OF THIS SPECIAL EXCEPTION PLAN IS IDENTIFIED ON THE FAIRFAX COUNTY TAX MAP AS 15-2 (11) 17. THE PROPERTY IS CURRENTLY ZONED I-4.
2. THE TOTAL LAND AREA OF THIS SPECIAL EXCEPTION APPLICATION IS APPROXIMATELY 2.49 ACRES.

3. THE BOUNDARY INFORMATION SHOWN HEREON IS ESTABLISHED TO INCLUDE ALL THE FACILITIES SUBJECT TO THIS SPECIAL EXCEPTION AS DEFINED BY THE CAPITAL RAIL CONSTRUCTORS (CRC). HORIZONTAL CONTROL IS BASED ON WMATA LOW DISTORTION PROJECTION (LDP) COORDINATE GRID SYSTEM USING US SURVEY FOOT CONVERSION. VERTICAL CONTROL IS BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

4. THE TOPOGRAPHY SHOWN HEREON IS AT A CONTOUR INTERVAL OF ONE (1) FOOT. TOPOGRAPHIC INFORMATION SHOWN ON THE DRAWINGS IS BASED ON ORTHOPHOTOGRAPHY GENERATED BY AERO-METRIC COMPLETED IN 2014 SUPPLEMENTED BY GROUND RUN SURVEY.

5. 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.

6. 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 ZONE REQUIREMENTS OF THE ZONING DISTRICT IN WHICH THE USE IS LOCATED.

7. SANITARY SEWER AND PUBLIC WATER ARE AVAILABLE AND WILL BE EXTENDED TO THE SITE AS NEEDED.

8. ALL APPLICABLE PERMITS WILL BE OBTAINED ON A PROJECT-WIDE BASIS FOR DISTURBANCE TO WETLANDS, FLOOD PLANS, AND RPAs PRIOR TO SUCH DISTURBANCE.

9. STORMWATER MANAGEMENT HAS BEEN DESIGNED USING A SYSTEM WIDE APPROACH, INCLUDING THIS SITE, AND WILL BE REVIEWED AND PERMITTED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ), BASED ON STATE CRITERIA (IIB).

10. TO THE BEST OF OUR KNOWLEDGE THERE ARE NO GRATES LOCATED ON THE SUBJECT PROPERTY.

11. 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.

12. THE PROPOSED USE WILL NOT GENERATE, 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.

13. EXCEPT AS QUALIFIED ABOVE, THE PROPOSED DEVELOPMENT CONFORMS TO ALL CURRENT APPLICABLE LAND DEVELOPMENT ORDINANCES AND ADOPTED STANDARDS.

14. SIGNS SHALL BE REGULATED BY THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY (WMATA) STANDARDS AND WILL BE IN ACCORDANCE WITH ARTICLE 12 OF THE ZONING ORDINANCE.

15. EXTERIOR LIGHTING WILL BE PROVIDED BY COMBINATION OF WALL-MOUNTED, BRIDGE-MOUNTED AND POLE-MOUNTED LIGHT FIXTURES. THESE LIGHT FIXTURES SHALL BE IN ACCORDANCE WITH ARTICLE 14 OF THE ZONING ORDINANCE, AS WELL AS WMATA STANDARDS AND SAFETY PRACTICES. STANDARD WMATA GLOBE LIGHTS WILL BE ALLOWED NEAR THE STATION ENTRANCE. THE EXACT LOCATION OF THE AFORESAID LIGHTING IS SUBJECT TO FINAL ENGINEERING.

16. THE SITE IS CURRENTLY VACANT.

TABULATION:

EXISTING ZONING I-4

TOTAL SPECIAL EXCEPTION LAND AREA (108,560 SQ FT) 2.49 ± AC

FLOOR AREA RATIO (FAR) PERMITTED 0.50

ELECTRICAL/STORAGE BUILDING FLOOR AREA 4,400 SQ FT

ENTRANCE CANOPY FLOOR AREA 4,500 SQ FT

FLOOR AREA RATIO (FAR) PROPOSED 0.009

MAXIMUM GROSS FLOOR AREA PERMITTED 54,280 SQ FT

MAXIMUM BUILDING HEIGHT PERMITTED 75 FT

MAXIMUM BUILDING HEIGHT PROPOSED 75 FT

OPEN SPACE PROVIDED (15%) 0.37 ± AC

OPEN SPACE PROVIDED (29.1%) 0.72 ± AC

TREE COVER REQUIRED (10%) 10,856 SQ FT

PLANTED TREE COVER 7,275 SQ FT

EXISTING TREE COVER 8,380 SQ FT

TREE COVER PROVIDED (11.8%) 15,655 SQ FT

ORIGINATORS

ORIGINATOR	DATE	DESCRIPTION
M. CADMAN	04/2015	NO
D. THICKER	04/2015	1
J. VEGA	04/2015	2
T. COLLETTION	04/2015	3
APPROVED	DATE	

REFERENCE DRAWINGS

ORIGINATOR	DATE	DESCRIPTION
M. CADMAN	04/2015	NO
D. THICKER	04/2015	1
J. VEGA	04/2015	2
T. COLLETTION	04/2015	3
APPROVED	DATE	

REVISIONS

ORIGINATOR	DATE	DESCRIPTION
M. CADMAN	04/2015	NO
D. THICKER	04/2015	1
J. VEGA	04/2015	2
T. COLLETTION	04/2015	3
APPROVED	DATE	

MINIMUM STORMWATER INFORMATION FOR ZONING, 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 the application.

This information is required under the following Zoning Ordinance Sections:

- Special Permits (Sect. 9-011.21 & 21)
- Customer Subdivision (Sect. 9-615.1C & 1N)
- Development Plans PDC District (Sect. 16-302.3 & 4)
- FPP Districts (Sect. 16-502.1A (6) & (17))
- Commercial Reutilization Districts (Sect. 9-622.2A (12) & (14))
- PDC Plan (Sect. 16-303.1E & 1 I)
- Amendments (Sect. 18-202.10F & 10J)

- 1. Pallet is at a minimum scale of 1"=50' (Unless it is depicted on one sheet with a minimum scale of 1"=100')
- 2. A graphic depicting the stormwater management facility(ies) and limits of clearing and grading to accommodate the stormwater management facility(ies), storm drainage pipe systems and outlet protection, pond spillways, access roads, site outlets, energy dissipation devices, and stream stabilization measures as shown on Sheet(s)
- 3. If infiltration is proposed the soils should be tested for suitability prior to submission of the development plan and results of the infiltration test provided as part of the description of the facility.

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. Outlet drainage channels, outfalls and pipe systems are shown on Sheet(s) N/A Pond inlet and outlet pipe systems are shown on Sheet(s) N/A
- 5. Maintenance access (road) to stormwater management facility(ies) are shown on Sheet(s) N/A (asphalt, pebbledock, gravel, etc.)
- 6. Landscaping and tree preservation in and near the stormwater management facility is shown on Sheet(s) N/A
- 7. Stormwater management and BMP narratives including Virginia Runoff Reduction Spreadsheet and descriptions of how detention and best management practices requirements will be met are provided on Sheet(s) N/A
- 8. A description of 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(s) N/A. If an outlet is proposed to be improved off-site it should be specifically noted.
- 9. A detailed description and analysis of how the channel protection requirements and flood protection standards of each numbered outlet will be satisfied per Stormwater Management Ordinance and Public Facilities Manual are provided on Sheet(s) N/A
- 10. Existing topography with minimum contour intervals of two (2) feet and a note as to whether it is an air survey or field map is provided on Sheet(s) N/A
- 11. A submission waiver is required for N/A
- 12. Stormwater management is not required because N/A

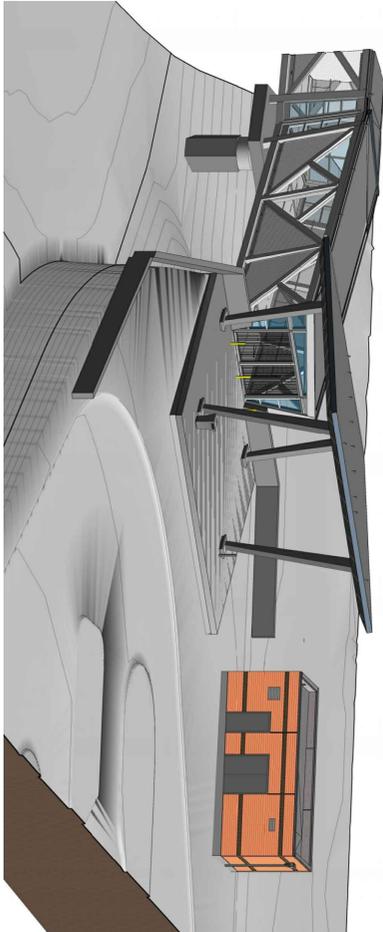
* STORMWATER MANAGEMENT HAS BEEN DESIGNED FOR PHASE 2 OF THE DULLES CORRIDOR METROPOLITAN PROJECT WITH A SYSTEM WIDE APPROACH UTILIZING STATE IIB CRITERIA. THE PROPOSED STORMWATER MANAGEMENT APPROACH IS SUBJECT TO VIRGINIA DEQ REVIEW AND APPROVAL.

Table 12.3 Tree Preservation Target Calculations and Statement

Category	Pre-development area of existing tree canopy (from Existing Vegetation Map) =	Percentage of gross site area covered by existing tree canopy =	Percentage of 10-year tree canopy required for site (see Table 12.4) =	Percentage of the 10-year tree canopy requirement that should be met through tree preservation =	Proposed percentage of canopy requirement that will be met through tree preservation =	Has the Tree Preservation Target minimum been met?
A	108,560 SF	100%	10%	100%	77.19%	NO
B						
C						
D						
E						
F						
G						
H						
I	Place this information prior to the 10-year Tree Canopy Calculations as per instructions in Table 12.10.					

TREE PRESERVATION TARGET NARRATIVE

A 100% TREE PRESERVATION TARGET CANNOT BE MET IN THE ESTABLISHMENT OF A REGIONAL METROPOLITAN TRANSIT FACILITY ON THIS 2.49 ACRE SITE ABUTTING THE DULLES TOLL ROAD AND AIRPORT ACCESS HIGHWAY. THIS TRANSIT FACILITY IS IDENTIFIED IN THE ADOPTED COMPREHENSIVE PLAN AND IS ALLOWED BY SPECIAL EXCEPTION IN THE I-4 ZONING DISTRICT. CONSTRUCTION OF THESE TRANSIT FACILITIES, AS WELL AS THE REGIONAL TRANSIT FACILITIES LOCATED WITHIN THE ABUTTING PUBLIC HIGHWAY RIGHT-OF-WAY, WILL REQUIRE THE CLEARANCE OF TREES IN EXCESS OF THE TREE PRESERVATION TARGET. MUCH OF THE CONSTRUCTION ACTIVITY FOR THE ELEVATED PEDESTRIAN BRIDGE TO THE INNOVATION CENTER STATION LOCATED IN THE MIDDLE OF THE HIGHWAY WILL BE STAGED FROM THE 2.49 ACRE SITE. MORE IMPORTANTLY, THE EXISTING TREES LOCATED ON THE SITE DO NOT INCLUDE MATURE OR SPECIMEN TREES, AND ARE MOSTLY MADE UP OF YOUNG UPLAND FOREST SPECIES. REDUCING THE TREE PRESERVATION TARGET TO 77% AND PLANTING NEW TREES ACCORDING TO THE SPECIFICATION LIST AND TREE SPACING SHOWN ON THE LANDSCAPE PLAN, WILL PROVIDE FOR A HEALTHIER TREE COVER.



PERSPECTIVE VIEW OF INNOVATION NORTH STATION

NOTE: THIS PERSPECTIVE VIEW IS FOR ILLUSTRATIVE PURPOSES TO SHOW THE CHARACTER OF THE PROPOSED STATION ENTRANCE CANOPY AND ELECTRICAL/STORAGE BUILDING ARCHITECTURE AND MAY BE SUBJECT TO CHANGE WITH FINAL DESIGN.

ZONING MODIFICATION

1. REQUEST MODIFICATION OF SECTION 13-202 OF THE ZONING ORDINANCE, INTERIOR PARKING LOT LANDSCAPING. SEE LANDSCAPE PLAN ON SHEET 6.
2. REQUEST MODIFICATION OF SECTION 13-300 OF THE ZONING ORDINANCE, TRANSITIONAL SCREENING AND BARRIERS, IN FAVOR OF THE EXISTING AND PROPOSED LANDSCAPING, AS REQUIRED TO THE EAST AND SOUTH PROPERTY LINES.

Table 12.10 Tree Canopy Requirement

Category	Identify gross site area =	Subtract area dedicated to parks, road frontage, and other non-developable areas =	Adjusted gross site area (B1-B2) =	Identify site's zoning and/or use =	Percentage of 10-year tree canopy required =	Area of 10-year tree canopy required (B4 x B6) =	Modification of 10-year Tree Canopy Requirements requested? =
B1	108,560 SF	0	108,560 SF	I-4	10%	10,856 SF	NO
B2							
B3							
B4							
B5							
B6							
B7							
B8							
B9							
C. Tree Preservation							
C1	Tree Preservation Target Area =	10,856 SF					
C2	Total canopy area meeting standards of 12-0400 =	0					
C3	C2 x 1.25 =	0					
C4	Total canopy area provided by unique or valuable forest or woodland communities =	0					
C5	C4 x 1.5 =	0					
C6	Total of canopy area provided by "Heritage," "Memorial," "Specimen," or "Street" trees =	0					
C7	C6 x 1.5 to 3.0 =	0					
C8	Canopy of trees within Resource Protection Areas and 100-year floodplains =	8,380 SF					
C9	C8 x 1.0 =	8,380 SF					
C10	Total of C3, C5, C7 and C9 =	8,380 SF					

D. Tree Planting

Category	Area of canopy to be met through tree planting (B7-C10) =	Area of canopy planned for air quality benefits =	Area of canopy planned for energy conservation =	Area of canopy planned for water quality benefits =	Area of canopy planned for wildlife benefits =	Area of canopy provided by native trees =	Area of canopy provided by native trees =
D1	7,275 SF	-	-	-	-	-	-
D2							
D3							
D4							
D5							
D6							
D7							
D8							
D9							
D10							
D11							
D12							
D13							
D14							
D15							
D16							
D17							
D18							
D19							
D20							
D21							

E. Total of 10-year Tree Canopy Provided

Category	Total of canopy area provided through tree preservation (C10) =	Total of canopy area provided through tree planting (D17) =	Total of canopy area provided through off-site mechanisms (D19) =	Total of 10-year Tree Canopy Provided =
E1	8,380 SF	-	-	8,380 SF
E2		7,275 SF	-	15,655 SF
E3			-	
E4			-	



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

CONTRACT NO.: 8-13-C001

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY



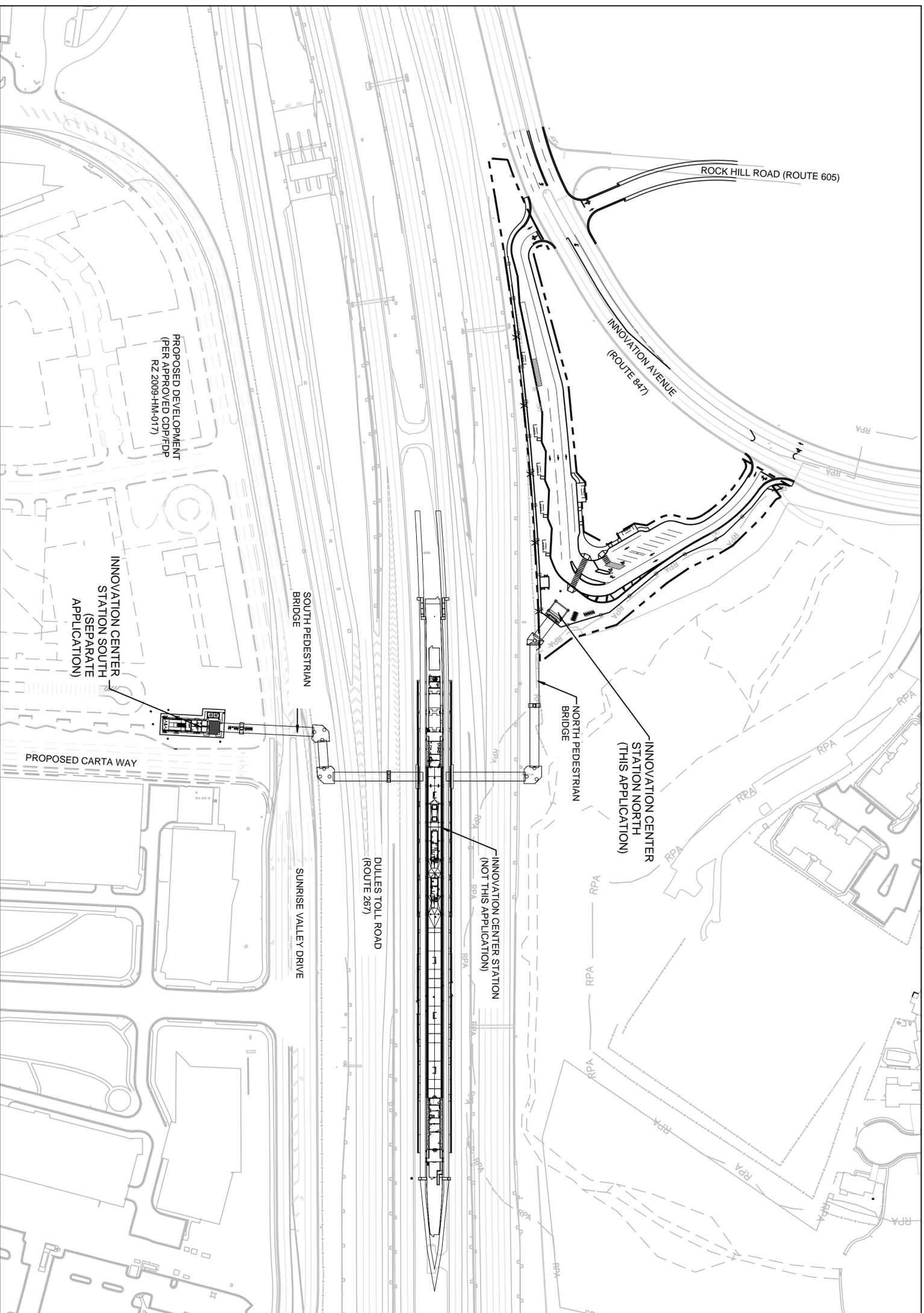
8401 ARLINGTON BLVD. FAIRFAX, VA 22031
703-549-0100



DULLES CORRIDOR METROLINK PROJECT

EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - NORTH NOTES & TABULATION

SCALE: N/A DRAWING NO.: N09-SE-002N 2 OF 9



OVERALL SITE PLAN
1" = 100'-0"

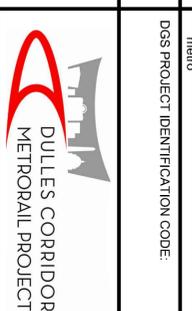
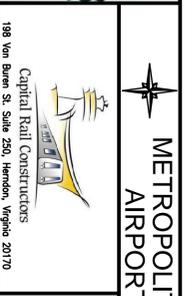


ORIGINATIONS

DRAWN	M. CADMAN	04/20/15
DESIGNED	D. TUCKER	04/20/15
CHECKED	J. VEGA	04/20/15
APPROVED	T. COULETTON	04/20/15

REFERENCE DRAWINGS

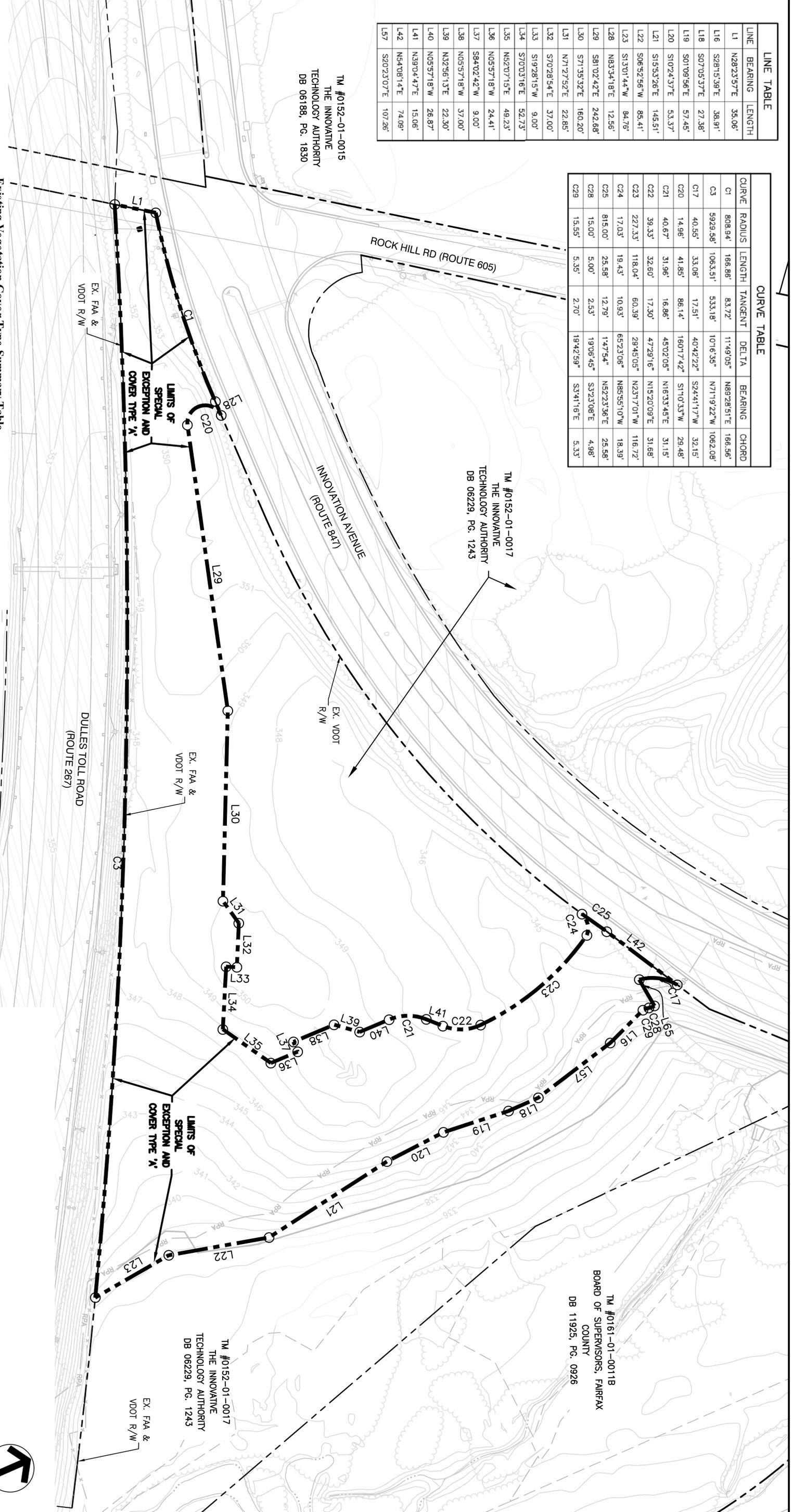
NO	DATE	DESCRIPTION	ORIG	CHKRS	SUPV	APPR
0	08/25/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC
1	09/28/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC
2	12/02/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC
3	12/21/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC



WMATA LDP 2009	CONTRACT NO.: 8-13-C001
EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - NORTH OVERALL SITE PLAN	DRAWING NO.: N09-SE-003N
SCALE: 1"=100'	3 OF 9

LINE	BEARING	LENGTH
L1	N28°23'57"E	35.06'
L16	S28°15'39"E	38.91'
L18	S07°05'37"E	27.38'
L19	S01°09'56"E	57.45'
L20	S10°24'37"E	53.37'
L21	S15°53'26"E	145.51'
L22	S06°52'56"W	85.41'
L23	S13°01'44"W	84.75'
L28	N83°34'18"E	12.56'
L29	S81°02'42"E	242.68'
L30	S71°35'32"E	160.20'
L31	N71°27'52"E	22.85'
L32	S70°28'54"E	37.00'
L33	S19°28'15"W	9.00'
L34	S70°03'16"E	52.73'
L35	N62°07'19"E	49.23'
L36	N05°57'18"W	24.41'
L37	S84°02'42"W	9.00'
L38	N05°57'18"W	37.00'
L39	N32°56'13"E	22.30'
L40	N05°57'18"W	26.87'
L41	N39°04'47"E	15.08'
L42	N54°08'14"E	74.09'
L57	S20°23'07"E	107.26'

CURVE	RADIUS	LENGTH	TANGENT	DELTA	BEARING	CHORD
C1	808.94'	166.86'	83.72'	11°49'05"	N89°29'51"E	166.56'
C3	5929.58'	1063.51'	533.18'	10°16'35"	N71°19'22"W	1062.08'
C17	40.55'	33.06'	17.51'	40°42'22"	S24°41'17"W	32.15'
C20	14.98'	41.85'	86.14'	160°17'42"	S1°10'33"W	29.48'
C21	40.67'	31.96'	16.86'	45°02'05"	N16°33'45"E	31.15'
C22	39.33'	32.60'	17.30'	47°29'16"	N15°20'09"E	31.68'
C23	227.33'	118.04'	60.39'	29°45'05"	N23°17'01"W	116.72'
C24	17.03'	19.43'	10.93'	65°23'06"	N85°55'10"W	18.39'
C25	815.00'	25.58'	12.79'	1°47'54"	N52°23'36"E	25.58'
C28	15.00'	5.00'	2.53'	19°06'45"	S3°23'08"E	4.98'
C29	15.55'	5.35'	2.70'	19°42'59"	S3°41'16"E	5.33'



Existing Vegetation Cover Type Summary Table

Cover Type	Primary Species	Understory Species	Successional Stages	Condition	Total Area
Upland Forest	Predominately ACER SPP. and QUERCUS SPP.	Understory of DOGWOOD, and LONICERA SPP., etc..	Sub-Climax	Good/Fair	± 2.49 AC

SPECIAL EXCEPTION AREA = 2.49 ACRES



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY



Dewberry

DULLES CORRIDOR METROLINK PROJECT

EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - NORTH EXISTING CONDITIONS, VEGETATION MAP AND SE BOUNDARY DETAIL

SCALE: 1"=40' DRAWING NO.: N09-SE-004N 4 OF 9

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

DGS PROJECT IDENTIFICATION CODE: WMATA LDP 2009

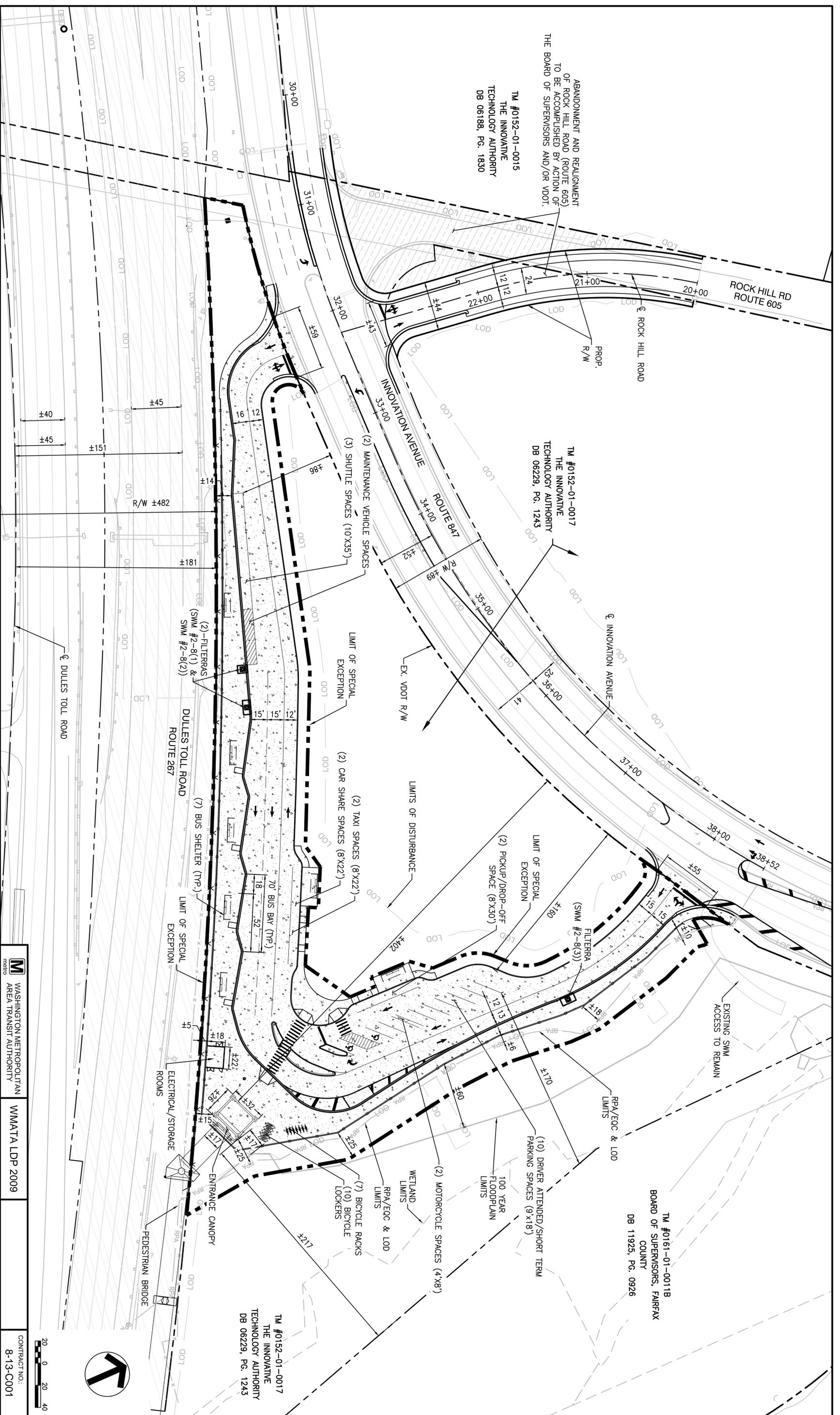
8401 ARLINGTON BLVD. FARMEX, VA 22031 703-549-0100

198 Van Buren St., Suite 250, Herndon, Virginia 20170

TM #0152-01-0011B THE INNOVATIVE TECHNOLOGY AUTHORITY DB 06229, PG. 0926

TM #0152-01-0017 THE INNOVATIVE TECHNOLOGY AUTHORITY DB 06229, PG. 1243

EX. FAA & VDOT R/W



ABANDONMENT AND REALIGNMENT OF ROCK HILL ROAD (ROUTE 605) TO BE ACCOMPLISHED BY ACTION OF THE BOARD OF SUPERVISORS AND/OR VDOT.

TM #0152-01-0015
THE INNOVATIVE TECHNOLOGY AUTHORITY
DB 06188, PG. 1830

TM #0152-01-0017
THE INNOVATIVE TECHNOLOGY AUTHORITY
DB 06229, PG. 1243

TM #0161-01-0011B
BOARD OF SUPERVISORS, FAIRFAX COUNTY
DB 11925, PG. 0926

TM #0152-01-0017
THE INNOVATIVE TECHNOLOGY AUTHORITY
DB 06229, PG. 1243

ORIGINATORS

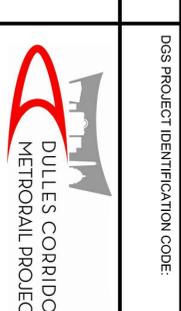
DRAWN	M. CADMAN	DATE	04/20/15
DESIGNED	D. TUCKER	DATE	04/20/15
CHECKED	J. VEGA	DATE	04/20/15
APPROVED	T. COLLETTION	DATE	04/20/15

REFERENCE DRAWINGS

NO	DATE	DESCRIPTION	ORIG	CHECKS	REV	APP
0	08/25/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC
1	09/28/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC
2	12/02/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC
3	12/21/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC

REVISIONS

NO	DATE	DESCRIPTION	ORIG	CHECKS	REV	APP
0	08/25/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC
1	09/28/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC
2	12/02/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC
3	12/21/15	SEE PLAT & PFP SUBMISSION	DT	JV	JV	TC



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
MEMO

WMAATA LDP 2009

CONTRACT NO.: 8-13-C001

EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN
INNOVATION CENTER STATION - NORTH
SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN

SCALE: 1"=40'

DRAWING NO.: N09-SE-005N

5 OF 9

LEGEND

	EXISTING TREE COVER TO REMAIN
	PARKING LOT AREA
	SUPPLEMENTAL TREES ADDED TO SATISFY A MODIFICATION TO SECTION 13-202 OF THE ZONING ORDINANCE

INTERIOR PARKING LOT LANDSCAPING TABULATION

PARKING LOT AREA: 49,997 SF
 5% PARKING LOT LANDSC. REQ'D: 2,500 SF
 SUPPLEMENTAL TREES PROVIDED: 2,525 SF

ABANDONMENT AND REALIGNMENT OF ROCK HILL ROAD (ROUTE 805) TO BE ACCOMPLISHED BY ACTION OF THE BOARD OF SUPERVISORS AND/OR VDOT.

TM #0152-01-0015
 THE INNOVATIVE TECHNOLOGY AUTHORITY
 DB 06188, PG. 1830

TM #0152-01-0017
 THE INNOVATIVE TECHNOLOGY AUTHORITY
 DB 06229, PG. 1243

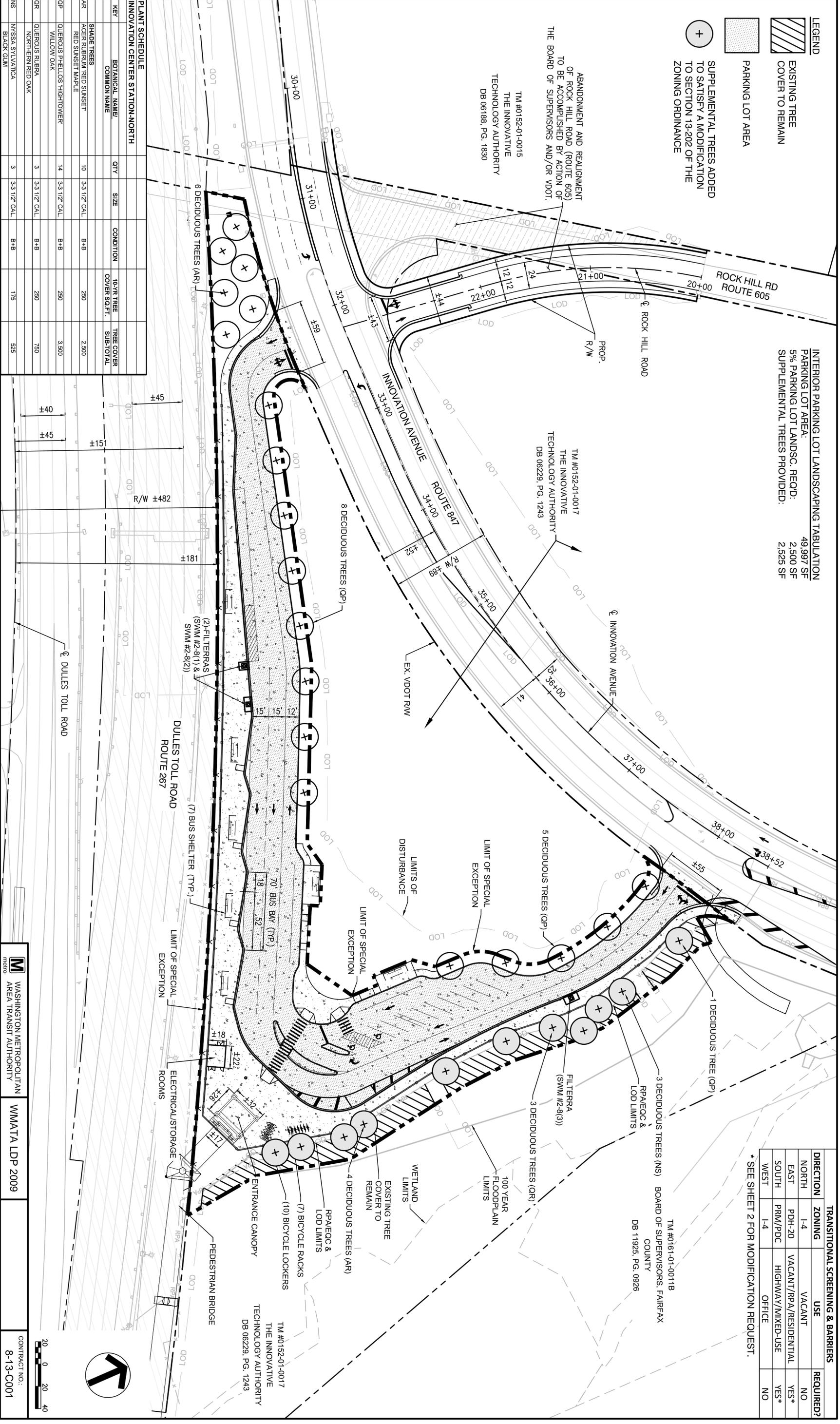
TM #0161-01-0011B
 BOARD OF SUPERVISORS, FAIRFAX COUNTY
 DB 11925, PG. 0926

TM #0152-01-0017
 THE INNOVATIVE TECHNOLOGY AUTHORITY
 DB 06229, PG. 1243

TRANSITIONAL SCREENING & BARRIERS

DIRECTION	ZONING	USE	REQUIRED?
NORTH	I-4	VACANT	NO
EAST	PDH-20	VACANT/RP2/RESIDENTIAL	YES*
SOUTH	PRM/PDC	HIGHWAY/MIXED-USE	YES*
WEST	I-4	OFFICE	NO

* SEE SHEET 2 FOR MODIFICATION REQUEST.



PLANT SCHEDULE

KEY	BOTANICAL NAME/ COMMON NAME	QTY	SIZE	CONDITION	10-YR TREE COVER SQ.FT.	TREE COVER SUB-TOTAL
AR	SHADE TREES ACER RUBRUM 'RED SUNSET' RED SUNSET MAPLE	10	3-3 1/2" CAL.	B+B	250	2,500
QP	QUERCUS PHELLOS HIGHTOWER WILLOW OAK	14	3-3 1/2" CAL.	B+B	250	3,500
GR	QUERCUS RUBRA NORTHERN RED OAK	3	3-3 1/2" CAL.	B+B	250	750
NS	NYSSA SYLVATICA BLACK GUM	3	3-3 1/2" CAL.	B+B	175	525

REVISIONS

NO	DATE	DESCRIPTION	ORIG	CHECK	DATE	APPR
0	08/25/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC
1	09/28/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC
2	12/02/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC
3	12/21/15	SE PLAT & PFP SUBMISSION	DT	JV	JV	TC

CONTRACT NO.: 8-13-C001

ORIGINATORS

NAME	DATE
M. CADMAN	04/20/15
D. TUCKER	04/20/15
J. VEGA	04/20/15
T. COULETTON	04/20/15

REFERENCE DRAWINGS

NO	DATE	DESCRIPTION
0	08/25/15	SE PLAT & PFP SUBMISSION
1	09/28/15	SE PLAT & PFP SUBMISSION
2	12/02/15	SE PLAT & PFP SUBMISSION
3	12/21/15	SE PLAT & PFP SUBMISSION



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

SCALE: 1"=40'

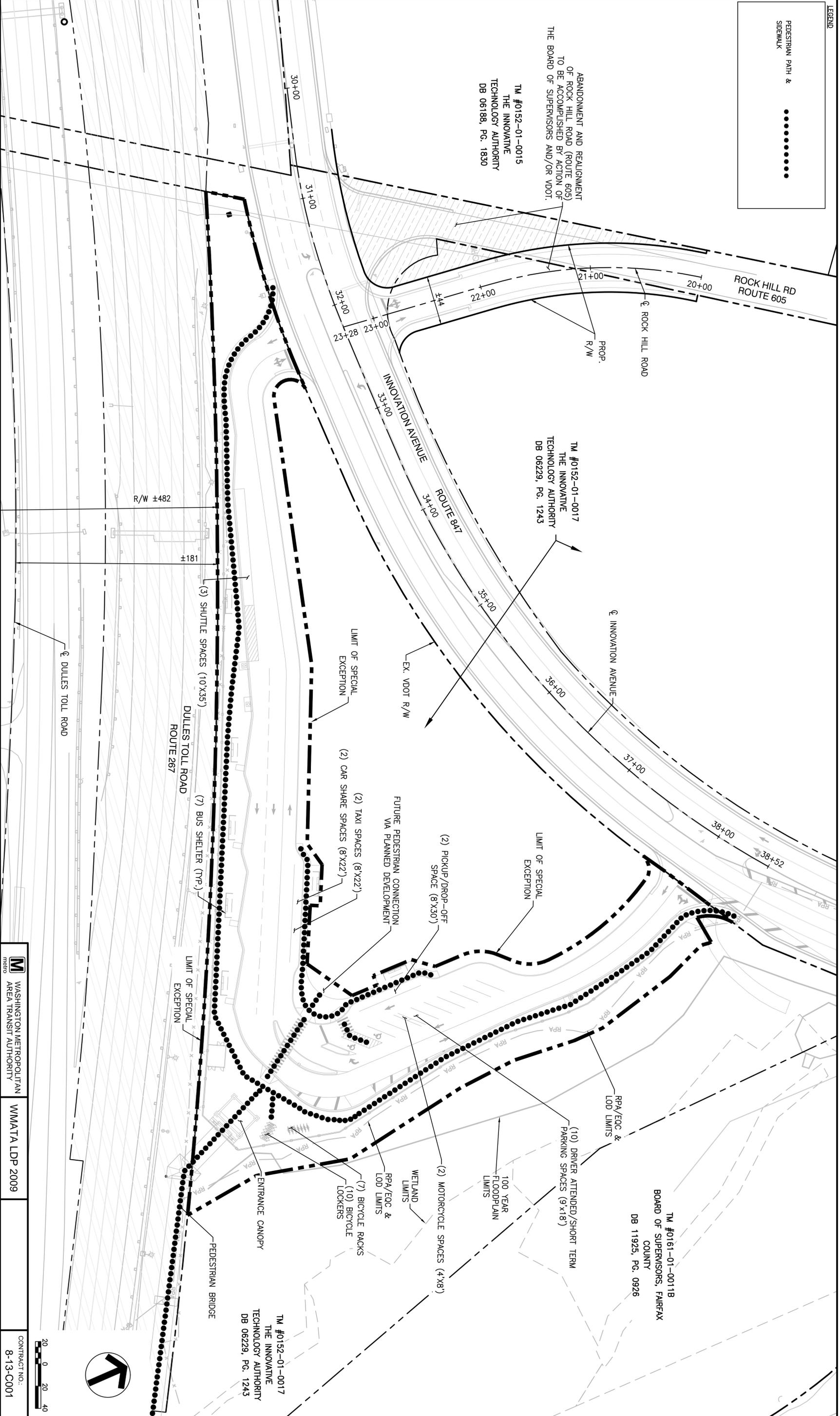
DRAWING NO.: N09-SE-006N

6 OF 9

LEGEND

PEDESTRIAN PATH & SIDEWALK

●●●●●●●●●●



ABANDONMENT AND REALIGNMENT OF ROCK HILL ROAD (ROUTE 605) TO BE ACCOMPLISHED BY ACTION OF THE BOARD OF SUPERVISORS AND/OR VDOT.

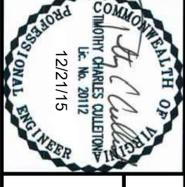
TM #0152-01-0015
THE INNOVATIVE TECHNOLOGY AUTHORITY
DB 06188, PG. 1830

TM #0152-01-0017
THE INNOVATIVE TECHNOLOGY AUTHORITY
DB 06229, PG. 1243

TM #0161-01-0011B
BOARD OF SUPERVISORS, FAIRFAX COUNTY
DB 11925, PG. 0926

TM #0152-01-0017
THE INNOVATIVE TECHNOLOGY AUTHORITY
DB 06229, PG. 1243

ORIGINATORS		REFERENCE DRAWINGS		REVISIONS	
DRAWN	DATE	NO	DATE	DESCRIPTION	ORIG/CHKRS/APPV/APPR
M. CADMAN	04/20/15	0	06/25/15	SE PLAT & PFP SUBMISSION	DT JV JV TC
D. TUCKER	04/20/15	1	09/28/15	SE PLAT & PFP SUBMISSION	DT JV JV TC
J. VEGA	04/20/15	2	12/02/15	SE PLAT & PFP SUBMISSION	DT JV JV TC
T. COULETTON	04/20/15	3	12/21/15	SE PLAT & PFP SUBMISSION	DT JV JV TC
T. COULETTON	04/20/15				



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WMAATA LDP 2009

CONTRACT NO.: 8-13-C001

EXTENSION TO DULLES AIRPORT / ROUTE 772
SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN
INNOVATION CENTER STATION - NORTH
PEDESTRIAN CIRCULATION PLAN

SCALE: 1"=40'

DRAWING NO.: N09-SE-008N

8 OF 9

DESCRIPTION OF THE APPLICATIONS

The applicants, the Metropolitan Washington Airports Authority (MWAA), the Virginia Department of Rail and Public Transportation (VDRPT) on behalf of the Washington Metropolitan Area Transit Authority (WMATA), and the Fairfax County Board of Supervisors request special exception (SE) approval to permit electrically-powered regional rail transit facilities at the Innovation Center Station - North. The applicants also filed an application for a 2232 Public Facility Review Determination, for review by the Planning Commission to determine whether the proposed electrically-powered regional rail transit facilities satisfies the criteria of location, character, and extent pursuant to

Section 15-2.2232 of the Code of Virginia, as amended, and therefore, may be determined to be in substantial conformance with the Comprehensive Plan.

The Innovation Center Station – North Transit Station is part of Phase 2 of the Dulles Corridor Silver Line Metrorail Extension Project. The proposed electrically-powered regional rail transit facilities would consist of a northern entrance pavilion to the Innovation Center transit station and an elevated pedestrian walkway that connects the northern entrance pavilion to the transit station (which would be owned, maintained and operated by WMATA) and other transit-related facilities, such as access lanes for a bus transfer area, a vehicle pick up and drop off area, and separate areas for car sharing and bicycle storage, (which would be owned, maintained and operated by Fairfax County). The SE application does not include the Innovation Center transit station or pedestrian bridge over the Dulles Toll Road (DTR) since these facilities would be located in the median and over the DTR, a Federal right-of-way. The southern entrance pavilion to the transit station is located within a transit oriented development associated with RZ 2009-HM-017 (which was approved by the Board of Supervisors on July 28, 2014), and is also not part of these applications.

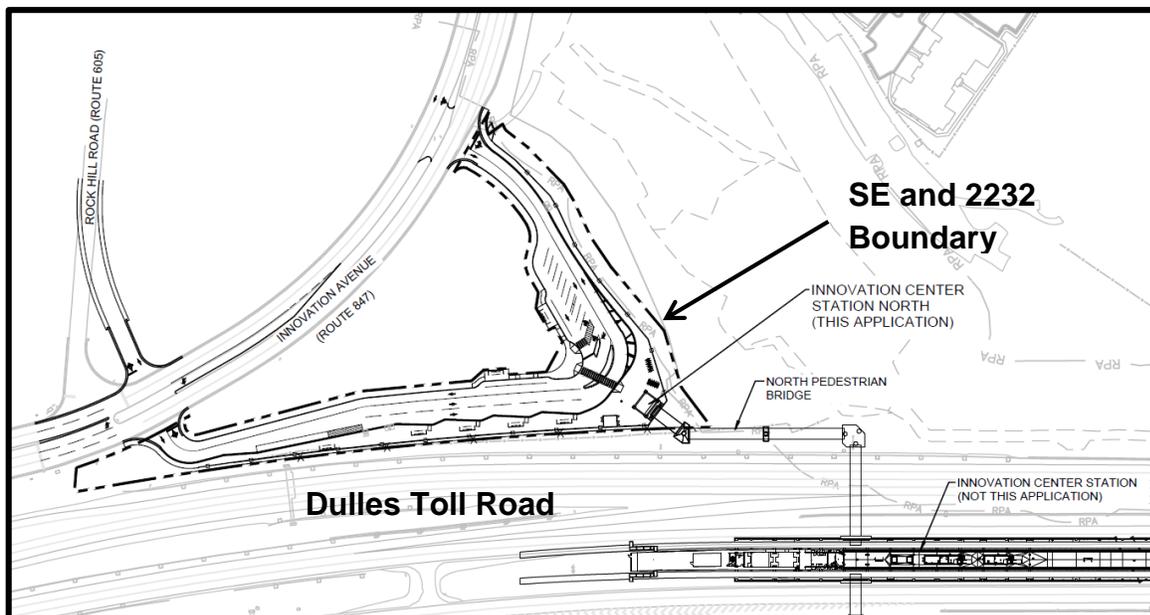


Figure 1: SE and 2232 areas, Source: SE Plat, Sheet 3

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. Vehicular and pedestrian access would be provided from Innovation Avenue.

Two Waivers/Modifications were requested:

- Modification of the Transitional Screening requirements to the South and East boundary lines
- Deviation of the tree preservation target requirements

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

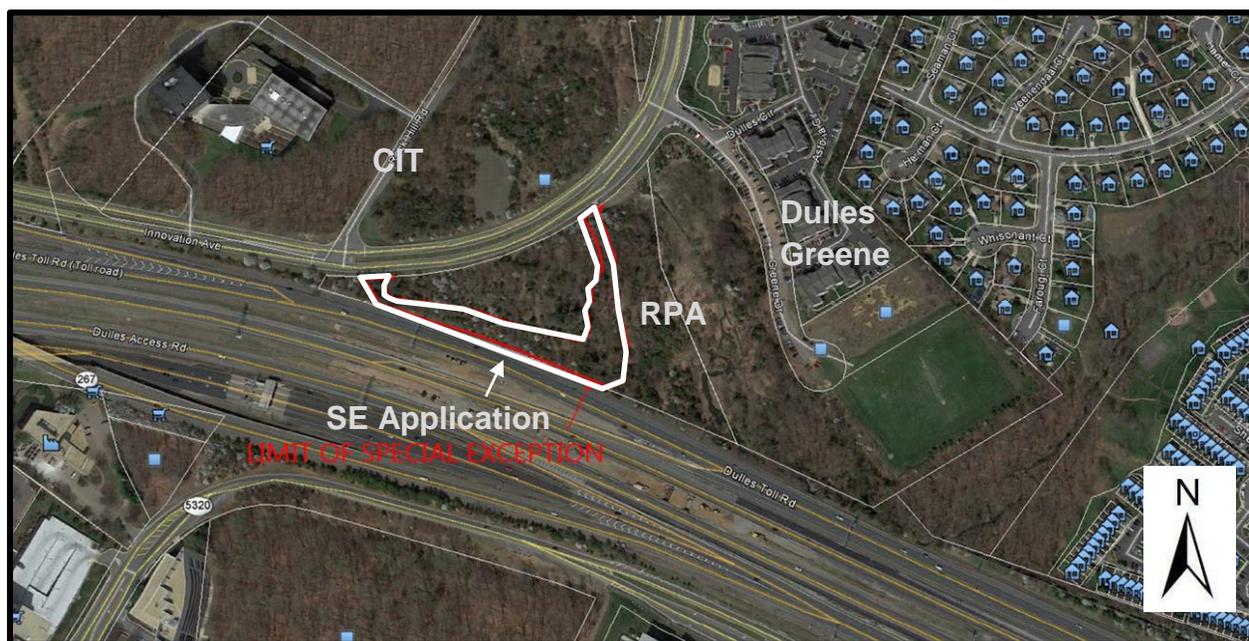


Figure 2: Subject property and surrounding area

Site Description:

The site is currently undeveloped and is bordered to the south by the Dulles Toll Road, to the northwest by land owned and partially developed with office research uses by the Commonwealth of Virginia Center for Innovative Technology and to the northeast by

multifamily residential buildings in the Dulles Green development. A Resource Protection Area (RPA) is located along the eastern boundary of the site.

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

Surrounding Area Description:

Direction	Use	Zoning	Plan
Northwest	Office and Vacant	I-4	Greater Herndon Community Planning Sector, Innovation Center Transit Area, Land Unit A for Transit Oriented Development up to 2.8 FAR.
Northeast	RPA Dulles Greene Multifamily	I-4 PDH-20	Greater Herndon Community Planning Sector, Innovation Center Transit Area, Land Unit A for Transit Oriented Development up to 2.8 FAR.
South	Dulles Toll Road	-	-

BACKGROUND

In 1989, the Commonwealth of Virginia constructed an office complex for office, research, and educational uses with approximately 146,000 square feet of gross floor area (GFA) within Loudoun and Fairfax Counties, near the northeast quadrant of the intersection of Route 28 and the Dulles Toll Road. Of that total GFA, 122,914 square feet of development (at a 0.38 Floor Area Ratio (FAR)) was constructed in Fairfax County on Tax Map 15-2((1)) 15, consisting of 7.49 acres zoned R-1.

On February 28, 1994, the Board of Supervisors approved RZ 93-D-037 on a Board of Supervisors own motion to rezone Tax Map Parcels 15-2((1)) 15 and 17 consisting of a total of 25.49 acres from the R-1 District to the I-4 District to permit office and related uses up to 0.38 FAR. This action carried forward the existing development and established proffers restricting the uses permitted on the site and included land dedication commitments for a future commuter rail station and access roads. A concurrent SE 93-D-55 was approved by the Board of Supervisors to reflect the existing development building height and permit an increase in building height from 75 to 157 feet within the 1-4 District. ***These applications govern the site and excerpts of relevant proffers and conditions are available in Appendix 4. 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.***

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 the Chesapeake Bay Preservation Act. ***A copy of the Cooperative Agreement is provided as Appendix 5.***

In the 2008-2009 Area Plans Review period of the Comprehensive Plan, the Board of Supervisors approved three Plan Amendments (APR 08-III-7UP; APR 08-III-11UP, and APR 08-III-12UP) to achieve a mix of uses and intensity that would create a compact pedestrian oriented environment at the planned Innovation Center Transit Station Area (TSA). Consistent with Plan TOD policy, Land Units A, B and C are planned for up to 2.8 FAR of mixed use development within a ¼ mile of the rail transit platform and 1.6 FAR within a ¼ to ½ mile. Additional guidance addressing transportation improvements, environmental stewardship, urban design and provision of services such as parks and schools is provided.

COMPREHENSIVE PLAN

Plan Area: III

Planning District/Sector: Upper Potomac Planning District, UP4 Greater Herndon Community Planning Sector
Plan Map: Public Facilities, Mixed Use and 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, Herndon Community Planning Sector, as amended through October 20, 2015, UP4 Greater Herndon Community Planning Sector Land Unit Recommendations, Land Unit A General Land Unit Recommendations p. 55-76.

SPECIAL EXCEPTION (SE) PLAT ANALYSIS

The SE Plat entitled “Innovation Center Station – North” was prepared by Dewberry and consists of nine sheets dated August 25, 2015, and revised through December 21, 2015, and is reviewed below.

Site Layout

The northern entrance pavilion to the Innovation Center transit station is located on the southeast corner of Tax Map 15-2 ((1)) 17 part, which is currently vacant. An elevated pedestrian walkway is proposed over the Dulles Toll Road to connect the entrance pavilion to the Innovation Center transit station. The entrance pavilion is proposed to contain an escalator entrance and an elevator entrance, which would be designed similar to those at the Wiehle-Reston East transit station and to the other existing Silver Line transit stations, as shown in Figure 3.

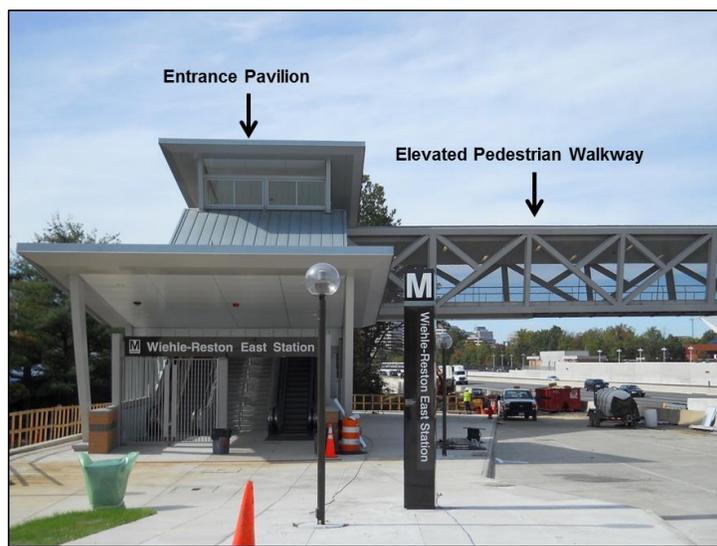


Figure 3: Entrance Pavilion and elevated pedestrian walkway at the Wiehle-Reston East station, Source: Applicants' photograph

Vehicular and Pedestrian Circulation

Sheets 3, and 5 through 8 of the SE Plat illustrate the existing and proposed on-site and off-site vehicular, pedestrian and bicycle circulation plans to show the proposed circulation patterns throughout the site. Two separate entrances are proposed from Innovation Avenue; vehicle access would be provided from the northeast entrance leading to 10 short term parking spaces and a separate pick-up and drop off area, and bus-only access would be provided from the southwest entrance leading to four bus bays and three shuttle spaces. Sheet 8 of the SE Plat illustrates the existing and proposed on-site and off-site pedestrian circulation plan to show how pedestrians would access the site and the entrance pavilion. Sidewalks ranging from 8 to 20 feet in width are proposed along both entrance travelways from Innovation Avenue and bicycle racks and lockers are proposed to be located to northeast of the entrance pavilion

Elevations and Architecture

The northern 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

The landscape plan is shown on Sheet 6 of the SE Plat. Approximately, 7,200 square feet of new tree canopy is proposed to be planted on the site. These plantings would include street trees planted along both sides of the northeast access travelway and on the north side of the southwest travelway.

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-D15-14 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 will consist of an elevated pedestrian bridge and an entrance canopy. The pedestrian bridge will connect the entrance canopy to the station platform over the Dulles Toll Road. The proposed layout will feature seating, lighting, nearby bicycle storage areas, bus transfer area, pedestrian pick-up and drop-off areas, short term parking and landscaping. Two points of access would be provided from Innovation Avenue.

The application area is located in the Comprehensive Plan's Area III, Upper Potomac Planning District, UP4 Greater Herndon Community Planning Sector 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-D15-14, 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 canopy and elevated pedestrian bridge will be located in Land Unit A of the Innovation Center Transit Station Area (TSA). The location of the north entrance to the Innovation Center Metro Station supports the specific

boundaries of the land use designations within Land Unit A of the TSA. The station is specifically located so that the planned mixed use areas with higher density recommended in the Comprehensive Plan are within one-quarter mile of the station. Decreasing density areas are 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 canopy and elevated pedestrian bridge will be located on property that is currently wooded, undeveloped, and planned for public facilities, governmental, and institutional use. The Plan supports more intense transit oriented development within specific boundaries from the transit station location. By designating higher intensity and mixed uses as the land use designation for adjacent properties within the specified boundaries, staff believes the proposed entrance canopy 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 consistent to other Silver Line stations in order to provide recognizable images that assist in creating a safe and convenient experience for users of the station. Components of the entrance canopy will feature seating, lighting, bicycle storage, bus transfer area, pick-up and drop-off areas, short-term parking, and landscaping. This will create visual appeal and strengthen the compatibility with the planned land uses and character of the Innovation Center Transit Station Area. 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.

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

Transportation (Appendix 7)

FCDOT has reviewed the application and the associated traffic study and noted that traffic volumes at the Innovation Center Transit Station – North entrance appear to be

low. The applicant responded with information showing that the Herndon Transit Station will attract more vehicular trips than the Innovation Center Transit Center and indicated that the Innovation Center will not be served by WMATA buses. Staff acknowledged this comment, but also indicated that future traffic could be affected by a shift in trips related to new developments near all the Metrorail stations and the volumes at Innovation Center could have the potential to increase after the opening of all Phase II Silver Line Metrorail stations. Staff also noted that the land use adjacent to the Innovation Center North Station will change significantly in the future, given the approved Dulles World Center and Waterside developments in Loudoun County. The applicant responded with information indicating that a future realignment of Innovation Avenue coupled with the creation of a new street grid will occur during the construction of the Dulles World Center redevelopment, which would alleviate any traffic impacts related to that development and the current proposed entrances into the station from Innovation Avenue. Staff agreed. No issues remain. The Virginia Department of Transportation also reviewed the application and indicated that they do not object to the application.

Urban Forest Management (Appendix 8)

No significant issues were identified. UFM staff reviewed the application and indicated that a deviation from the Tree Preservation Target requirement and a request to modify the transitional screening requirements to the south and east should be included on the SE Plat. As further discussed in the waivers and modifications section below, staff does not object to these requests. The applicant revised the SE Plat to include these requests with their supporting justifications.

Park Authority (Appendix 9)

No significant issues were identified.

ZONING ORDINANCE PROVISIONS (Appendix 10)

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 northern 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

(northern 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 5. 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 canopy and elevated pedestrian bridge will be located in Land Unit A of the Innovation Center Transit Station Area (TSA). The location of the north entrance to the Innovation Center Metro Station supports the specific boundaries of the land use designations within Land Unit A of the TSA. The station is specifically located so that the planned mixed use areas with higher density recommended in the Comprehensive Plan are within one-quarter mile of the station. Decreasing density areas are 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. Staff finds that the proposal is compatible and in harmony with the existing use and the Comprehensive Plan.

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

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

development conditions, the use is in harmony with the general purpose and intent of the I-4 District.

General Standard 3: The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The location, size, and height of the northern 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 northern entrance pavilion and elevated pedestrian walkway are located on the southeast corner of a site, preserving the rest of the site to be redeveloped as part of a larger mixed use development recommended in the Comprehensive Plan. 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 is proposed along the vehicular and pedestrian access points and around the pavilion. As previously discussed, additional street grid improvements are planned to support the northern entrance pavilion and the Innovation Center transit station, which 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 future development (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, vehicular access and pedestrian walkways as shown on the SE Plat.

General Standard 6: Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. In the PRM District, 15 percent of the gross area is required to be landscaped open space. The proposal provides 29 percent, which 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.

Waivers and Modifications

Deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the SE Plat.

The Zoning Ordinance requires 10 percent of the site to include tree cover (10-year tree canopy). The applicant is proposing to meet this requirement through the proposed landscaping plan shown on Sheet 6 of the SE Plat and tree preservation. As calculated on Sheet 2 of the SE Plat, 100 percent of the 10-year tree canopy requirement should also include tree preservation. However, the applicant is providing 77 percent tree preservation and requests a modification of this tree preservation target indicating that conformance would preclude development of the use and the intensity permitted by the Zoning Ordinance and recommended in the Comprehensive Plan. The transit station is specifically located so that the planned mixed use areas with higher density recommended in the Comprehensive Plan are within one-quarter mile of the station. This 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. Staff feels that the prerequisites for the deviation have been met, and as such, staff supports the requested waiver.

Modification of transitional screening and a waiver of the barrier requirements

Par. 3, Sect. 13-304 of the Zoning Ordinance requires a 50-foot wide transitional screening area and a barrier wall or fence adjacent to the property lines bordering the residential properties to the south and east. The SE plat shows the Dulles Toll Road and Dulles Station and future Nugget Joint Venture mixed use developments to the south. Along the eastern property line, the SE Plat depicts a large RPA/EQC area and the Dulles Green multifamily residential development. Considering the Dulles Toll Road separates the subject property from the residential mixed use developments to the south and the RPA area separates the subject property from the multifamily residential development to the east, staff supports a modification of the screening and waiver of the

barrier requirements in favor of the supplemental landscaping shown on the eastern property line.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The proposed site is within an area recommended for transit oriented development and provides an appropriate location for the northern 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-D15-14 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-028, subject to the proposed development conditions contained in Appendix 1.

Staff recommends approval of a modification of the transitional screening and barrier requirements to the south and east, in favor of the landscape treatments depicted on the SE plat and as conditioned.

Staff recommends that the Board of Supervisors direct the Director of DPWES to permit a deviation from the tree preservation target percentage in favor of the proposed landscaping shown on the SE Plat.

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. RZ 93-D-037 proffers and conditions
5. Cooperative Agreement
6. Land Use Analysis and 2232-D15-14 Review
7. Transportation Memo
8. Urban Forest Management Memo
9. Park Authority Memo
10. Zoning Ordinance Requirements
11. Glossary

APPENDIX 1

PROPOSED DEVELOPMENT CONDITIONS

SE 2015-DR-028

January 19, 2016

The Board of Supervisors approved SE 2015-DR-028 located at Tax Map 15-2 ((1)) 17 pt. for electrically-powered regional rail transit facilities pursuant to Sects. 5-405 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 – North," prepared by Dewberry dated August 25, 2015, and revised through December 21, 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. Any proposed changes to the transit facilities that are owned and operated by the Washington Metropolitan Area Transit Authority (WMATA), as identified generally with an asterisk on Exhibit A and located within an area containing a minimum of 20,000 square feet of land around such facilities, shall be subject to WMATA consent.

Development of the remaining portion of the subject property in which transit access and access support facilities are shown as being provided within an ingress-egress easement shall not require an amendment to this special exception so long as the same type and quantity of access support facilities, as determined by the Board as part of any subsequently approved rezoning application, are provided as part of the proposed development of the underlying fee and/or adjacent fee areas, and the northern entrance canopy and the elevated pedestrian walkway that connects to the transit station continue to be in substantial conformance with this Special Exception.

Minor modifications to the approved special exception for other development proposals not associated with a rezoning application may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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.

OCT 08 2015

DULLES CORRIDOR METRORAIL PROJECT Zoning Evaluation Division
Special Exception Application for the Innovation Center Silver Line Rail Station
North Entrance Canopy and Related Transit Facilities
STATEMENT OF JUSTIFICATION
October 6, 2015

DESCRIPTION OF THE SPECIAL EXCEPTION REQUEST

The northern 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 (Route 267) ("DAAR/DTR") on a 14.62 acre parcel owned by The Innovative Technology Authority. The entrance canopy and pedestrian bridge facilities will be owned and operated by the Washington Metropolitan Area Transit Authority ("WMATA") after their acceptance into the Metrorail regional system. The bus transfer, bicycle storage, vehicle pick-up and drop-off, taxi and car share parking areas will be owned and operated by the County after their completion. The total special exception area shown on the special exception plat comprises approximately 2.49 acres of the 14.62 acres of I-4 zoned land (Tax Map Parcel No. 15-2((1))17). The north entrance canopy and its associated transit-related facilities are considered to be a part of the electrically-powered regional rail 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 vacant portion of the 14.62-acre site will later be rezoned to either the PDC or PRM district, in conformance with the land use recommendations of the Comprehensive Plan. This rezoning will likely include all or a portion of the special exception area. The layout of the transit facilities approved in the special exception application may, with the consent of WMATA and the County, be modified through this rezoning, provided they are shown on approved conceptual and final development plans.

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 north entrance proposed in this special exception application, were analyzed in the Supplemental, Final and Amended Final Environmental Impact Statements, conducted between 2003 to 2006. In 2004, the Virginia

Commonwealth Transportation Board, WMATA, the Metropolitan Washington Airports Authority, ("Airports Authority"), the Loudoun County 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.

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 public facility review 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 public facility review 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 public facility review and special exception approvals by Fairfax County. On January 18, 2007, the Planning Commission found public facility review 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 overall 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. According to this agreement, MWAA is primarily responsible for implementation of the Metrorail project, assisted by the Virginia DRPT, the Virginia Department of General Services ("DGS"), the Virginia Department of Environmental Quality ("DEQ" – previously the Department of Conservation and Recreation), and the Virginia Department of Transportation ("VDOT"). DRPT serves as project coordinator for the Commonwealth, DGR conducts all site plan reviews, and DEQ approves and permits all land disturbance activities and stormwater management. This agreement was further detailed in a Cooperative Agreement dated July 19, 2007, between MWAA and Fairfax County. This agreement confirmed that public facility

review and special exception 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 public facility review applications to be substantially in accord with the provisions of the adopted Comprehensive Plan. Those public facility review 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 special exception 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.

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. BMPs employed in Fairfax County as part of the project include the following:

- Bioretention Facilities;
- Dry Swales;
- Extended Detention Ponds;
- Filtering Practices; and
- 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 County Board of Supervisors in a manner which shows the specific platform location of the Innovation Center Silver Line rail transit station. This station entrance

area serves as the foundation for the land use and transportation recommendations for the surrounding area.

THE PROPOSED USE

The Airports Authority and DRPT, on behalf of WMATA and Fairfax County, propose to construct some of the Silver Line's electrically-powered regional rail transit facilities and ancillary components on a portion of undeveloped property located along the south side of Innovation Avenue, close to its intersection with Rock Hill Road, 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 proposed in this application are shown on the Special Exception Plat, titled "Innovation Center Station – North," prepared by Dewberry Consultants LLC, last revised September 28, 2015 and containing 9 sheets (the "SE Plat"). The scope of this application is limited to the establishment of the entrance canopy, a pedestrian walkway (connecting the entrance canopy to the Innovation Center rail transit station within the median of the Dulles Airport Access Road) and other transit-related improvements. The bicycle storage, vehicular pick-up and drop-off, bus transfer, taxi and car share areas are included within the scope of this special exception application, and these facilities may initially be owned and operated by the County.

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 station entrances 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 with both station entrances.

- 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. Sunday – Thursday, 3:00 a.m. Friday – Saturday.
- 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 north entrance: Dulles, Sterling, and Herndon areas.

- Description of building and façade: The station and the north entrance canopy 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, pictures and section drawings for the north entrance canopy and its elevated pedestrian walkways are provided on sheets 2 and 9 of the SE Plat. Due to the parcel's location and topography relative to the station's location, the specific design will be different in scale from the south entrance pavilion. The north entrance will feature a pedestrian ramp connection that is almost at-grade with the canopy, which will slope up to the necessary height for crossing the DAAR/DTR and tie-in to the station.
- 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 individual, gasoline- and diesel-powered vehicles.
- Components and features: Elevated pedestrian bridge(s) will connect both station entrances to an elevated station mezzanine for safe pedestrian passage over roads. This station entrance canopy will feature seating, lighting, nearby bicycle storage, bus transfer area, pick-up and drop-off areas, short-term parking, 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, meeting Fairfax County and WMATA standards. WMATA's "Art in Transit" program will integrate public art in the stations. Art in the Innovation Center Station is currently planned to be integrated into the concrete walkway paving at the north entrance canopy.

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

The December 3, 2013 amendments to the adopted Comprehensive Plan (Area III, Greater Herndon Community Planning Sector (UP-4)), specifically locate the Innovation Center Station and its northern entrance canopy area. The north entrance canopy 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. This north entrance canopy 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 Comprehensive 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 northern access to the Silver Line rail extension being constructed on this parcel.

This special exception application and its SE Plat are directly supported by the recommendations contained in the adopted Comprehensive Plan. In fact, implementation of the Comprehensive Plan recommendations in the future is dependent on approval of this special exception application, so that the planned rail transit extension can be built. More generally, the "public transportation" section of the Comprehensive 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 – North Entrance Canopy and its associated transit facilities 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. They will not interfere with future development of the landowner's parcel to an intense mixed-use development, as envisioned in the Comprehensive Plan.

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

The I-4 district allows these public facilities.

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

The vacant portion of the 14.62-acre site will later be rezoned to either the PDC or PRM district, in conformance with the land use recommendations of the Comprehensive Plan. This

rezoning will likely include all or a portion of the special exception area. The layout of the transit facilities approved in the special exception application may, with the consent of WMATA and the County, be modified through this rezoning, provided they are shown on approved conceptual and final development plans. This redevelopment is consistent with the following recommendation contained in the Comprehensive Plan: "Direct pedestrian access from the Innovation Center Station to any proposed development is encouraged... Transportation solutions for the area are based on the timely provision of transit." (Page 173, UP4- Greater Herndon Community Planning Sector of the Comprehensive Plan)

The noise, light, vibration, smell and visual impacts of the proposed Innovation Center Station – North Entrance Canopy are no different than those in identical facilities approved in previous special exception applications. Visual and light impacts have been minimized. The closest residences are adjacently located to the east and part of the Dulles Greene apartment community. A Fairfax County-owned parcel, which predominantly consists of wetlands, buffers the north entrance site from the apartments.

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. In addition, 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 north entrance canopy will be conveniently available. This includes short-term and driver-attended surface parking, bus bays, shuttle bays, a taxi stand, a pick-up and drop-off area, and both secure and unsecure bicycle storage areas. Pedestrian pathways will be provided throughout 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.

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

Open space (15%) and tree canopy requirements (10%) have been met within the bounds of the special exception area.

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 special exception area comprises approximately 2.49 acres.

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

There are no parking structures to be associated with the north entrance canopy.

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 *public facility review determinations* being made.

CONCLUSION

The proposed Silver Line extension of Metrorail and the Innovation Center Station – North 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 Comprehensive Plan's Transportation Map. Thus the location, design, character and features of the proposed Innovation Center – North entrance canopy, pedestrian ramp connection and the associated facilities are in substantial conformance with the adopted Comprehensive Plan, and meet or exceed both the general Special Exception standards and the additional Category 4 standards of the current Zoning Ordinance.

#2861516v1 2015-10-06 SE SOJ Clean 080092/000004



County of Fairfax, Virginia

MEMORANDUM

Office of the County Attorney
 Suite 549, 12000 Government Center Parkway
 Fairfax, Virginia 22035-0064
 Phone: (703) 324-2421; Fax: (703) 324-2665
 www.fairfaxcounty.gov

DATE: December 29, 2015

TO: William O'Donnell, Staff Coordinator
 Zoning Evaluation Division
 Department of Planning and Zoning

FROM: Jo Ellen Groves, Paralegal *JEG*
 Office of the County Attorney

SUBJECT: Affidavit
 Application No.: SE 2015-DR-028
 Applicant: Metropolitan Washington Airports Authority (MWAA) and the
 Virginia Department of Rail and Public Transportation on behalf of the
 Washington Metropolitan Area Transit Authority; and the Board of Supervisors
 PC Hearing Date: 2/3/16
 BOS Hearing Date: 2/16/16

REF.: 132532

Attached is an affidavit which has been approved by the Office of the County Attorney for the referenced case. Please include this affidavit dated 12/23/15, which bears my initials and is numbered 132532, when you prepare the staff report.

Thank you for your cooperation.

Attachment

cc: (w/attach) Domenic Scavuzzo, Planning Technician I (Sent via e-mail)
 Zoning Evaluation Division
 Department of Planning and Zoning

SPECIAL EXCEPTION AFFIDAVIT

DATE: 23 DECEMBER 2015
(enter date affidavit is notarized)

132532

I, James L. Van Zee, Deputy Dir. of Project Development, MWAA, do hereby state that I am an
(enter name of applicant or authorized agent)

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

in Application No.(s): SE 2015-DR-028
(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 (nmi) 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).

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(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 (nmi) 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 Agent: Eric H. Halvorsen Patrick H. Porzillo	3926 Pender Drive, Suite 100, Fairfax, Virginia 22030	Engineer/Agent for Applicant
Odin, Feldman & Pittleman, P.C. Agents: John L. McBride Noah B. Klein Douglas R. Forno Jo Anne S. Bitner Ranuel P. Magalong	1775 Wiehle Avenue, Suite 400, Reston, Virginia 20190	Attorney/Agent Attorney/Agent Planner/Agent Attorney/Agent Attorney/Agent
Kimley-Horn and Associates, Inc. Agent: Jeffrey H. Saxe	3001 Weston Parkway, Cary, North Carolina 27513	Engineer/Agent
Hunton & Williams LLP Agent: Francis A. McDermott	1751 Pinnacle Drive, Suite 1700, McLean, Virginia 22102	Attorneys for Title Owner
Innovation and Entrepreneurship Investment Authority, a political subdivision of the Commonwealth of Virginia Agents: Peter J. Jobse (former) Edward Albrigo Linda E. Gentry	2214 Rock Hill Road, Suite 600, Herndon, Virginia 20170	Title Owner of Tax Map No. 15-2((1))17

(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.

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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.

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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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 (former)
Dennis M. Couture (former)

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.

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

Thomas P. Spoth
Aykut Urgan
Stephen C. Walter

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

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

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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for Application No. (s): SE 2015-DR-028
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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)

<p>The only shareholder of Clark Enterprises, Inc. with more than 10% interest is the A. James Clark Revocable Trust ("Revocable Trust").</p>	<p>The primary beneficiary of the Revocable Trust is the Marital Trust under the A. James Clark Revocable Trust ("Marital Trust"), and the only beneficiary with more than 10% interest in the Marital Trust, is</p>	<p>Alice B. Clark.</p>
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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.

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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.

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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.

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

Kimley-Horn and Associates, Inc.
3001 Weston Parkway, Cary, North Carolina 27513

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

Innovation and Entrepreneurship Investment Authority (IEIA)
2214 Rock Hill Road, Suite 600, 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)

<p>The IEIA is a political subdivision of the Commonwealth of Virginia, created effective July 1, 2009, as a successor in Interest to the Innovative Technology Authority.</p>	<p>As a political subdivision of the Commonwealth of Virginia, the IEIA has no shareholders.</p>
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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.

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(enter date affidavit is notarized)

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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 Attachment to Par. 1(c)DATE: 23 DECEMBER 2015
(enter date affidavit is notarized)132532for Application No. (s): SE 2015-DR-028
(enter County-assigned application number (s))**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

Hunton & Williams LLP, 1751 Pinnacle Drive, Suite 1700, McLean, Virginia 22102

(check if applicable) The above-listed partnership has no limited partners.**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

Robert A. Acosta-Lewis	Ferdinand A. Calice	Eric H. Feiler
Lawrence C. Adams	Matthew J. Calvert	Kevin C. Felz
Syed S. Ahmad	Daniel M. Campbell	Lindsay H. Ferguson
Michael F. Albers	Thomas H. Cantrill	Edward F. Fernandes
Kenneth J. Alcott	Curtis G. Carlson	Norman W. Fichthorn
Fernando C. Alonso	Jean Gordon Carter	Andrea Bear Field
Walter J. Andrews	Charles D. Case	Kevin J. Finto
Chinawat Assavapokee (nmi)	J. C. Chenault, V	Melanie Fitzgerald (nmi)
L. Scott Austin	Whittington W. Clement	Michael F. Fitzpatrick, Jr.
Ian Phillip Band	Herve' Cogels (nmi)	Robert N. Flowers
John J. Beardsworth, Jr.	Cassandra C. Collins	Aaron M. Flynn
Ryan A. Becker	S. Gregory Cope	William M. Flynn
Steven H. Becker	Ashley Cummings (nmi)	David S. Freed
Stephen John Bennett	Alexandra B. Cunningham	Lauren E. Freeman
Melinda R. Beres	Samuel A. Danon	Steven C. Friend
Lucas Bergkamp (nmi)	John J. Delionado	Edward J. Fuhr
Lon A. Berk	Stephan P. Demm	Charles A. Gall
Mark B. Bierbower	Dee Ann Dorsey	Daniel C. Garner
Stephan R. Blacklocks	Edward L. Douma	Douglas M. Garrou
Jeffrey M. Blair	Colleen P. Doyle	Richard D. Gary
Andrew J. Blanchard	Alison M. Dreizen	Kevin M. Georgian
J. Tom Boer	Sean P. Ducharme	John T. Gerhart, Jr.
Matthew P. Boshier	Deidre G. Duncan	Andrew G. Geyer
James W. Bowen	Roger Dyer (nmi)	Jeffrey W. Giese
Lawrence J. Bracken, II	Fredrick R. Eames	Neil K. Gilman
James P. Bradley	Heather Archer Eastep	C. Christopher Giragosian
Sheldon T. Bradshaw	Maya M. Eckstein	Douglas S. Granger
David F. Brandley, Jr.	W. Jeffery Edwards	Laurie A. Grasso
Benjamin P. Browder	John C. Eichman	J. William Gray, Jr.
A. Todd Brown, Sr.	Tara L. Elgie	Christopher C. Green
Tyler P. Brown	Emmett N. Ellis	Robert J. Grey, Jr.
F. William Brownell	Edward W. Elmore, Jr.	Greta T. Griffith
Kevin J. Buckley	Frank E. Emory, Jr.	Brett L. Gross
Kristy A. Niehaus Bulleit	Juan C. Enjamio	Bradley W. Grout (former)
Joseph B. Buonanno	John D. Epps	Steven M. Haas
Nadia S. Burgard	Phillip J. Eskenazi	Brian L. Hager
Eric R. Burner	Joesph P. Esposito	Robert J. Hahn
M. Brett Burns	Kelly L. Faglioni	Jarrett L. Hale
P. Scott Burton	Susan S. Failla	Leslie S. Hansen
Ellis M. Butler		

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

Special Exception Attachment to Par. 1(c)

DATE: 23 DECEMBER 2015
(enter date affidavit is notarized)

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for Application No. (s): SE 2015-DR-028
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PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
Hunton & Williams LLP, 1751 Pinnacle Drive, Suite 1700, McLean, Virginia 22102 (continued)

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

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

- | | | |
|---------------------------------------|-------------------------------|-------------------------------|
| Eric J. Hanson | Scott H. Kimpel | John C. McGranahan, Jr. |
| Ronald M. Hnason | Robert A. King | Gustavo J. Membiela |
| Jason W. Harbour | Edward B. Koehler | Uriel A. Mendieta |
| Jeffrey L. Harvey | Torsten M. Kracht | Mark W. Menezes |
| John D. Hawkins | Christopher G. Kulp | Gary C. Messplay |
| Rudene Mercer Haynes | David Craig Landin | Peter J. Mignone |
| Timothy J. Heaphy | Gregory F. Lang | Patrick E. Mitchell |
| Mark S. Hedberg | Kurt G. Larkin | Jack A. Molenkamp |
| Gregory G. Hesse | Andrew W. Lawerence | T. Justin Moore, III |
| E. Perry Hicks | Daniel M. LeBey | Thurston R. Moore |
| David A. Higbee | Corey A. Lee | Robert J. Morrow (former) |
| Stuart Hills (nmi) (former) | Bradley T. Lennie | Ann Marie Mortimer |
| Thomas Y. Hiner | L. Steven Leshin | Jay B. Mower |
| D. Bruce Hoffman | Brent A. Lewis | Michael J. Mueller |
| Robert E. Hogfoss | Catherine D. Little | Eric J. Murdock |
| John R. Holzgraefe | David C. Lonergan | Ted J. Murphy |
| Cecelia Philipps Horner | Nash E. Long, III | Thomas P. Murphy |
| David B. Horner | Kirk A. Lovric | David A. Mustone |
| George C. Howell, III | David S. Lowman, Jr. | James P. Naughton |
| Kevin F. Hull | Kimberly C. MacLeod | Wim Nauwelaerts (nmi) |
| Jamie Zysk Isani | Michael J. Madden, Jr. | Eric J. Nedell |
| Judith H. Itkin | Tyler Maddry (nmi) | Michael Nedzbala (nmi) |
| Makram B. Jaber | Manuel E. Maisog | William L. Newton |
| Timothy L. Jacobs | Rori H. Malech | Lonnie D. Nunley, III |
| Lori Elliott Jarvis | Christopher Mangin, Jr. (nmi) | Michael A. Oakes |
| Matthew D. Jenkins | Alan J. Marcuis | Peter K. O'Brien |
| Harry M. Johnson, III | Brian R. Marek | John T. O'Connor |
| Karolyn E. ("Kerry") Johnson (former) | Fernando Margarit (nmi) | Leslie A. Okinaka |
| Robert M. Johnson | Laura C. Marshall | John D. O'Neill, Jr. |
| James A. Jones, III | Jeffrey N. Martin | Michael A. O'Shea (former) |
| Kevin W. Jones | John S. Martin | Brian V. Otero |
| Laura Ellen Jones | J. Michael Martinez de Andino | Raj Pande (nmi) |
| Dan J. Jordanger | Walfrido J. Martinez | Randall S. Parks |
| Roland Juarez (nmi) | Laurie Uustal Mathews | Peter S. Partee, Sr. |
| Thomas R. Julin | John Gary Maynard, III | J. Steven Patterson |
| Andrew Kamensky (nmi) | William H. McBride | William S. Patterson (former) |
| David A. Kelly | Michael C. McCann | Djordje Petkoski (nmi) |
| Douglas W. Kenyon | T. Allen McConnell | Ryan P. Phair |
| Michael C. Kerrigan | Alexander G. McGeoch | James M. Pinna |
| Ryan T. Ketchum | | |

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

Special Exception Attachment to Par. 1(c)

DATE: 23 DECEMBER 2015
(enter date affidavit is notarized)

132532

for Application No. (s): SE 2015-DR-028
(enter County-assigned application number (s))

PARTNERSHIP NAME & ADDRESS: (enter complete name & number, street, city, state & zip code)
Hunton & Williams LLP, 1751 Pinnacle Drive, Suite 1700, McLean, Virginia 22102 (continued)

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

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

- | | | |
|----------------------------------|--------------------------|-------------------------|
| Eric R. Pogue | James S. Seevers, Jr. | Amanda L. Wait |
| Robert Dean Pope | Douglass P. Selby | Linda L. Walsh (former) |
| Laurence H. Posorske | Joel R. Sharp | William L. Wehrum |
| Kurtis A. Powell | Michael R. Shebelskie | Peter G. Weinstock |
| Lewis F. Powell, III | Ryan A. Shores | Malcolm C. Weiss |
| Robert T. Quakenboss | George P. Sibley, III | Kevin J. White |
| Dionne C. Rainey (former) | Donald F. Simone | Amy McDaniel Williams |
| Katherine E. Ramsey (former) | Aaron P. Simpson | Mitchell G. Williams |
| John Jay Range | Jo Anne E. Sirgado | Holly H. Williamson |
| Robert S. Rausch | Laurence E. Skinner | Susan F. Wiltsie |
| Belynda B. Reck (former) | Caryl Greenberg Smith | Allison D. Wood |
| Baker R. Rector | John R. ("J. R.") Smith | David C. Wright |
| Shawn Patrick Regan | Yisun Song (nmi) | Richard L. Wyatt, Jr. |
| Sona Rewari (nmi) | Lisa J. Sotto | David R. Yates |
| Thomas A. Rice | Joseph C. Stanko, Jr. | Manida Zimmerman (nmi) |
| Michael P. Richman | Todd M. Stenerson | |
| Jennings G. ("J. G.") Ritter, II | John J. Stenger | |
| Kathy E. B. Robb | Gregory N. Stillman | |
| Daryl B. Robertson | Yeongyo Anna Suh | |
| Gregory B. Robertson | Brian J. Tanenbaum | |
| Patrick L. Robson | Andrew J. Tapscott | |
| Robert M. Rolfe | Robert M. Tata | |
| Ronald D. Rosener | Eric Jon Taylor | |
| Trevor K. Ross (former) | W. Lake Taylor, Jr. | |
| Brent A. Rosser | Wendell L. Taylor | |
| William L. S. Rowe | Andrew S. V. Thomas | |
| Marguerite R. ("Rita") Ruby | John Charles Thomas | |
| D. Alan Rudlin | Gary E. Thompson | |
| Mary Knash K. Rusher | Paul M. Tiao | |
| D. Kyle Sampson | B. Cary Tolley, III | |
| Stephen M. Sayers | John R. R. Tormey | |
| Arthur E. Schmalz | Bridget C. Treacy | |
| Gregory J. Schmitt | Andrew J. Turner | |
| John R. Schneider | Julie I. Ungerman | |
| Howard E. Schreiber | Daniel E. Uyesato | |
| Jeffrey P. Schroeder | Mark C. Van Deusen | |
| Carl F. Schwartz | Emily Burkhardt Vicente | |
| Matthew A. Scoville | Daniel G. Vivarelli, Jr. | |
| P. Watson Seaman | Mark R. Vowell | |

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

SPECIAL EXCEPTION AFFIDAVIT

DATE: 23 DECEMBER 2015
(enter date affidavit is notarized)

132532

for Application No. (s): SE 2015-DR-028
(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: 23 DECEMBER 2015
(enter date affidavit is notarized)

132532

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.
- 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.
- Francis A. McDermott, John C. McGranahan, Jr. and Thomas P. Murphy of Hunton & Williams LLP, made donations or contributions in excess of \$100 to Supervisor John C. Cook.
- Jeffrey H. Saxe of Kimley-Horn and Associates, Inc., made donations or contributions in excess of \$100 to Supervisors Patrick Herry and John C. Cook.

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

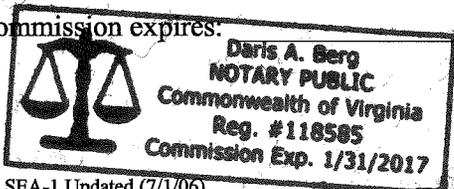
Applicant's Authorized Agent

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 23rd day of December 2015, in the State/Comm. of Virginia, County/City of Loudoun.

Daris A. Berg
Notary Public

My commission expires:



FAIRFAX COUNTY VIRGINIA

MEMORANDUM

TO: Chairman Thomas M. Davis, III
and Members of the Board March 14 , 1994

FROM: Nancy Vehrs *NV*
Clerk to the Board of Supervisors

SUBJECT: Rezoning Application Number RZ 93-D-037
Board of Supervisors' Own Motion
(Concurrent with SE 93-D-055)

At a regular meeting of the Board of Supervisors held on February 28, 1994, the Board adopted an Ordinance granting Rezoning Application RZ 93-D-037 (Board of Supervisors' Own Motion) to rezone certain land in Dranesville District from the R-1 District to the I-4 District subject to the proffers dated February 1, 1994, on subject parcel 15-2 ((1)) 15 and 17 consisting of approximately 25.49 acres.

The Board modified the transitional screening requirement and waived the barrier requirement along the northern boundary of Lot 15 in favor of the existing vegetation on the site, the landscaping shown on the Generalized Development Plan (GDP), and subject to the proffers.

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Barbara A. Byron, Director, Zoning Evaluation Dvsn, OCP
Fred R. Beales, Supervisor, Base Prop. Mapping/Overlay
Robert Moore, Trnsprt'n. Planning Dvsn. Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acq. & Planning Dvs., Park Authority

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 28th day of February 1994, the following ordinance was adopted:

AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NO. RZ 93-D-037
(CONCURRENT WITH SE 93-D-055)

WHEREAS, Board of Supervisors' Own Motion, filed in proper form, an application requesting the zoning of a certain parcel of land hereinafter described, from the R-District to the I-4 District, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Dranesville District,

Be, and hereby is, zoned to the I-4 District, and said property is subject to the use regulations of said I-4 District, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., §15.1-491(a), which conditions are incorporated into the Zoning Ordinance as it affects said parcel, and

GIVEN under my hand this 28th day of February, 1994.



Nancy Vehrs

Clerk to the Board of Supervisors

PROFFERS

REZONING APPLICATION NUMBER RZ 93-D-037

INNOVATIVE TECHNOLOGY AUTHORITY

February 1, 1994

Pursuant to Section 15.1-491 (a) of the 1950 Code of Virginia, as amended, in the event the property 15-2((1))-(parcels 15 and 17) that is the subject of Rezoning Application Number RZ 93-037 (the "site") is rezoned to the I-4 District, the Applicant (the Innovative Technology Authority, "ITA") proffers as follows:

1. The ITA will at no cost to the County grant to Fairfax County upon request of the County a permanent easement of up to 1 acre, with pedestrian and vehicular access to Innovation Avenue and pedestrian access to parcel 8A to the east, for use as a public transportation facility related to a commuter rail station to be located in the median of the Dulles Access and Toll Road. The easement shall be located in the southeastern corner of the site, adjacent to the Dulles Access and Toll Road or at such other location as may be agreed to by the County and the ITA. Pedestrian and vehicular access shall be provided, at the ITA's option, either a) by means of pathways and roadways constructed by the ITA at its expense or b) along additional easements granted by the ITA to the County, in which case construction of any necessary roadways or pathways shall not be the responsibility of the ITA. In either case the roadways and pathways may be shared by other users of the site. The roadway provided shall not exceed two lanes in width unless additional width is agreed to by the ITA. Managing the pedestrian and vehicular traffic generated by the public transit facility shall not be the responsibility of the ITA and the existence of such facility shall not in any way diminish the development capacity of the ITA property. The location of the easement shall not unreasonably interfere with the ITA's planned use of the site.
2. a) Uses of the site authorized under the I-4 zoning classification will be allowed, excluding the following categories:
 - 5-402 Excluded Permitted Uses
 4. Contractor's offices and shops.
 5. Crematory, human or animal.
 11. Motor freight terminals.
 12. Motor vehicle storage and impoundment yards.
 17. Warehousing establishments.
 18. Wholesale trade establishments.
 - 5-403 Excluded Special Permit Uses
 4. D. Kennels and other animal pens associated with scientific research.
 6. A. Veterinary hospitals

5-404

Excluded Special Exception Uses

2. Category 2 - Heavy Public Utility Uses
5. Category 5 excluded uses:
 - A. Car Washes
 - C. Drive-in banks
 - E. Food and beverage manufacturing, production and processing establishments
 - H. Parking, commercial off-street, as a principal use
 - I. Plant nurseries
 - J. Service Stations
 - K. Theaters

- b) The maximum FAR on the site shall be .38 on 25.49 acres.
3. The ITA will submit for review by Fairfax County a site plan prior to commencing construction of additional buildings on the site. The site plan will be submitted to the County Planning Commission for its review in accordance with County procedures. The ITA will give appropriate consideration to any changes requested by the County. Development of parcel 15 shall be in accordance with the "As-Built" Site Plan, dated June 12, 1987.
4. Stormwater management for parcel 17 shall be coordinated with the stormwater management ponds as shown on the Conceptual/Final Development Plan approved and proffered (#21 in RZ 89-D-060 dated April 12, 1993) for the Dulles Green development on the adjacent property to the east (Parcel 8A). These facilities shall provide detention and best management practices (BMPS) without any filling, grading or excavation within the existing 100 year floodplain other than that which is necessary for the construction of Innovation Avenue extended.
5. For any additional office floor area located within the 70 and 75 dBA Ldn noise contour related to the Dulles Airport Access and Toll Road, acoustical treatment shall be provided for doors and windows in order to achieve an interior noise level no higher than 45 dBA Ldn.
6. The proffers offered above shall not limit the use of the site where such use is made by the Commonwealth, its agencies, or its authorities, including the ITA, where applicable law provides that the user or use is not required to conform to the zoning restrictions or other regulations governing the site. Except that nothing in this paragraph shall preclude the proffer commitment above to provide a public transportation facility easement to the County.
7. In the event that ownership of the property identified as parcels 15-2 ((1)) 15 and 17 is to be transferred to entities required to conform to local zoning or other regulations governing the site, such assign shall incur the obligation to dedicate land for the public transportation facility in fee simple to the County. Such dedication shall occur in an amount not to exceed one acre, plus pedestrian and vehicular access as discussed in Proffer 1 above, and shall occur prior to the approval of the first site plan on parcel 17, or upon request of the County,

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

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

Recitals

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

"FHWA" shall mean the Federal Highway Administration.

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

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

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

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

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

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

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

ARTICLE 1
PROJECT COORDINATION AND DESIGN REVIEW

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 2 LAND USE AND CONSTRUCTION PERMITTING APPROVALS

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 3 PROPERTY ACQUISITION AND USE

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

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

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

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

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

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

ARTICLE 4 CONSTRUCTION ON FAIRFAX-OWNED PROPERTY

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

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

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

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

ARTICLE 5 TRAFFIC MAINTENANCE

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

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

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

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

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

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

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

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

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

ARTICLE 6 INSURANCE REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

i. Rating Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 7 INDEMNIFICATION

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

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

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

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

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

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

**ARTICLE 8
NOTICES**

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

If to AIRPORTS AUTHORITY:

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

With a copy to:

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

If to FAIRFAX:

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

With a copy to:

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

**ARTICLE 9
MISCELLANEOUS PROVISIONS**

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

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

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

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

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

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

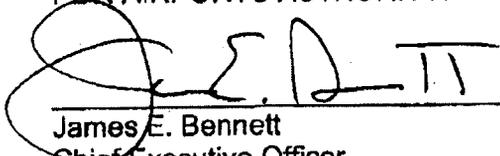
Section 9.7 This Agreement is intended by the parties to be construed as whole and indivisible and its meaning is to be ascertained from the entire instrument. All parts of the Agreement are to be given effect with equal dignity, including but not limited to the recitals at the beginning of this Agreement,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

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

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

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

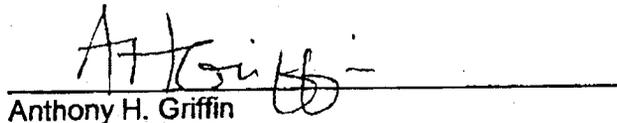
FOR AIRPORTS AUTHORITY:



James E. Bennett
Chief Executive Officer
Metropolitan Washington Airports Authority

DATE: 10 July 2007

FOR FAIRFAX:



Anthony H. Griffin
County Executive
County of Fairfax, Virginia

DATE: 7/10/07



County of Fairfax, Virginia

MEMORANDUM

DATE: December 11, 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-D15-14 (Concurrent with SE 2015-DR-028)
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
North Entrance Canopy and Elevated Pedestrian Bridge to the Innovation Center METRO Station
2205 Rock Hill Road, Herndon, VA 20170
Tax Map 0152 01 0017

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 north entrance to the Innovation Center Metro Station, consisting of the entrance canopy and elevated pedestrian bridge to the station platform. The proposal is also subject to review and approval of SE 2015-DR-028. 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: 2205 Rock Hill Road, Herndon, VA 20170. The 14.62 acre property is bordered on the north and west by Rock Hill Road. Innovation Avenue borders the east of the property while also dividing the southern portion of parcel. The southernmost portion divided by Innovation Avenue is the proposed location of the entrance canopy and elevated pedestrian bridge. This portion is bordered to the south by the Dulles Toll Road.

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

Proposed Facility: The facility will consist of an elevated pedestrian bridge and an entrance canopy. The pedestrian bridge will connect the entrance canopy to the station platform over the Dulles Toll Road. The entrance canopy will feature seating, lighting, nearby bicycle storage, bus transfer area, pick-up and drop-off areas, short term parking and landscaping.

Access: Access will be provided by Innovation Avenue.

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, UP4 Greater Herndon Community Planning Sector. The Comprehensive Plan Map identifies the property as planned for Public Facilities, Governmental, and Institutional use.

Area Plan

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 10-20-2015, UP4-Greater Herndon Community Planning Sector, Page 55:

“CONCEPT FOR FUTURE DEVELOPMENT

The Greater Herndon Community Planning Sector, except for the Town of Herndon and the northern portion of the Innovation Center Transit Station Area, is recommended to develop as Suburban Neighborhoods in the Concept for Future Development. The area within the Innovation Center is recommended to develop as a Transit Station Area, as shown on Figure 21.

RECOMMENDATIONS

Land Use

...

5. This area is located east of the Loudoun County boundary, north of the Dulles Airport Access Road (DAAR), west of the Reflection Lake community and south of the Town of Herndon (see Figure 21). A portion of the area is planned for transit oriented development (TOD) focused on the planned Innovation Center Station. Land use options in support of TOD follow the baseline recommendations.”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 10-20-2015, UP4-Greater Herndon Community Planning Sector, Page 56:

“Innovation Center Transit Station Area, Figure 21”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 10-20-2015, UP4-Greater Herndon Community Planning Sector, Page 57:

“UP4-Greater Herndon Community Planning Sector Land Use Recommendations General Locator Map”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 10-20-2015, UP4-Greater Herndon Community Planning Sector, Page 58:

“Rail Transit Option for Land Units A, B and C

Consistent with TOD policy, this plan provides an option for a mix of uses ranging from .50 to 2.8 FAR, based on distance from the Metrorail station. The Innovation Center Transit Station Area (TSA) includes Land units A, B and C. The TSA is planned for a mixture of interrelated residential and nonresidential uses . . .”

Fairfax County Comprehensive Plan, 2013 Edition, Area III, Upper Potomac Planning District, Amended through 10-20-2015, UP4-Greater Herndon Community Planning Sector, Page 59:

“Land Units for Area in the Vicinity of The Center For Innovation Technology, Figure 23”

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 is for a public use, which is a permitted use in the I-4 Zoning District. 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 canopy and elevated pedestrian bridge will be located in Land Unit A of the Innovation Center Transit Station Area (TSA). The location of the north entrance to the Innovation Center Metro Station supports the specific boundaries of the land use designations within Land Unit A of the TSA. The station is specifically located so that the planned mixed use areas with higher density recommended in the Comprehensive Plan are within one-quarter mile of the station. Decreasing density areas are 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 canopy and elevated pedestrian bridge will be located on property that is currently wooded, undeveloped, and planned for public facilities, governmental, and institutional use. The Plan supports more intense transit oriented development within specific boundaries from the transit station location. By designating higher intensity and mixed uses as the land use designation for adjacent properties within the specified boundaries, staff believes the proposed entrance canopy 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 consistent 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 canopy will feature seating, lighting, bicycle storage, bus transfer area, pick-up and drop-off areas, short-term parking, and landscaping. This will create visual appeal and strengthen the compatibility with the planned land uses and character of the Innovation Center Transit Station Area. 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.

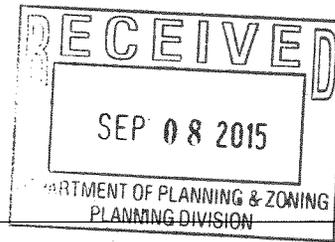
Staff believes the proposed facilities supports Plan objectives to balance the provision of public facilities with growth and development. The proposal introduces facilities in support of Metrorail service along the Dulles Airport Access Road and the Dulles Toll Road. This is consistent with Plan guidelines,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

CONCLUSION AND RECOMMENDATIONS

Staff concludes that the subject proposal by the Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation on behalf of the Washington Metropolitan Area Transit Authority; and the Board of Supervisors of Fairfax County, Virginia, to locate an entrance canopy and elevated pedestrian bridge at 2205 Rock Hill Road, Herndon, VA 20170, 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-D15-14**, 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-DIS-14

(Please Type or Clearly Print)

PART I: APPLICATION SUMMARY

LOCATION OF PROPOSED USE

Address 2205 Rock Hill Road

City/Town Herndon Zip Code 20170

Place Name (if at county facility) _____

Tax Map I.D. Number(s) 15-2((1))17

Fairfax County Supervisor District Dranesville

Total Area of Subject Parcel(s) 636,640 square feet (per tax record)

Zoning District I-4

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

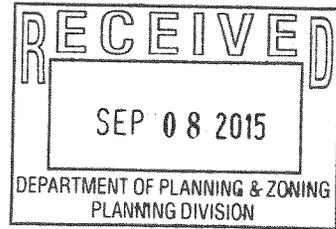
City/Town Reston State VA Zip Code 20190

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

E-mail john.mcbride@ofplaw.com

Secondary Contact (Must Be Provided) Russ Forno

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



PROPERTY OWNER(s) OF RECORD

Owner The Innovative Technology Authority

Street Address 13873 Park Center Road, Suite 201, Hallmark Building

City/Town Herndon State VA Zip Code 20171

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

BRIEF DESCRIPTION OF PROPOSED USE

To establish the North 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

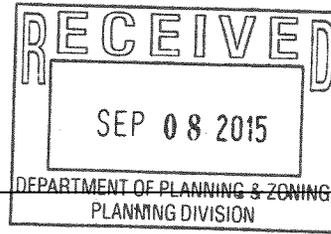
Provide previous 2232, "Feature Shown" (FS) or 456 approvals

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 93-D-037



SIGNATURE

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

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

Signature of Applicant or Agent _____

A handwritten signature in black ink, appearing to read "James L. Van Zee", written over a horizontal line.

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

Date _____

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**

DULLES CORRIDOR METRORAIL PROJECT
Section 15.2-2232 Application for the Innovation Center Silver Line Rail Station
North Entrance Canopy and Related Transit Facilities
STATEMENT OF JUSTIFICATION
September 1, 2015
September 17, 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 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 north entrance proposed in this public facility review application, were analyzed in the Supplemental, Final and Amended Final Environmental Impact Statements, conducted between 2003 to 2006. In 2004, the Virginia Commonwealth Transportation Board, WMATA, the Metropolitan Washington Airports Authority, ("Airports Authority"), the Loudoun County 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. 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. In addition, 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 ("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 public facility review 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 public facility review 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 public facility review and special exception approvals by Fairfax County. On January 18, 2007, the Planning Commission found public facility review 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 overall 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. According to this agreement, MWAA is primarily responsible for implementation of the Metrorail project, assisted by the Virginia DRPT, the Virginia Department of General Services ("DGS"), the Virginia Department of Environmental Quality ("DEQ" – previously the Department of Conservation and Recreation), and the Virginia Department of Transportation ("VDOT"). DRPT serves as project coordinator for the Commonwealth, DGR conducts all site plan reviews, and DEQ approves and permits all land disturbance activities and stormwater management. This agreement was further detailed in a Cooperative Agreement dated July 19, 2007, between MWAA and Fairfax County. This agreement confirmed that public facility review and special exception 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 public facility review applications to be substantially in accord with the provisions of the adopted Comprehensive Plan. Those public facility review 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 special exception applications soon thereafter.

On December 3, 2013, the Comprehensive Plan for the Upper Potomac Planning District (Area III) was amended by the Fairfax County Board of Supervisors in a manner which shows the specific platform location of the Innovation Center Silver Line rail transit station (figure 60, p. 167 and figure 64, p. 193) and its pedestrian bridge (figure 58, p. 164). This station entrance serves as the foundation for the land use and transportation recommendations for the surrounding "Transit Station Area" (see Recommendation #6, Land Bay A, pps. 166-168).

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 portion of undeveloped property located along the south side of Innovation Avenue, close to its intersection with Rock Hill Road, 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 proposed in this application are shown on the Special Exception Plat and Public Facilities Plan, titled "Innovation Center Station – North," prepared by Dewberry Consultants LLC, last revised August 25, 2015 and containing 9 sheets. The scope of this application is limited to the establishment of the entrance canopy, a pedestrian walkway (connecting the entrance canopy to the Innovation Center rail transit station within the median of the Dulles Airport Access Road) and other transit-related improvements – such as bicycle storage, vehicular pick-up and drop-off, car share parking, taxi and bus transfer areas. Only the entrance canopy and pedestrian bridge will be owned and operated by WMATA. The other transit-related facilities will be owned and operated by the County.

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 mezzane. There will be entrances 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 entrances.

- 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. Sunday – Thursday, 3:00 a.m. Friday – Saturday.
- Daily Patronage: The 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 north entrance: Dulles, Sterling, and Herndon areas.
- Description of building and façade: The station and the north entrance canopy 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, pictures and section drawings for the north entrance canopy and its elevated pedestrian bridges are provided on sheets 2 and 9 of the Public Facility Plan. Due to the parcel's location and topography relative to the station's location, the specific design will be different in height from the south entrance pavilion. The north entrance will feature a pedestrian ramp connection that is almost at-grade with the canopy, which will slope up to the necessary height for crossing the DAAR/DTR and tie-in to the station.

- 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 individual, gasoline- and diesel-powered 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 canopy will feature seating, lighting, nearby bicycle storage, bus transfer area, pick-up and drop-off areas, short-term parking, 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, meeting Fairfax County and WMATA standards. WMATA's "Art in Transit" program will integrate public art in the stations. Art in the Innovation Center Station is currently planned to be integrated into the concrete walkway paving at the north entrance canopy.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The December 3, 2013 amendments to the adopted Comprehensive Plan (Area III, Greater Herndon Community Planning Sector (UP-4)), specifically locate the Innovation Center Station and its northern entrance canopy area. The north entrance canopy 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 of the Innovation Center Transit Station Area (TSA). This north entrance canopy specifically supports the more intense transit-oriented 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 Comprehensive 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 northern 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

Comprehensive Plan recommendations in the future is dependent on approval of this public facility review application, so that the planned rail transit extension can be built. More generally, the "public transportation" section of the Comprehensive 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.

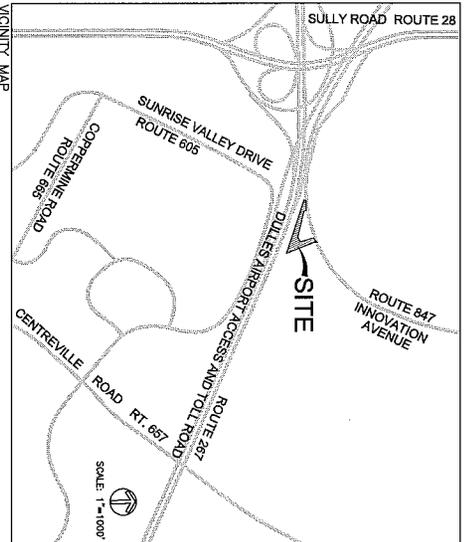
The location, character and extent of the Innovation Center Station – North Entrance Canopy and its elevated pedestrian walkway have not changed significantly since the *Locally Preferred Alternative* was selected and its *FEIS* approved. Their location on the site has been coordinated with the landowner and the Fairfax County Department of Transportation Planning Division. They will not interfere with future development of the landowner's parcel to an intense mixed-use development, as envisioned in the Comprehensive Plan. In fact, these transit facilities are necessary to achieve the Transit-oriented development recommended in the 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 *public facility review determinations* being made.

CONCLUSION

The proposed Silver Line extension of Metrorail and the Innovation Center Station – North 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 Comprehensive Plan's Transportation Map. Thus the location, design, character and features of the proposed Innovation Center – North entrance canopy, pedestrian ramp connection and the associated facilities are in substantial conformance with the adopted Comprehensive Plan as to their location, general character and extent.



INNOVATION CENTER STATION - NORTH

DULLES CORRIDOR METRO RAIL PROJECT PHASE 2

DRANESVILLE DISTRICT FAIRFAX COUNTY, VIRGINIA

SPECIAL EXCEPTION PLAT & PUBLIC FACILITIES PLAN

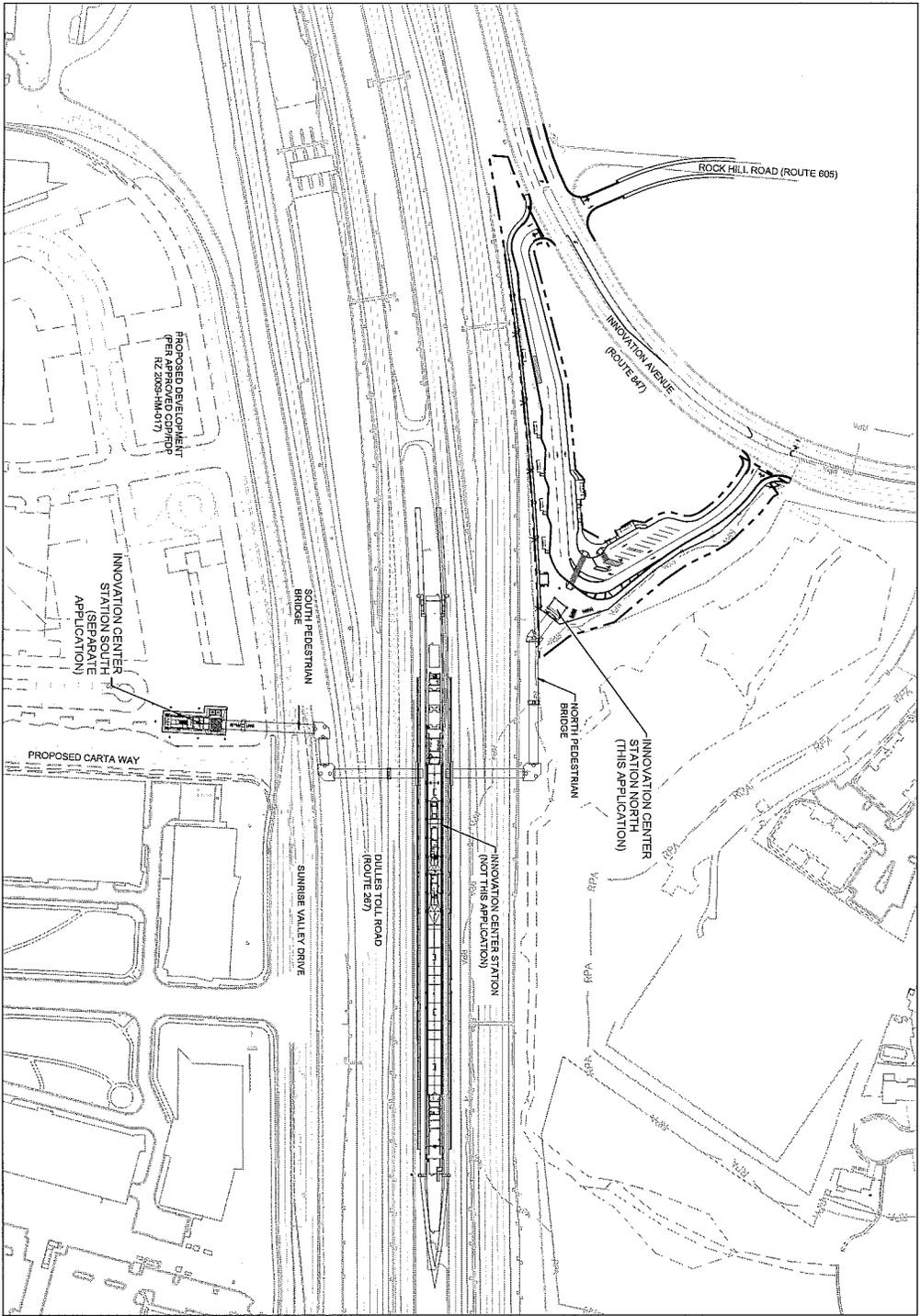
APPLICANT:
METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
 IN COORDINATION WITH THE
VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION
 ON BEHALF OF THE
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY;
 AND THE
BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA

- SHEET INDEX**
1. COVER SHEET
 2. NOTES & TABULATION
 3. OVERALL SITE PLAN
 4. EXISTING CONDITIONS, VEGETATION MAP AND SE BOUNDARY DETAIL
 5. SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN
 6. LANDSCAPE PLAN
 7. LANDSCAPE & BICYCLE CIRCULATION PLAN
 8. PEDESTRIAN CIRCULATION PLAN
 9. CANOPY ENTRANCE & BUS SHELTER ELEVATIONS

DESIGNERS		REFERENCE DRAWINGS		REVISIONS		DATE		DESCRIPTION		DRAWING NO.	
M. CAOMAI	DATE	NO.	DATE	NO.	DATE	NO.	DATE	NO.	DATE	NO.	DATE
D. TUCKER	DATE	0	06/29/16	1	09/29/16	1	09/29/16	1	09/29/16	1	09/29/16
A. YEVA	DATE	1	09/29/16	2	12/02/16	2	12/02/16	2	12/02/16	2	12/02/16
J. WILSON	DATE	2	12/02/16								



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
 VMA/TA LDP 2009
 CONTRACT NO. 8-13-001
 EXTENSION TO DULLES AIRPORT / ROUTE 772
 SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN
 INNOVATION CENTER STATION - NORTH
 COVER SHEET
 SCALE: AS SHOWN
 DRAWING NO.: N08-SE-001N
 1 OF 9



OVERALL SITE PLAN
1" = 100'-0"

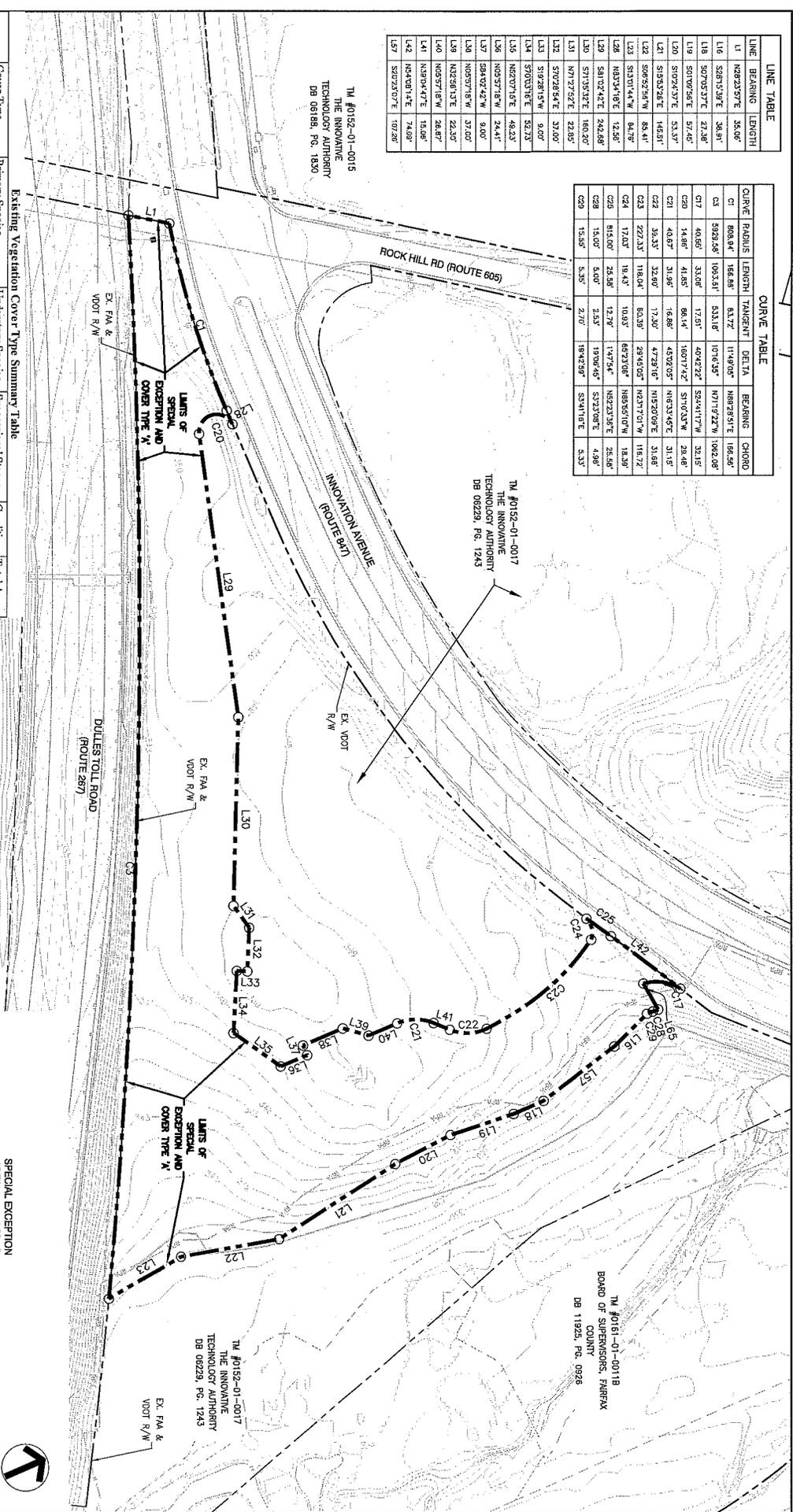


DESIGNATIONS		REVISIONS		CHANGES AND ADOPTIONS	
NO.	DATE	DESCRIPTION	BY	DATE	DESCRIPTION
0	06/03/15	PUBLIC FACILITIES PLAN AND SPECIAL EXCEPTION PLAN SUBMISSION	JV	JV	TC
1	09/23/15	SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN SUBMISSION	JV	JV	TC
2	12/02/15	PUBLIC FACILITIES PLAN AND SPECIAL EXCEPTION PLAN SUBMISSION	JV	JV	TC

				CONTRACT NO. 8-13-C001 SCALE: 1" = 100' DRAWING NO. N09-SE-003N 3 OF 9
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LINE BEARING	LENGTH
L1	8282.97'E 35.00'
L2	58915.39'E 38.89'
L3	50705.37'E 27.86'
L4	50705.37'E 27.86'
L5	50705.37'E 27.86'
L6	50705.37'E 27.86'
L7	50705.37'E 27.86'
L8	50705.37'E 27.86'
L9	50705.37'E 27.86'
L10	50705.37'E 27.86'
L11	50705.37'E 27.86'
L12	50705.37'E 27.86'
L13	50705.37'E 27.86'
L14	50705.37'E 27.86'
L15	50705.37'E 27.86'
L16	50705.37'E 27.86'
L17	50705.37'E 27.86'
L18	50705.37'E 27.86'
L19	50705.37'E 27.86'
L20	50705.37'E 27.86'
L21	50705.37'E 27.86'
L22	50705.37'E 27.86'
L23	50705.37'E 27.86'
L24	50705.37'E 27.86'
L25	50705.37'E 27.86'
L26	50705.37'E 27.86'
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L98	50705.37'E 27.86'
L99	50705.37'E 27.86'
L100	50705.37'E 27.86'

CURVE	RADIUS	LENGTH	TANGENT	DELTA	BEARING	CHORD
C1	808.64'	166.66'	83.33'	119.00°	N89.291°E	166.66'
C2	5928.58'	1093.51'	546.76'	107.92°	N71.922°E	1062.80'
C3	40.50'	33.00'	17.50'	40.42°	S52.417°W	32.19'
C4	14.86'	41.85'	96.14'	16.07°	S71.033°W	28.48'
C5	4.67'	31.96'	16.86'	4.50°	S83.345°E	31.18'
C6	30.33'	32.60'	17.30'	47.29°	N19.209°E	31.68'
C7	222.33'	188.04'	83.33'	28.93°	N23.701°W	111.72'
C8	17.83'	18.43'	10.83'	68.23°	N85.510°W	18.39'
C9	415.00'	28.98'	12.79'	1.47°	S82.335°E	28.58'
C10	15.00'	5.00'	2.50'	19.08°	S32.308°E	4.89'
C11	15.85'	5.35'	2.70'	18.42°	S34.115°E	5.33'



Cover Type	Primary Species	Understory Species	Successional Stages	Condition	Total Area
Upland Forest	Predominately ACER SPP. and QUERCUS SPP.	Understory of DOGWOOD and LONICERA SPP., etc.	Sub-Climax	Good/Fair	± 2.49 AC

Existing Vegetation Cover Type Summary Table

CONTRACT NO. 8-13-C001

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - NORTH EXISTING CONDITIONS, VEGETATION MAP AND SE BOUNDARY DETAIL SCALE: 1"=40'

DRAWING NO. N09-SE-004N 4 OF 9

DEWBERRY

DULLES CORRIDOR METROPOLITAN PROJECT

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

CAPITAL BAL CONFORMANCE

100 THE GREAT ST. ROAD 200 WASHINGTON, VIRGINIA 22192

U.S. M. 2012

12/02/15

CONTRACT NO. 8-13-C001

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

EXTENSION TO DULLES AIRPORT / ROUTE 772 SPECIAL EXCEPTION PLAT AND PUBLIC FACILITIES PLAN INNOVATION CENTER STATION - NORTH EXISTING CONDITIONS, VEGETATION MAP AND SE BOUNDARY DETAIL SCALE: 1"=40'

DRAWING NO. N09-SE-004N 4 OF 9

TM #0152-01-0015
THE INNOVATIVE TECHNOLOGIST AUTHORITY
DB 08168, PG. 1830

TM #0152-01-0017
THE INNOVATIVE TECHNOLOGIST AUTHORITY
DB 08229, PG. 1245

TM #0151-01-0011B
BOARD OF SUPERVISORS, FARMEX
DB 11925, PG. 0926

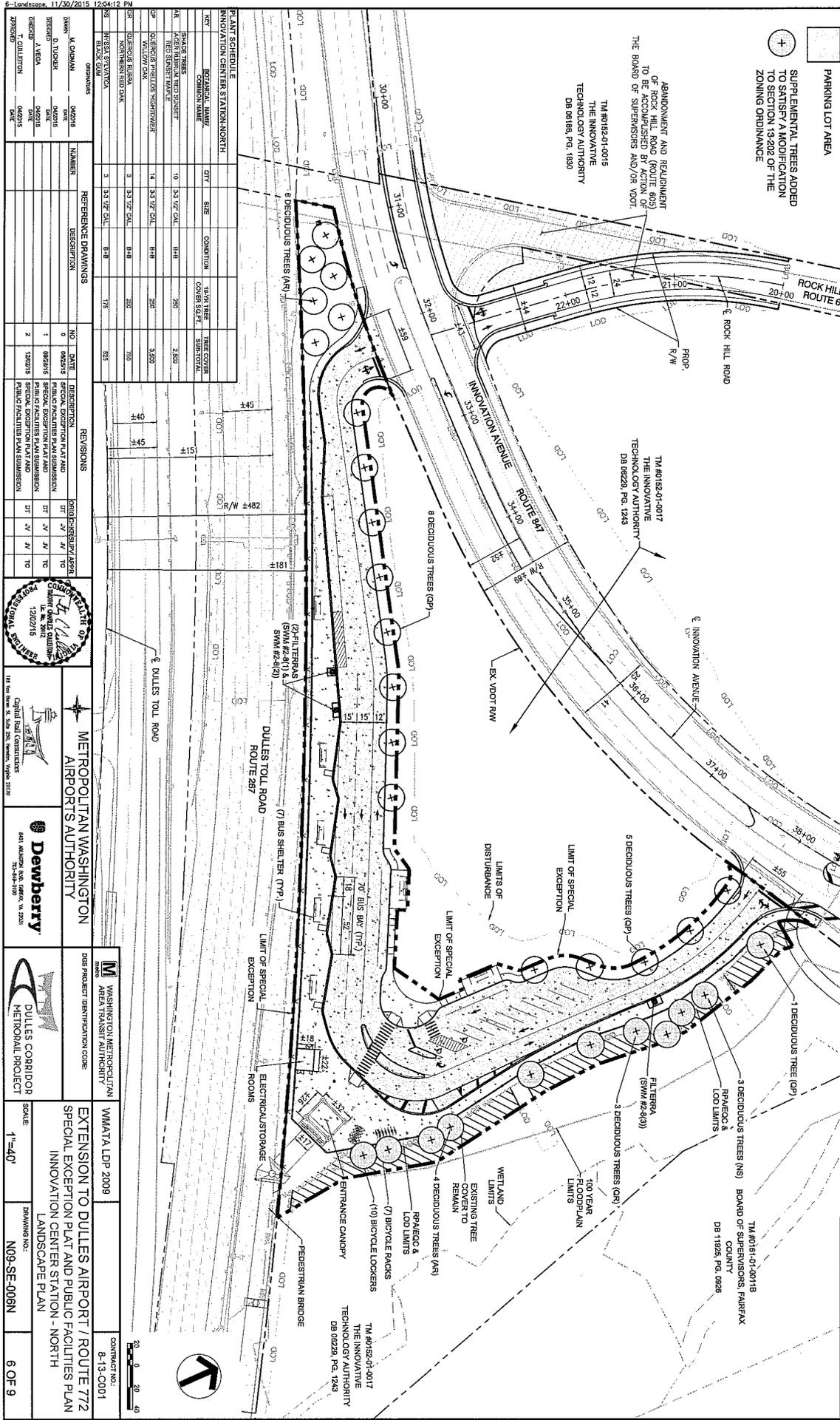
LEGEND

- EXISTING TREE COVER TO REMAIN
- PARKING LOT AREA
- SUPPLEMENTAL TREES ADDED TO SATISFY A MODIFICATION TO SECTION 13.202 OF THE ZONING ORDINANCE

INTERIOR PARKING LOT LANDSCAPING TABULATION

PARKING LOT AREA: 49,997 SF
 5% PARKING LOT LANDSC. RECD: 2,500 SF
 SUPPLEMENTAL TREES PROVIDED: 2,525 SF

DIRECTION	ZONING	USE REQUIRED?
NORTH	I-4	VACANT
EAST	I-4	VACANT/RRA
SOUTH	---	HIGHWAY
WEST	I-4	ROAD R-C-4f



TO LIST SCHEDULE INNOVATION CENTER STATION NORTH

NO.	DESCRIPTION	DATE	BY	TO
0	INITIAL PLAN SUBMISSION	08/20/15	JV	JV
1	PUBLIC FACILITIES PLAN SUBMISSION	09/04/15	JV	JV
2	SPECIAL EXCEPTION PLAN SUBMISSION	12/02/15	JV	JV

REVISIONS

NO.	DESCRIPTION	DATE	BY	TO
0	INITIAL PLAN SUBMISSION	08/20/15	JV	JV
1	PUBLIC FACILITIES PLAN SUBMISSION	09/04/15	JV	JV
2	SPECIAL EXCEPTION PLAN SUBMISSION	12/02/15	JV	JV

DESIGNER

NO.	DESCRIPTION	DATE	BY	TO
0	INITIAL PLAN SUBMISSION	08/20/15	JV	JV
1	PUBLIC FACILITIES PLAN SUBMISSION	09/04/15	JV	JV
2	SPECIAL EXCEPTION PLAN SUBMISSION	12/02/15	JV	JV



METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

Dewberry

DULLES CORRIDOR METROPOLITAN PROJECT

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
 WMA TA LDP 2008
 EXTENSION TO DULLES AIRPORT / ROUTE 772
 SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN
 INNOVATION CENTER STATION - NORTH
 LANDSCAPE PLAN
 SCALE: 1"=40'
 DRAWING NO.: N09-SE-006N
 6 OF 9

LESS THAN
 PEDESTRIAN PATH &
 SIDEWALK

ABANDONMENT AND REALIGNMENT
 OF ROCK HILL ROAD (ROUTE 605)
 TO BE COMPLETED BY ACTION OF
 THE BOARD OF SUPERVISORS AND/OR VDOT.
 TM #0152-01-0015
 THE INNOVATIVE
 TECHNOLOGY AUTHORITY
 DB 08188, PG. 1830

TM #0159-01-0017
 THE INNOVATIVE
 TECHNOLOGY AUTHORITY
 DB 08228, PG. 1243

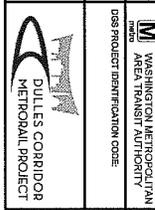
TM #0161-01-00118
 BOARD OF SUPERVISORS, FAIRFAX
 COUNTY
 DB 11925, PG. 0926

TM #0152-01-0017
 THE INNOVATIVE
 TECHNOLOGY AUTHORITY
 DB 08228, PG. 1243

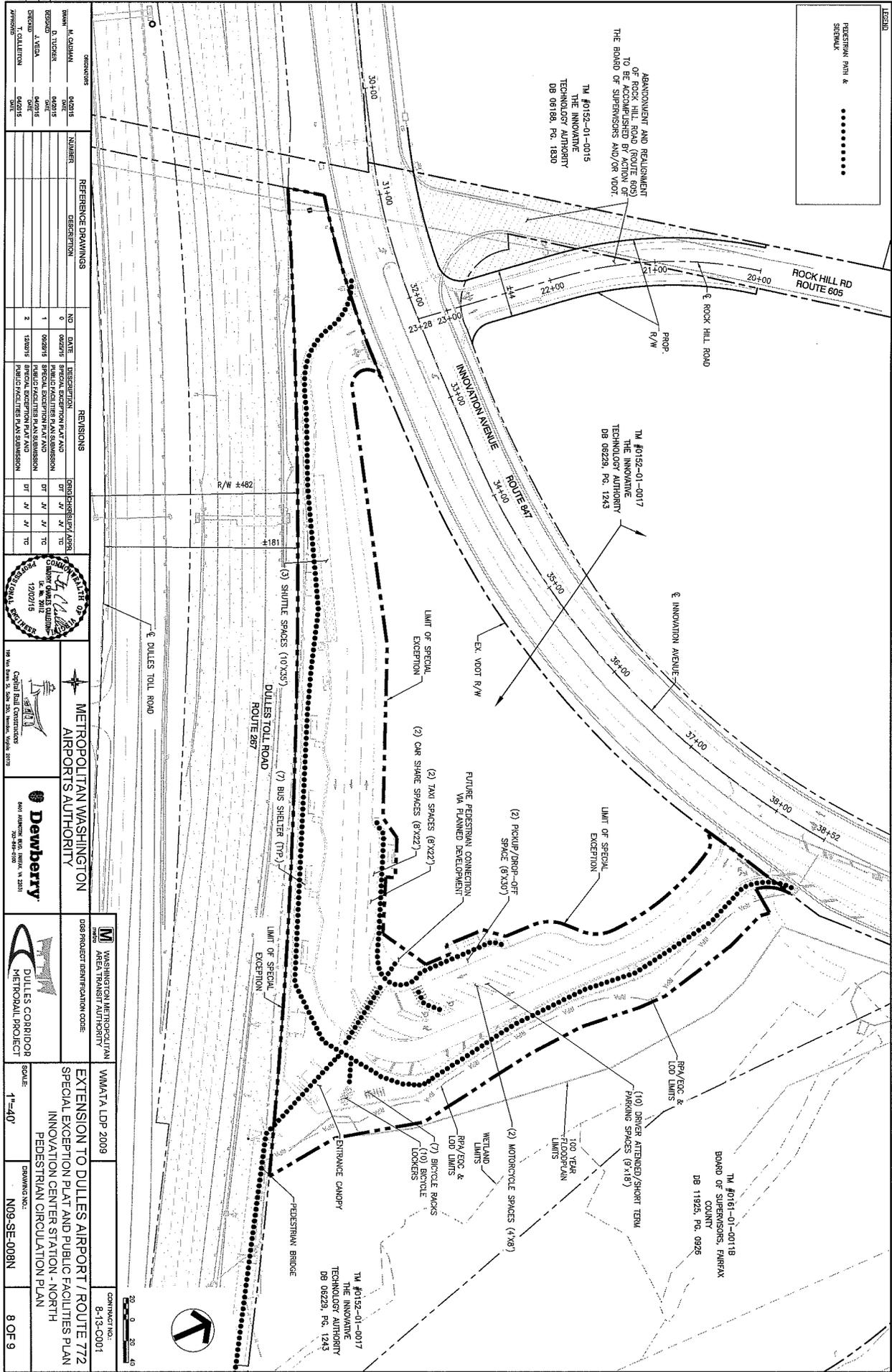
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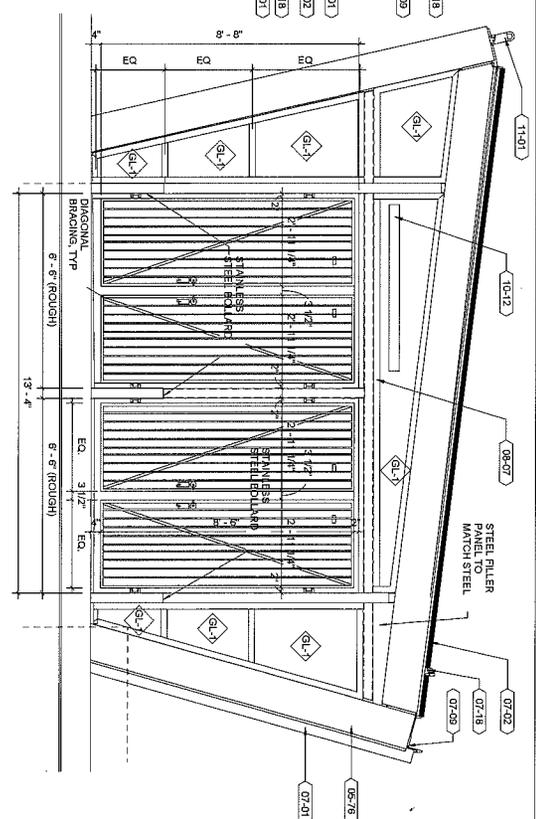
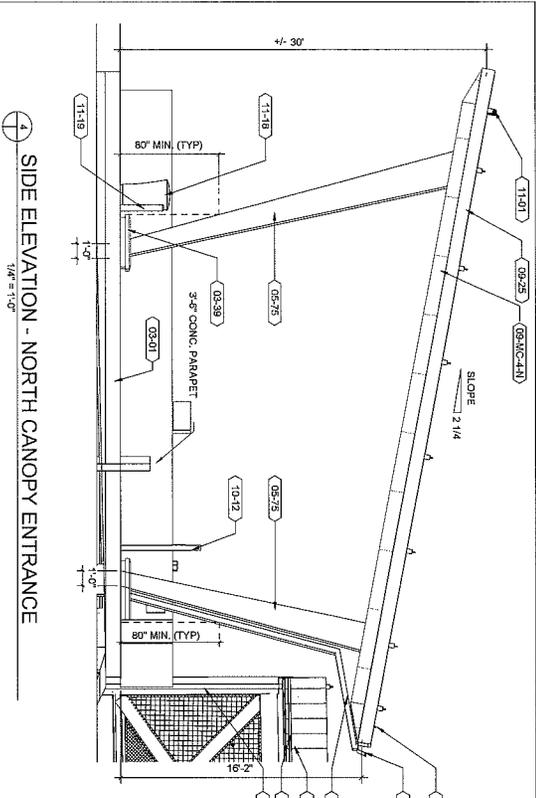
DESIGNER	DATE	REVISIONS
M. GAYMAN	02/11/15	0
D. TUCKER	02/11/15	1
J. VERA	02/11/15	2
J. WILSON	02/11/15	

NO.	DATE	DESCRIPTION	DESIGNED BY	CHECKED BY	DATE
0	02/11/15	INITIAL DESIGN PLAN SUBMISSION	DT	JV	JV
1	02/26/15	PUBLIC FACILITIES PLAN SUBMISSION	DT	JV	JV
2	12/29/15	SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN SUBMISSION	DT	JV	JV

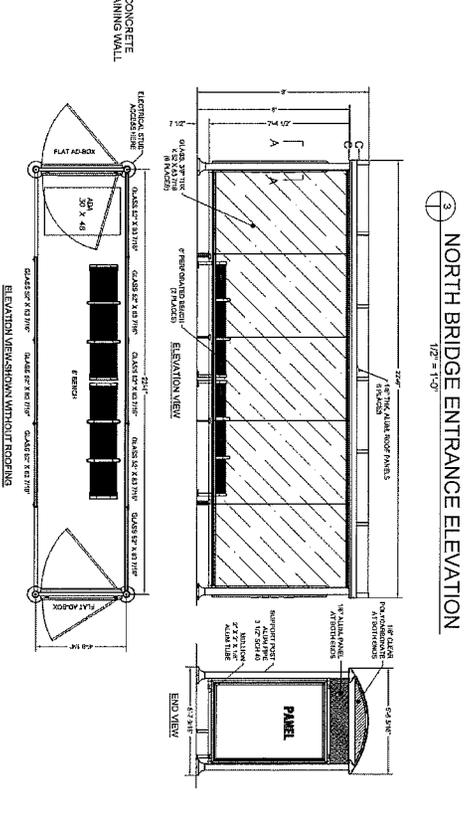
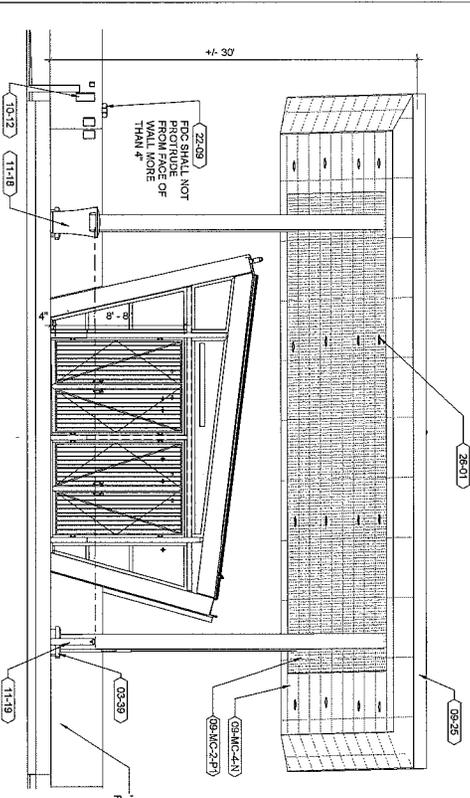


WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY	WMATA LDP 2009	CONTRACT NO. 6-13-C001
USE PRODUCT IDENTIFICATION CODE:	EXTENSION TO DULLES AIRPORT / ROUTE 772	
	SPECIAL EXCEPTION PLAN AND PUBLIC FACILITIES PLAN	
	INNOVATION CENTER STATION - NORTH	
	PEDESTRIAN CIRCULATION PLAN	
SCALE: 1"=40'	DRAWING NO.: N09-SE-008N	8 OF 9





REVISIONS	DATE	BY	DESCRIPTION
1	04/01/19	MS	ISSUED FOR PERMIT
2	04/01/19	MS	REVISIONS



REVISIONS	DATE	BY	DESCRIPTION
1	04/01/19	MS	ISSUED FOR PERMIT
2	04/01/19	MS	REVISIONS

REVISIONS	DATE	BY	DESCRIPTION
1	04/01/19	MS	ISSUED FOR PERMIT
2	04/01/19	MS	REVISIONS

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY
 DULLES CORRIDOR METRO PROJECT
 WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
 WMATA LDP 2009
 SPECIAL EXCEPTION PLAT & PUBLIC FACILITY PLAN INNOVATION CENTER STATION - NORTH CANOPY ENTRANCE & BUS SHELTER ELEVATIONS
 SCALE: As Indicated
 DRAWING NO: N09-SE-009N
 CONTRACT NO: 8-13-C001
 9 OF 9

ATTACHMENT B

Clark, Harvey

From: O'connell, Sandra
Sent: Tuesday, October 06, 2015 11:43 AM
To: Clark, Harvey
Cc: Hushour, Andrew
Subject: 2232-D15-14; MWAA & VDR&PT for WMATA and FCBoFS; 2205 Rock Hill Road

2232-D15-14

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

2205 Rock Hill Road

Tax Map Reference: TM 15-2 ((1)) 17

Zoning District: I-4

Comments: The proposed application is for a public use which is a permitted use in the I-4 Zoning District.

ZED: RZ 93-D-037

Prepared by:

Sandra O'Connell, LS, CFM

Senior Coordination Planner

Zoning Administration Division

Fairfax County Dept. of Planning & Zoning

12055 Government Center Parkway, Suite 807

Fairfax, VA 22035

(703) 324-1314

<http://www.fairfaxcounty.gov/dpz/>

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: December 17, 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-028

SUBJECT: SE 2015-DR-028
Dulles Rail, Phase II, Innovation Station North facility
Tax Map: 15-2 ((1)) 17 (part)

This department has reviewed the subject application and plans, dated September 28, 2015, and revised through December 2, 2015. The application seeks approval for a kiss-and-ride facility and entrance to the Innovation Center Metrorail Station to be located on privately owned property.

The applicant and County staff have collaborated prior to the submittal of this special exception request on various issues related to the location and design of the north entrance of the Innovation Center Station. The most recent version of the *Innovation Center North Station Traffic Analysis* is dated July 20, 2015, and was reviewed by MWAA and Fairfax County staff after its submission.

Staff reviewed the traffic analysis as part of this special exception request and noted that traffic volumes at the Innovation Center North Station entrances appear to be low. The applicant responded that current traffic forecasts indicate the Herndon Monroe Metrorail Station will attract more vehicular trips and that Innovation Center North will not be served by WMATA buses. Therefore this will result in lower vehicular volumes than other stations. Staff notes that future traffic could be affected by the shifting of future trip patterns to Metrorail stations and that volumes at the Innovation Center North station have the potential to increase after the opening of all Phase II Silver Line Metrorail stations, as vehicle trips from both Loudoun and Fairfax Counties distribute among stations.

Staff also notes that the land use adjacent to the Innovation Center North Station has the potential to change significantly in the future, given the approved Dulles World Center and Waterside developments in Loudoun County. The applicant states that the future realignment of Innovation Avenue will be in place with the construction of Dulles World Center, as shown on the attached map. With this construction, traffic on the current alignment of Innovation

Barbara Berlin, Director
December 17, 2015
Page 2 of 2

Avenue serving the proposed entrance will likely decline. Therefore, we do not expect a long-term adverse traffic impact on the proposed entrance.

In addition, the applicant has resolved staff's concerns regarding the existing left-turn taper at the median break at the northern site entrance.

MAD/VLH

Attachment: a/s

cc: Billy O'Donnell/DPZ



DULLES WORLD CENTER
 EXHIBIT F - TRANSPORTATION IMPROVEMENTS 12-03-10

- (A1) - REALIGNED INNOVATION AVE. TO FAIRFAX COUNTY LINE
- (A2) - REALIGNED INNOVATION AVE. FAIRFAX COUNTY LINE TO ROCK HILL RD.
- (A3) - REALIGNED INNOVATION AVE. ROCK HILL RD. TO EXISTING INNOVATION AVE.
- (B) - RTE. 28 / INNOVATION AVE. INTERCHANGE
- (C) - DULLES TOLL RD. BRIDGE RIGHT-OF-WAY
- (D) - RTE. 606 CONNECTION / SHAW RD. EXTENSION
- (E) - RTE. 606 / SHAW RD. INTERSECTION
- (F1) - ROAD B EXTENSION 1/2 ROAD SECTION ON SITE
- (F2) - ROAD B EXTENSION 1/2 ROAD SECTION ON DWK FAIRFAX PARCEL
- (F3) - ROAD B EXTENSION 1/2 ROAD SECTION ON ADJACENT PROPERTY

*THE PURPOSE OF THIS EXHIBIT IS TO DEPICT THE GENERAL LOCATION OF ROAD IMPROVEMENTS REFERENCED IN THE PROFFER STATEMENT FOR ZMAP 2008-0010. WHERE THE TEXT IN THE PROFFERS DIFFER FROM THIS EXHIBIT, THE TEXT SHALL GOVERN. THE FINAL ALIGNMENT AND WIDTH OF ALL ROADS SHALL BE DETERMINED IN ACCORDANCE WITH THE PROFFERS AND SUBJECT TO THE APPROVAL OF LOUDOUN COUNTY, FAIRFAX COUNTY, THE TOWN OF HERNDON, VDOT, AND/OR AFFECTED PROPERTY OWNERS, AS APPLICABLE.



County of Fairfax, Virginia

MEMORANDUM

DATE: December 15, 2015

TO: Mr. William J. O'Donnell Jr. AICP, Planner II
Department of Planning and Zoning

FROM: Samantha Wangsgard, Urban Forester II
Forest Conservation Branch, DPWES

SUBJECT: Innovation Center Station-North; SE 2015-DR-028

The following comments are based on a review of the Application for a Special Permit, SE 2015-DR-028, date stamped "Received, Department of Planning and Zoning, September 8, 2015" and the associated Statement of Justification and Special Exception Plat date stamped "Received, Department of Planning and Zoning" October 8 and October 9, 2015, respectively. A site visit was conducted on November 3, 2015.

1. Comment: Based on the information provided in Tables 12.3 and 12.10 it appears that there is a request to deviate from the Tree Preservation Target as part of this application. Deviations in whole or part from the site's Tree Preservation Target may be requested based on one or more conditions as identified in PFM 12-0508.3A(1)-(3). It is unclear which of these conditions the applicant is making their request under.

Recommendation: The UFMD does not object to this request, however a reference to the specific condition(s) for requesting a deviation from the tree preservation target, as identified in PFM 12-0508.3A(1)-(3), should be provided on Sheet 2.

6. Comment: The transitional screening table that has been provided on sheet 6 does not appear to accurately reflect the adjacent uses. It appears that the site is bounded by I-4 (Use: Vacant) to the north and west, PDH-20 (Use: Vacant) to the east, PRM (Use: Vacant) and PDC (Use: Mixed-use/high rise) to the south, which may require transitional screening from the subject property.

Recommendation: The table on sheet 6 should be revised and a modification of transitional screening and barriers to permit the proposed landscaping and existing vegetation as shown on the Special Exception should be requested, as discussed during our meeting on December 16, 2015.

SW/

UFMDID #: 205041

cc: DPZ File

Department of Public Works and Environmental Services
Urban Forest Management Division
12055 Government Center Parkway, Suite 518
Fairfax, Virginia 22035-5503
Phone 703-324-1770, TTY: 711, Fax: 703-653-9550
www.fairfaxcounty.gov/dpwes





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: November 20, 2015

SUBJECT: SE 2015-DR-028, Innovation Center Station – North
Tax Map Number: 15-2 ((1)) 17Apt.

The Park Authority staff has reviewed the above referenced plan. Based on that review, staff has determined that this application bears no adverse impact on the land, resources, facilities or service levels of the Park Authority.

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

Barbara Berlin
SE 2015-DR-016, Innovation Center Station – South
Page 2

P:\Park Planning\Development Plan Review\DPZ Applications\SE\SE 2015\SE 2015-DR-028\SE 2015-DR-028.docx

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		