



APPLICATION ACCEPTED: October 31, 2008  
PLANNING COMMISSION: January 28, 2009  
BOARD OF SUPERVISORS: Not Yet Scheduled

# County of Fairfax, Virginia

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January 14, 2009

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

### SPECIAL EXCEPTION APPLICATION SE 2008-MD-034 CONCURRENT WITH 2232-MD08-013

#### PROVIDENCE AND HUNTER MILL DISTRICTS

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

**ZONING:** C-7, SC, HC

**PARCEL(S):** 29-3 ((1)) 2C1 part  
29-3 ((1)) 53 part  
29-3 ((1)) 53A part

**ACREAGE:** 1.91 acres

**FAR:** .57

**OPEN SPACE:** 40%

**PLAN MAP:** Retail

**SE CATEGORY:** Category 4 Special Exception for an electrically-powered regional rail transit facility.

**PROPOSAL:** Applicant proposes to establish a new Metrorail facility (Tysons West) including the station with platform, pedestrian bridges, bus bays and associated components.

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Peter Braham/Suzanne Lin

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



## **STAFF RECOMMENDATIONS:**

Staff recommends that the Planning Commission find that the facility proposed under 2232-MD08-013 does satisfy the criteria of location, character and extent as specified in Sect. 15.2-2232 of the Code of Virginia, and is substantially in accord with the provisions of the Comprehensive Plan.

Staff further recommends approval of SE 2008-MD-034 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a waiver of the transitional screening and barrier requirements in favor of that shown on the SE Plat.

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

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

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

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

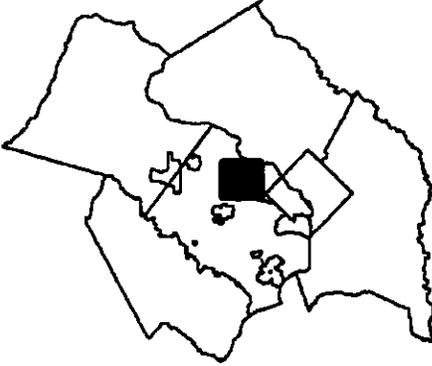
*N:\SE\Tysons Metro Stations\Tysons West\Tysons West Cover.doc*



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

# Special Exception

SE 2008-MD-034



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

**Accepted:** 10/31/2008

**Proposed:** TO PERMIT AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY AND ASSOCIATED COMPONENTS

**Area:** 1.91 AC OF LAND; DISTRICT - HUNTER MILL

**Zoning Dist Sect:** 04-0704 9-401

**Art 9 Group and Use:** 4-B

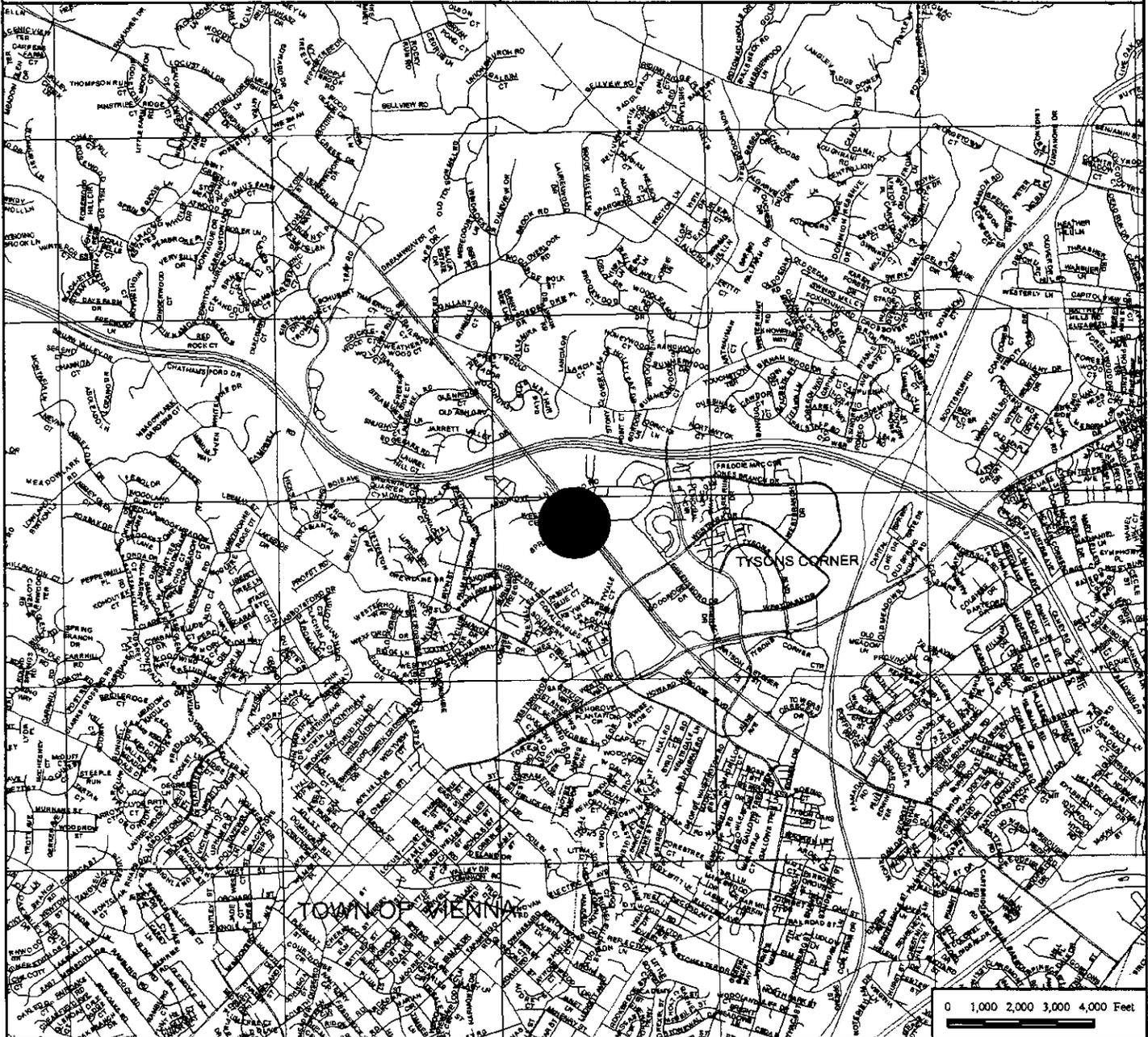
**Located:** 8536, 8548 LEEBSBURG PIKE AND 1580 SPRING HILL ROAD

**Zoning:** C-7

**Plan Area:** 2,

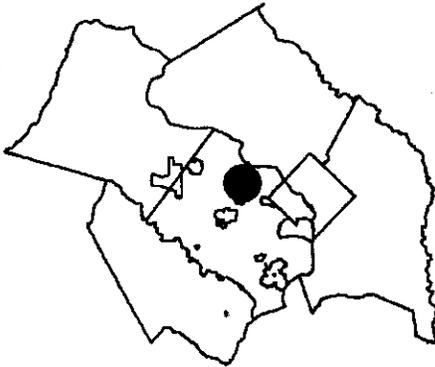
**Overlay Dist:** SC HC

**Map Ref Num:** 029-3- /01/ /0002C1 pt. /01/ /0053 pt. /01/ /0053A pt.



# Special Exception

SE 2008-MD-034



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

**Accepted:** 10/31/2008

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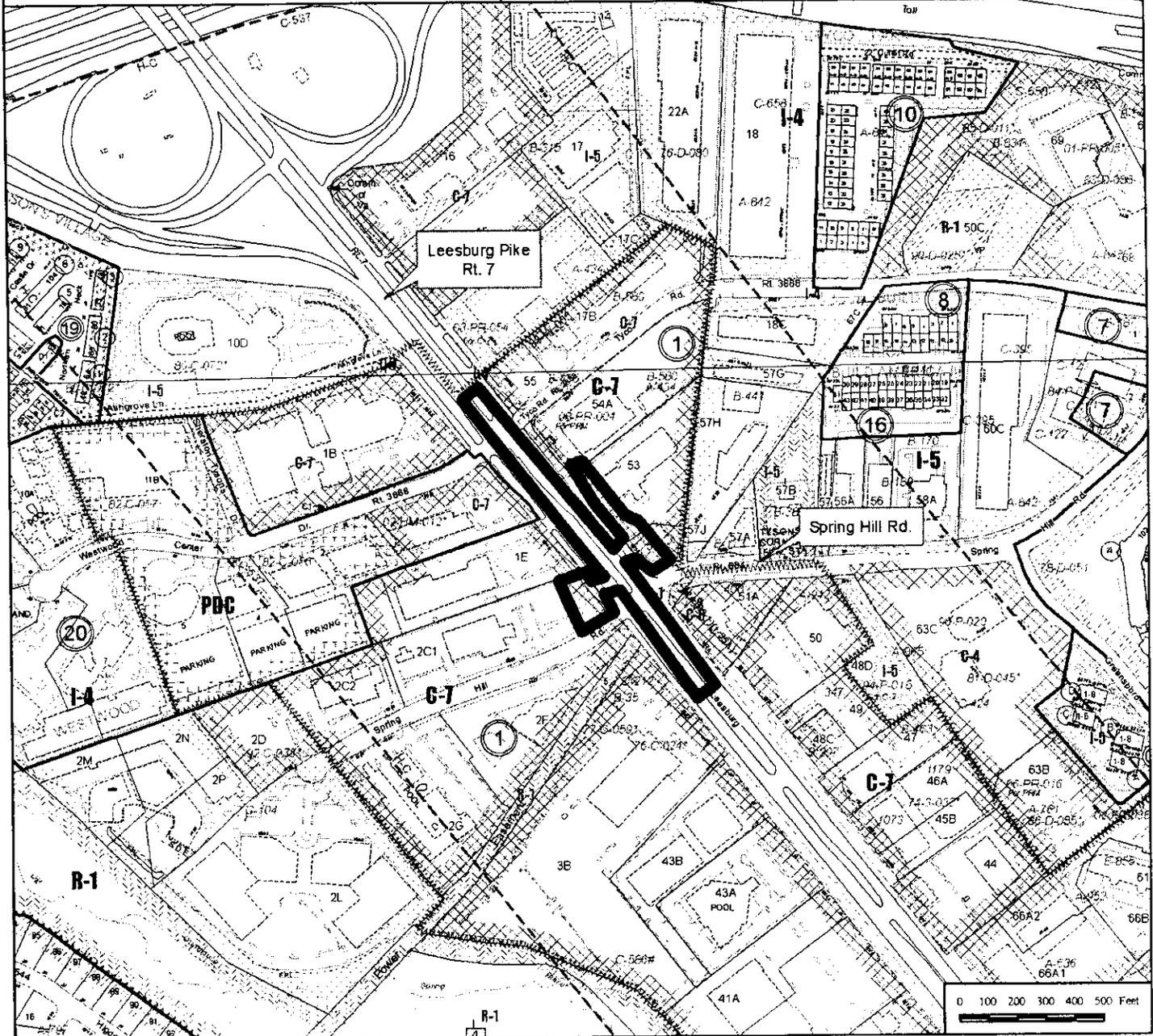
**Located:** 8536, 8548 LEESBURG PIKE AND 1580  
SPRING HILL ROAD

**Zoning:** C-7

**Plan Area:** 2,

**Overlay Dist:** SC HC

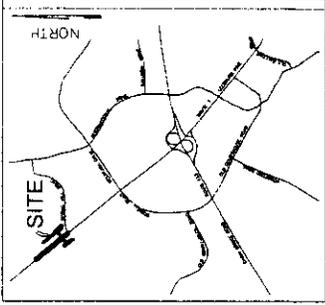
**Map Ref Num:** 029-3-/01/ /0002C1 pt. /01/ /0053 pt.  
/01/ /0053A pt.



# TYSONS WEST STATION DULLES CORRIDOR METRORAIL PROJECT

Providence District and Hunter Mill District      Fairfax County, Virginia

## Special Exception Plat and 2232 Plan



VICINITY MAP  
SCALE: 1" = 2,000'

**Applicant:**  
Metropolitan Washington Airports Authority  
in coordination with the  
Virginia Department of Rail and Public Transportation  
on behalf of the Washington Metropolitan Area Transit Authority  
1595 Spring Hill Road, Suite 600  
Vienna, VA 22182

- Sheet Index**
- 1 COVER SHEET
  - 2 SPECIAL EXCEPTION PLAT
  - 3 LANDSCAPE PLAN AND SIGN PLAN
  - 4 TRAFFIC SIGNALS, TRAFFIC LIGHTS & TABULATION
  - 5 STATION PLAN VIEW DETAILS
  - 6 NORTH ENTRANCE PAVILION AND PEDESTRIAN BRIDGE DETAILS
  - 7 SOUTH ENTRANCE PAVILION AND PEDESTRIAN BRIDGE DETAILS
  - 8 ELEVATIONS AND SECTIONS

Tyson's West Station  
Dulles Corridor Metrorail Project  
Special Exception Plat  
and 2232 Plan



Dewberry & Davis, LLC  
1000 North 17th Street  
Falls Church, VA 22046  
Tel: 703.261.1200  
Fax: 703.261.1201



Virginia Department of Rail and Public Transportation



Rev. October 1, 2008  
Rev. June 4, 2008  
February 14, 2008

M-10696



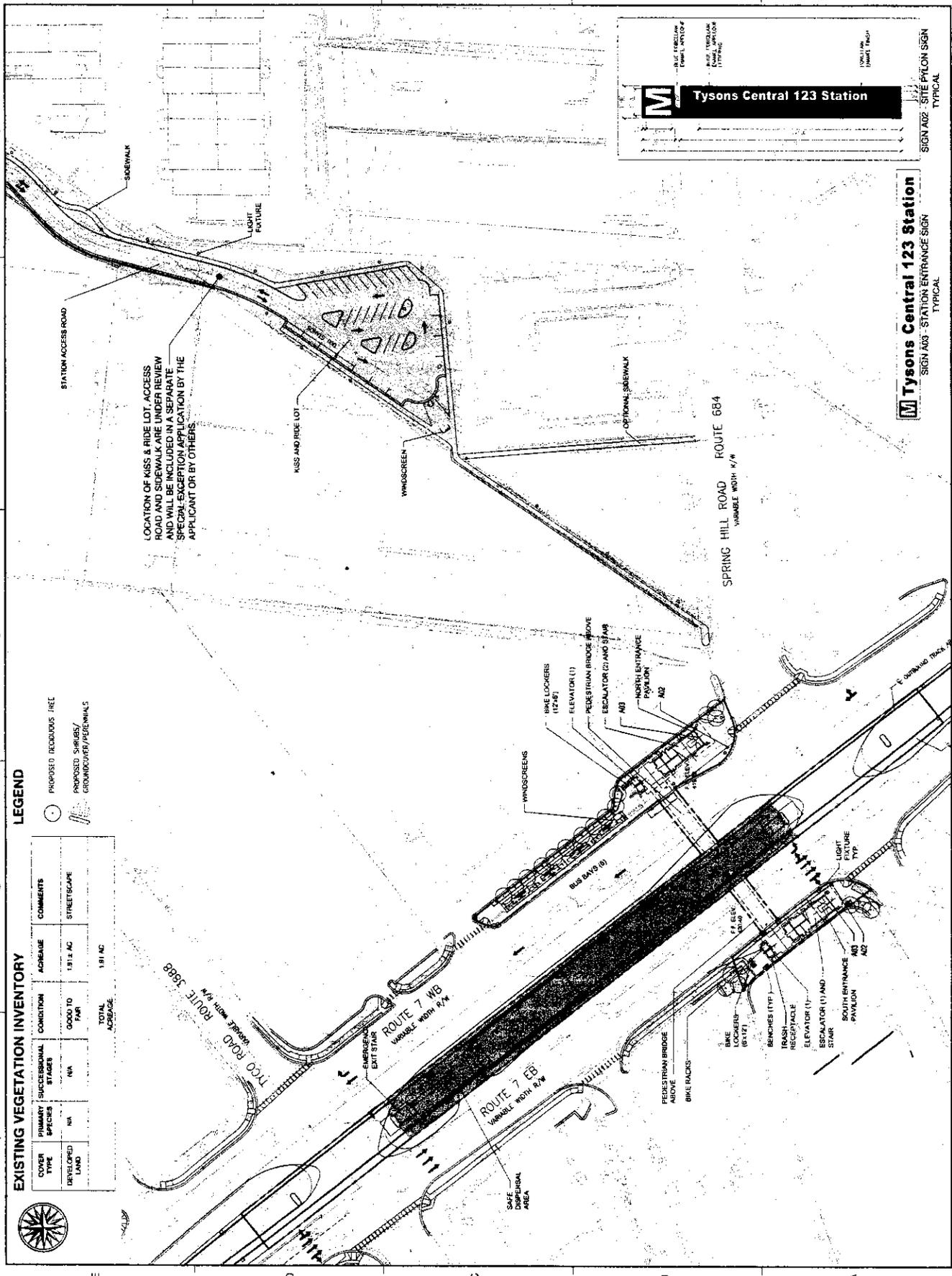


8/17 PLAN



NO.	DATE	BY	DESCRIPTION
1	10.01.08	JAC	PRELIMINARY
2	06.04.09	JAC	REVISIONS

DESIGNED BY: JAC  
 APPROVED BY: JAC  
 CHECKED BY: JAC  
 DATE: February 13, 2009  
 TITLE: Landscape Plan, Sign Plan & Existing Vegetation Map  
 PROJECT NO.:  
 Tysons West Station  
 Dulles Corridor Metrorail Project  
 Landscape Plan, Sign Plan & Existing Vegetation Map



LOCATION OF KISS & RIDE LOT, ACCESS ROAD AND SIDEWALK ARE UNDER REVIEW AND WILL BE INCLUDED IN A SEPARATE SPECIAL-EXCEPTION APPLICATION BY THE APPLICANT OR BY OTHERS.

**LEGEND**

- PROPOSED DECIDUOUS TREES
- PROPOSED SHRUBS/GRASS/PERENNIALS

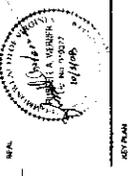
**EXISTING VEGETATION INVENTORY**

COVER TYPE	PRIMARY SUCCESSIONAL SPECIES	CONDITION	ACREAGE	COMMENTS
DEVELOPED LAND	NA	GOOD TO POOR	1.91 ± AC	STREETSCAPE
TOTAL			1.91 AC	

**M Tysons Central 123 Station**  
 SIGN A03 - STATION ENTRANCE SIGN  
 TYPICAL

**M Tysons Central 123 Station**  
 SIGN A02 - SITE PYLON SIGN  
 TYPICAL





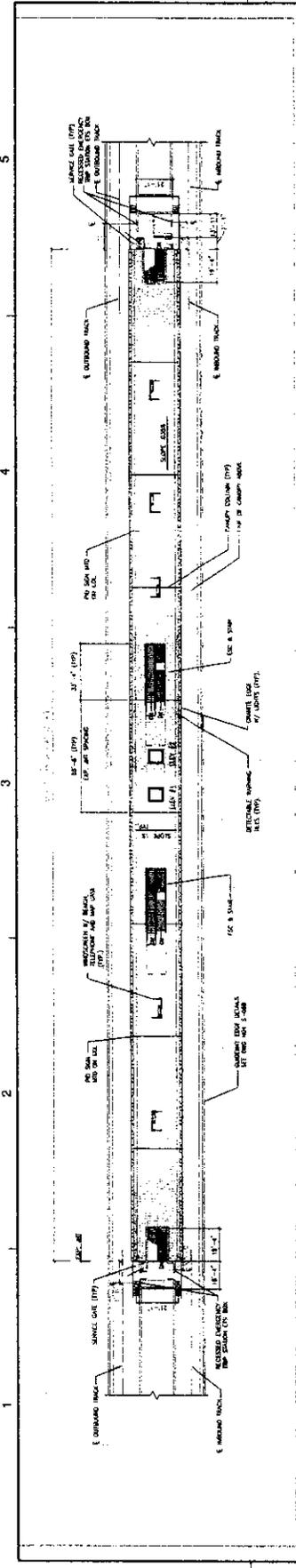
NO.	DATE	BY	DESCRIPTION
1	02/15/08	JMC	Issue for Review
2	02/15/08	JMC	Final

Drawn by: JMC  
 Checked by: LJM  
 Date: February 15, 2008

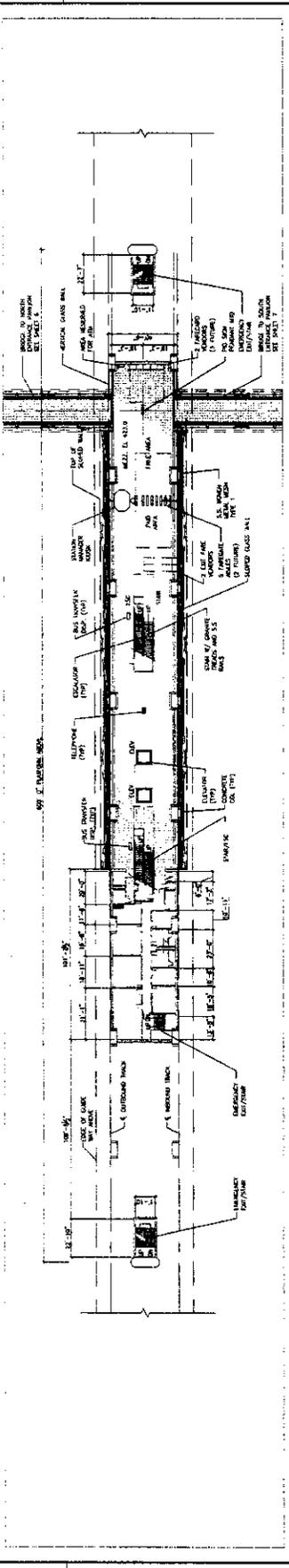
Tyson's West Station  
 Dulles Corridor Metrorail Project  
 Station Plan View Details

PROJECT NO.  
 SHEET NO. 5  
 M.10096

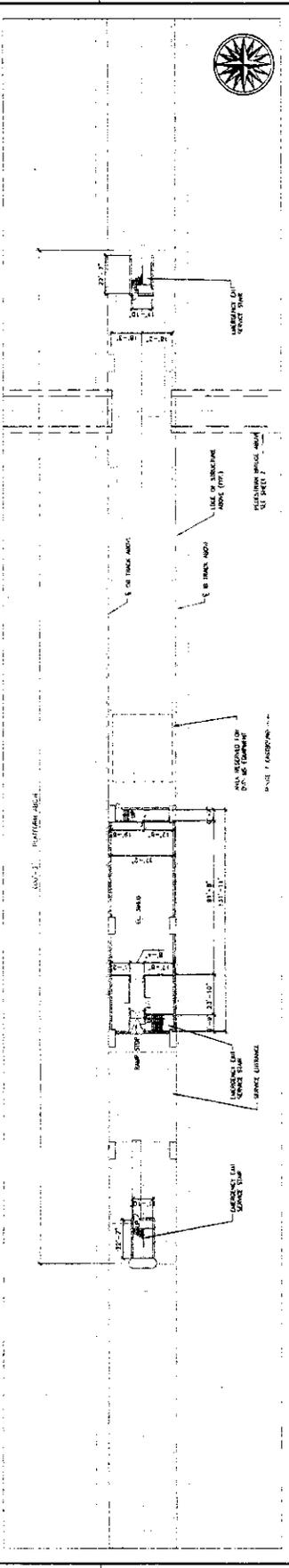
5



PLAN VIEW - PLATFORM LEVEL



PLAN VIEW - MEZZANINE LEVEL



PLAN VIEW - GROUND LEVEL





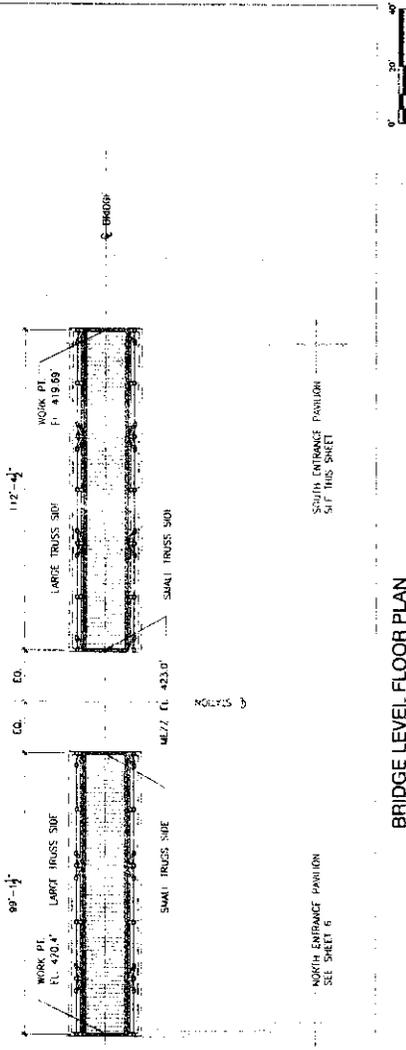


SCALE

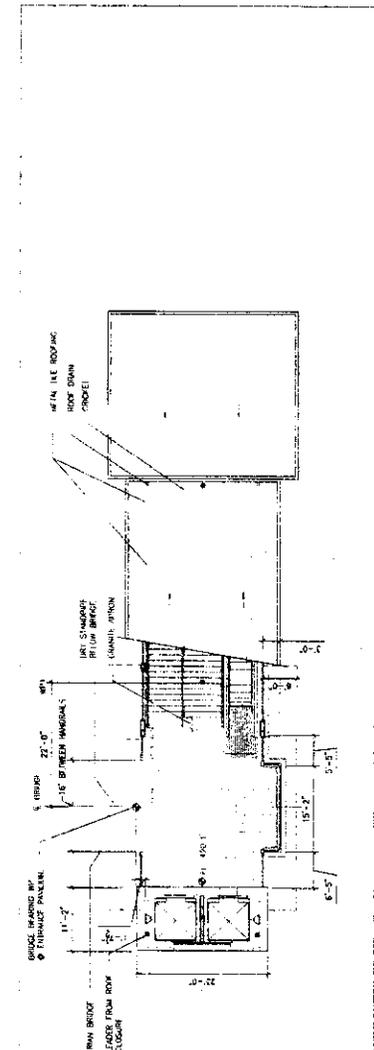
DATE

2	11/01/09 JAC	DESIGNED BY	JAC
1	08/05/09 JAC	CHECKED BY	LAV
1	07/01/09 JAC	DATE	FEB-09 15, 2008
PROJECT NO.		M-10847	

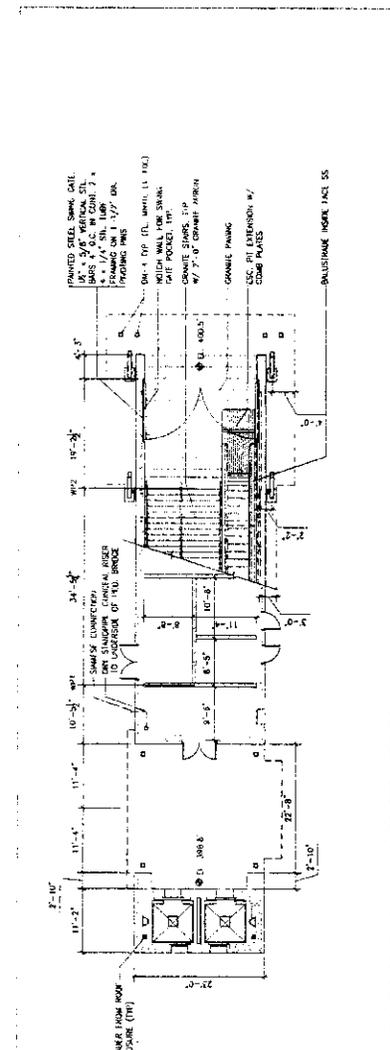
**Tyson's West Station**  
 Dulles Corridor Metrorail Project  
 South Entrance Pavilion and  
 Pedestrian Bridge Details  
 PROJECT NO.



**BRIDGE LEVEL FLOOR PLAN**



**SOUTH ENTRANCE PAVILION - BRIDGE LEVEL**



**SOUTH ENTRANCE PAVILION - GROUND LEVEL**



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

**DESCRIPTION OF THE APPLICATION**

The applicant, Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation, seeks a Category 4 Special Exception for an electrically powered regional transit facility for the proposed Tysons West Metrorail Station. The proposed electrically powered regional rail transit facility will be the westernmost station in Tysons Corner in the Dulles Corridor Metrorail Project Silver Line which, as currently designed, proposes to extend the Metrorail system past the Dulles International Airport to a terminus in Loudoun County.

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

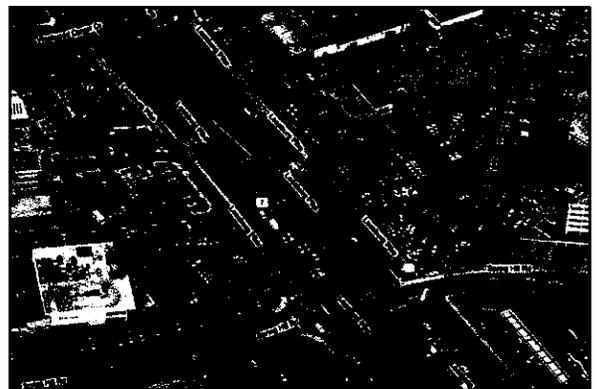
The hours of the station will follow Washington Metropolitan Area Transit Authority (WMATA) schedules, currently operating from 5:00 am to midnight on weekdays and 7:00 am to 3:00 am on weekends. The Dulles Corridor Metrorail extension ridership is projected to be 59,000 by 2013, including 4,000 daily boardings at this station. There will be one employee assigned full time to the station per shift, with additional employees as needed for maintenance, security and operations assistance.

As discussed at length below, the proposed station is destined to be accessed primarily by pedestrians and bus riders. As such, the station is composed of the station and platform in the right of way of Leesburg Pike (Route 7) with elevated pedestrian bridges over Route 7 with the station entrances on the north and south sides of Route 7.

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

**LOCATION AND CHARACTER**

Tysons West is located along Leesburg Pike (Route 7) just west of the intersection of Leesburg Pike and Springhill Road and approximately ½ a mile from the interchange with the Dulles Airport Access Road (DAAR). The land areas to be developed total 1.91 acres and is zoned C-7, in both the Highway Corridor (HC) and Sign Corridor (SC) overlay districts. Existing landscaping within and adjacent to the project boundaries includes oak and maple species which were planted as part of the



Route 7 streetscape. The existing vegetation is not proposed to be preserved, however, new landscaping is proposed at this station.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan</b>
<b>North</b>	Car dealership (Cherner)	C-7	Retail and Other
<b>South</b>	Car dealership (Tysons Honda, Rosenthal Jaguar/Land Rover)	C-7	Retail and Other
<b>East</b>	Office/Gas Station	R-1, C-6	Office
<b>West</b>	Car dealerships (Eastern Motors & HBL)	C-7	Retail and Other

## **BACKGROUND**

### **Site History:**

*Please refer to Part I of this package of staff reports for details regarding the development of the project to extend Metrorail in Phase I. Part I provides the regulatory framework as agreed to by Fairfax County and the Commonwealth of Virginia.*

The site under consideration straddles Leesburg Pike (Route 7) in the area to the west of the intersection of Leesburg Pike and Spring Hill Road. The land use history for this site mainly consists of applications for uses associated with vehicle sale, rental and ancillary service establishments.

On the southern side of Leesburg Pike, Tax Map Parcel 29-3 (1) 002C was rezoned to the C-D and I-P Districts in 1973 prior to the proffer system. The C-D and I-P Districts were converted to the C-7 and I-4 Districts upon adoption of the current Zoning Ordinance in 1978. The site is currently developed as a Honda/Jaguar/Land Rover dealership.

On March 5, 1979, the Board of Supervisors (BOS) approved SE 79-C-007 to permit a Vehicle Sales, Rental and Ancillary Service Establishment on 5.8 acres of land zoned C-7. A total of 44,810 square feet (SF) of gross floor area (GFA), which included two new car showrooms/service areas and one used car office, and approximately 450 storage/display spaces for new and used cars was approved on the site.

On February 22, 1988, the BOS approved SEA 79-C-007 to permit a 9,256 SF expansion of the showroom, service and office areas. This approval has expired.

On May 17, 1993 the Board of Supervisors (BOS) approved RZ 92-H-033 (concurrent with SEA 79-C-007-2) on Tax Map Parcels 29-3 ((1)) 002C and 002D, to rezone two acres of land from the I-4 to C-7 Zoning District to permit the expansion of an existing Vehicle Sale, Rental and Ancillary Service Establishment. The application included

the construction of 14,400 SF of showroom, office, and service areas and an increase in the car storage/display on the site by 303 spaces.

On March 27, 2000, the BOS approved SEA 79-C-007-3, again on Tax Map Parcels 29-3 ((1)) 002C and 002D, to permit a change in the applicant's name and site modifications to include a building addition with an expanded showroom, a raised parking deck, a new at-grade display plaza and redesigned service drive. The approval included a development condition that stated:

*One-hundred and ten (110) feet of right-of-way from the centerline of Route 7 is shown on the Special Exception Amendment Plat along the property frontage...Upon demand by Fairfax County and after such time as a project for widening Route 7 has been endorsed by the Board and right-of-way acquisition for such projects has commenced, right-of-way not to exceed 126 feet from the center line of Route 7 shall be dedicated in fee simple to the Board....*

The property owner in that case was notified on January 16, 2008 of the requirement to dedicate the appropriate right of way to Fairfax County for the utility relocation, Route 7 reconstruction and construction of the Dulles Corridor Metrorail extension through Tysons Corner.

On the northern side of Leesburg Pike, Tax Map Parcels 29-3 ((1)) 53 and 53A are currently developed as a Lincoln/Mercury/Isuzu dealership. According to county records, the dealership was established on the site in 1971 as a by-right use.

On August 2, 1993, the Board of Supervisors (BOS) approved SE 93-P-010 to permit a 2,284 SF building addition to the Lincoln/Mercury/Isuzu dealership. The Board also waived the open space and interior parking lot landscaping requirements, modified the peripheral parking lot requirements and the tree cover requirements as part of the SE.

On January 22, 1996, the BOS approved SEA 93-P-010 to permit a 540 SF addition to the existing showroom. The BOS also approved a waiver of open space, waivers of interior and peripheral parking lot landscaping, and waiver of tree cover as part of the SEA.

On January 12, 1998, the BOS approved SEA 93-P-010-2 to permit an increase in land area and a building addition to the existing vehicle sales, rental and ancillary service establishments. The BOS also approved a waiver of open space and certain sign regulations as part of the SEA.

The most recent SEA approvals can be found at Appendix 4 of this report.

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

**Plan Area:** II  
**Planning District:** Tysons Corner Urban Center  
**Planning Sector:** Land Units B (B-1), I (I-1), & J (J-1)  
**Plan Text:**

Fairfax County Comprehensive Plan, Area II, 2007 Edition; Tysons Corner Urban Center, as amended through January 27, 2003, **LAND UNIT RECOMMENDATIONS, LAND UNIT B**, pages 86 – 88:

***“SUB-UNIT B-1 . . .***

*Option with Rail*

*If a rapid rail station site is selected and programmed for design and construction in proximity to this sub-unit, mixed-use development up to 1.5 FAR (for all nonresidential uses) is appropriate for the area within 1,000 feet of the station platform.”*

Fairfax County Comprehensive Plan, Area II, 2007 Edition; Tysons Corner Urban Center, as amended through January 27, 2003, **LAND UNIT RECOMMENDATIONS, LAND UNIT I**, pages 107 – 109:

***“SUB-UNIT I-1 . . .***

*Option with Rail*

*If a rapid rail station site is selected and programmed for design and construction in proximity to this sub-unit, mixed-use development with an intensity (for all nonresidential uses) up to 1.5 FAR is appropriate for the area within 1,000 feet of the station platform.”*

Fairfax County Comprehensive Plan, Area II, 2007 Edition; Tysons Corner Urban Center, as amended through January 27, 2003, **LAND UNIT RECOMMENDATIONS, LAND UNIT J**, pages 111 – 112:

***“SUB-UNIT J-1 . . .***

*Option with Rail*

*If a rapid rail station site is selected and programmed for design and construction in proximity to this sub-unit, mixed-use development with an intensity (for all nonresidential uses) up to 1.5 FAR is appropriate for the area within 1,000 feet of the station platform.”*

**ANALYSIS**

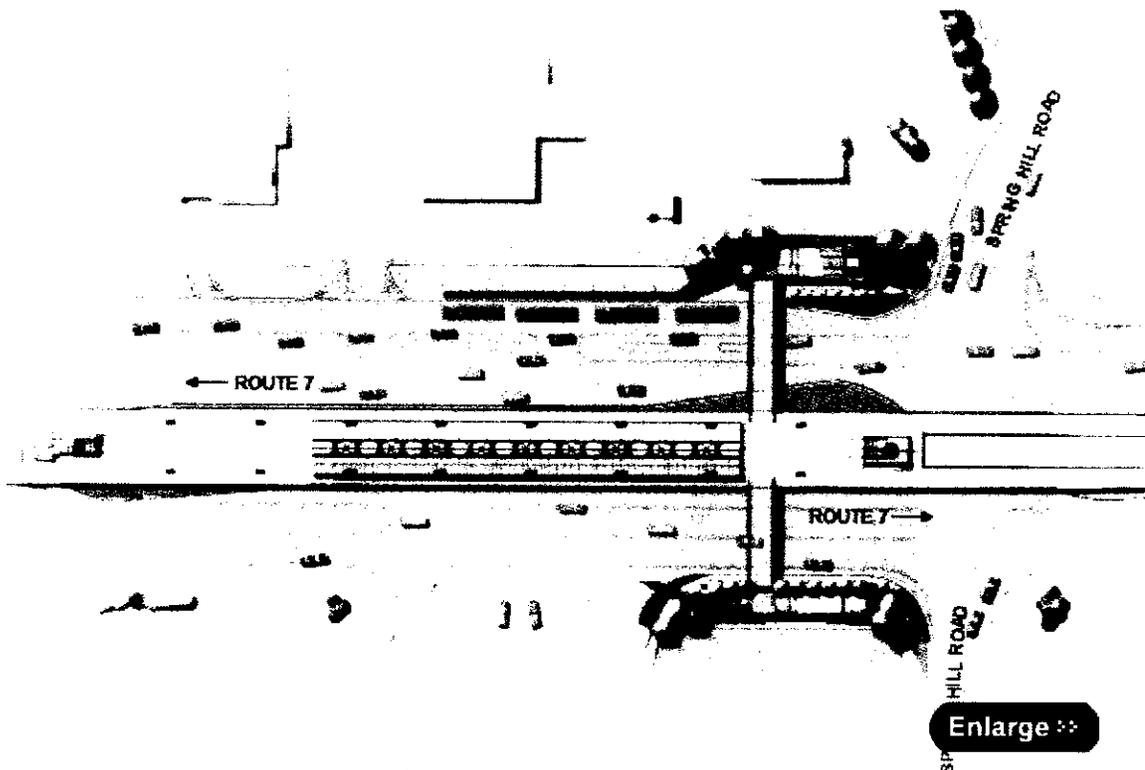
**Special Exception Plat** (Copy at front of staff report)

Title of SE Plat: Tysons West Station  
 Prepared By: Dewberry & Davis, LLC  
 Original and Revision Dates: February 20, 2008 as revised through October 1, 2008.

The Special Exception Plat consists of 8 sheets.

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

*Site and Station Layout:*



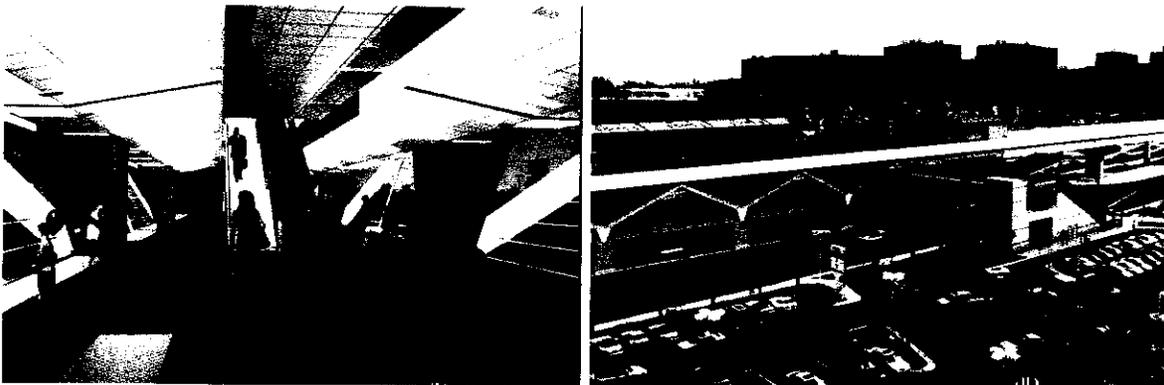
As illustrated above, the proposed Tysons West consists of the platform/mezzanine areas which are elevated and located in the right of way for Route 7 and the entrance pavilions which are located to the north and south of the right of way. Two elevated bridges connect the entrance pavilions to the main station platform areas.

Eventually, this station is planned to have a Kiss and Ride Facility, possibly behind existing Fire Station 29, however, this facility is not part of this application. The submission of a separate Special Exception application will be required at such time as the Kiss and Ride facility is proposed. As such, access at this time will be primarily pedestrian in nature, with bus stops on westbound Leesburg Pike near the intersection with Spring Hill Road.

#### *Station Layout:*

Users of this proposed station will access the main platform and mezzanine by going into the entrance pavilions at grade and traveling up the escalator, stairs or elevators. The pedestrian bridges will connect to the mezzanine level which will hold the fare card machines, information areas and customer service kiosk. Users will not be required to pay a fare to use the bridges to cross Route 7. The elevated platform will be at the top level, with an approximately 300 foot long canopy covering the platform and train doors. Transit system users will enter the mezzanine level and travel up to the train platform to board trains heading either east or west.

Staff recognizes that the installation of pedestrian bridges that connect to the station platform will improve pedestrian access to the station as the surrounding area redevelops in accordance with the rail-related recommendations of the Comprehensive Plan. In order to facilitate the incorporation of improved pedestrian opportunities in the future, a development condition has been proposed to allow for such proposals to be reviewed by staff from DPZ and approved administratively by the Planning Commission.



#### *Station Architecture:*

As described in the applicant's statement of justification, the station wall finishes will be textured pre-cast concrete panels with a vaulted roof over the platform level. The vaulted roof over the mezzanine will cover approximately 300 feet of length of the track platform. The pedestrian bridge will have a single-sloped roof approximately

24-feet in width. The pedestrian bridges, like others in Tysons Corner, will be 16-feet wide between handrails and will be enclosed with woven wire mesh panels.

*Parking and Access:*

As noted earlier in this report, there is no dedicated Metro parking or kiss and ride facilities proposed in proximity to the station. Access at this time will be primarily by pedestrians and through bus patrons. There will be bus bays provided on the north side of Route 7 associated with the station.

*Landscaping:*

As noted above, there are existing maple and oak trees on the subject site which were planted as part of the Leesburg Pike streetscape but the applicant and staff have determined that this existing vegetation is not of the quality that would warrant consideration for preservation. However, the applicant is proposing the addition of landscaping in the areas near the entrance pavilions.

*Stormwater Management*

Stormwater runoff in the station and pavilion areas will be routed into the roadway system. Discharge quantity and quality controls are being introduced in the median of Route 7 as a series of infiltration basins connected by an underdrain.

*Signage*

The applicant proposes pylon and station entrance signs typical to the entire Metrorail system as shown on Sheet 3 of the SE Plat.

*Noise Mitigation Features*

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

*National Historic Preservation Act (NHPA)*

The impact of known archeological resources and historic architectural resources was assessed as part of the Final Environmental Impact Report. Section 106 compliance was provided by a Memorandum of Agreement which is part of the project's Record of Decision. No adverse impacts were revealed at the Tysons Central 123 station.

**Land Use Analysis** (Please see 2232 report attached to Overview)

The application presents no land use issues. The staff report for the companion 2232 applications notes that all of the proposed stations associated with the Phase I extension of the rail to Dulles are in conformance with the Comprehensive Plan.

**Transportation Analysis (Appendix 5)**

There are no transportation issues associated with this application. As requested by FCDOT, the applicant has coordinated the location and type of bike lockers placed at this station with the Fairfax County Department of Transportation. In addition, please see the comments about the reconstruction of Route 7 in Part 1 of this report.

**Environmental Analysis (Appendix 6)***Landscaping*

Staff has proposed a series of development conditions relating to the development of a detailed landscape plan at a later date. The conditions specify that the landscape plans shall conform to the Public Facilities Manual and the Zoning Ordinance and that the project will consult with UFMD during development and implementation of the plan.

Staff notes that these conditions allow the project to proceed and develop innovative solutions to landscaping issues, such as minimum planting areas.

**Public Facilities Analysis (See 2232)****Issue: Stormwater Management and Natural Resources Impact (Appendix 7)**

Staff notes that the subject property drains in part to Old Courthouse Spring Branch which was given the rating of "Level II – Restoration" in the Fairfax County 2001 Stream Protection Strategy. The Fairfax County Park Authority owns and operates Old Courthouse Spring Branch Stream Valley Park downstream of the project as well as extensive parkland within the nearby Difficult Run stream corridor. For that reason, staff has encouraged the applicant to reduce stormwater flows off of the project site over existing conditions to the greatest extent possible and to incorporate Low Impact Design to the greatest extent possible.

**Resolution:**

The applicant, as per the Memorandum of Agreement, is subject to state Department of Conservation and Recreation (DCR) review of all stormwater management issues and will be expected to meet all state and local standards of stormwater management.

Staff notes that the application is not increasing impervious surfaces in any appreciable way at this station since the area is almost entirely paved today (with some poor existing vegetation). In addition to infiltration trenches, vegetative landscaping is proposed with this SE. Therefore, staff believes that the application will not degrade the stream system in the area and that this issue is resolved.

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

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

**ZONING ORDINANCE PROVISIONS (Appendix 11)**

Section 13-301 of the Zoning Ordinance requires transitional screening and/or barriers for rail stations adjacent to all residential uses, child care/church/school uses, and community uses. While the existing development around these stations is primarily retail and office, staff is aware that as the areas within ½ mile of this transit station redevelop under the site specific Rail-related recommendations and Transit Oriented Development guidelines of the Comprehensive Plan, uses may be proposed that would have triggered the transitional screening and/or barrier requirements in the Zoning Ordinance. However, staff has determined that the current landscaping plans, with the proposed development conditions that envision the provision of supplemental landscaping in coordination with UFMD, are well designed to soften the architecture of the structures and therefore negates the need for requiring transitional screening and/or barrier requirements as they would serve to frustrate efforts to integrate the station into any newly proposed pedestrian friendly nearby transit oriented development. Therefore, staff recommends a modification of all transitional screening and barrier requirements for this Metrorail Station in favor of that depicted on the SE Plat as may be supplemented by the proposed development conditions.

**General Special Exception Standards**General Standards (Sect. 9-006)

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

**Paragraph 2** requires that the proposed use be in harmony with the purpose and intent of the applicable zoning district regulations. The C-7 District was established to permit regional retail, commercial and future residential uses. The electrically powered regional rail facilities are in harmony with this purpose as they provide multi-modal transportation choices to the regional retail and commercial uses in the Tysons Corner area. As such, staff believes this standard is satisfied.

**Paragraph 3** requires that the proposed use be harmonious with and not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. As detailed above, the Zoning Ordinance notes the special nature of this use by exempting it from specific guidelines relating to lot size and bulk requirements. However, even so, staff finds that the stations will not adversely affect the use or development of neighboring properties as transit (and a station in this area) is envisioned in the Comprehensive Plan for Tysons Corner. In addition, this station, in particular, will have a small footprint, will not displace any existing structures and will, in fact, provide improved access to many of the retail and

commercial uses within the  $\frac{1}{4}$  to  $\frac{1}{2}$  mile radius of the entrances. As such, staff believes that this standard is satisfied.

**Paragraph 4** states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The pedestrian and vehicular traffic associated with this station will not create a hazard or conflict with the anticipated traffic in the neighborhood. The five bus bays here are all westbound, and outside of the travel lanes. This pattern helps keep the limited impacts to the westbound lanes of Leesburg Pike. Therefore, staff does not feel this bus traffic will conflict with the vehicular traffic. Furthermore, staff does not believe it will conflict with pedestrian traffic near the station since the pedestrians will either use the pedestrian bridges across the right of way for Route 7, which will separate pedestrians from vehicular traffic, or sidewalks on streets approaching the entrances. Staff thus feels that this standard is satisfied.

**Paragraph 5** states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. The applicant is providing landscaping on this site where the particular use does not generally have a specific landscaping requirement. Staff concludes that further barriers and/or transitional screening requirements for the station would screen uses from one another when they are meant to be integrated. In addition, proposed development conditions require coordination with Urban Forestry Management Division (UFMD) during the development and installation of the landscaping plan. As such, with implementation of the proposed development conditions and the landscaping already proposed, staff believes that this standard is satisfied.

**Paragraph 6** states that open space should be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located. The Zoning Ordinance requires 15% open space in the C-7 Zoning District, and the applicant is proposing well over 15% open space (40% proposed). Therefore, staff believes that this standard is satisfied.

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

**Paragraph 8** states that signs shall be regulated by the provisions of Article 12; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance. The applicant proposes typical metro signage, as depicted on the SE Plat and staff notes that the signs are consistent with most Metrorail stations. The signs will be regulated by WMATA policy, which has been established by the area jurisdictions with representation of Fairfax County. Therefore, staff finds that this standard has been satisfied.

#### **Standards for all Category 4 Uses**

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

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

**Paragraph 2** states that any rooftop surface or touchdown pad which will be utilized as an elevated helistop shall be designed and erected in a manner sufficient to withstand the anticipated additional stress. There are no rooftop surfaces or touchdown pads for helicopter use associated with the Metrorail station, therefore, this standard is not applicable.

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

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

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

**Paragraph 8** states that before establishment, all uses, including modifications or alterations to existing uses, except regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA, shall be subject to the provisions of Article 17, Site Plans. Regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County. Staff has included the Memorandum of Agreement and Record of Decision governing the extension project and staff finds this standard satisfied.

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

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

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

### **Overlay District Requirements**

#### **Sign Control (SC) (Sect. 7-500)**

The Sign Control Overlay District has been established in this area to restrict freestanding signs. Specifically, Section 12-204 places certain restrictions on commercial and industrial uses within the SCOD. As noted in the overview section of this report, signage at WMATA facilities is subject to the approval of the Board of Supervisors, which is being accomplished through action on this pending special exception application.

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

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

### **Summary of Zoning Ordinance Provisions**

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

## CONCLUSIONS AND RECOMMENDATIONS

### Staff Conclusions

Staff finds this application for an electrically powered regional rail facility is in harmony with the Comprehensive Plan and in conformance with the applicable Zoning Ordinance Provisions.

### Recommendation

Staff recommends that the Planning Commission find that the facility proposed under 2232-MD08-013 does satisfy the criteria of location, character and extent as specified in Sect. 15.2-2232 of the Code of Virginia, and is substantially in accord with the provisions of the Comprehensive Plan.

Staff recommends that that the Board of Supervisors approve SE 2008-MD-034 subject to the proposed development conditions in Appendix 1.

Staff recommends approval of a waiver of the transitional screening and barrier requirements in favor of that shown on the SE Plat.

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

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

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

## APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Clerk's Letters for SEA 79-C-007-03 and SEA 93-P-010-2.
5. Transportation Analysis
6. Environmental Analysis
7. Park Authority Analysis
8. Urban Forestry Management Analysis
9. Historic Preservation Analysis
10. Fairfax County Water Authority Analysis
11. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

SE 2008-MD-034

January 14, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-MD-034 located at (Tax Map 29-3 ((1)) 2C1 part, 29-3 ((1)) 53 part and 29-3 ((1)) 53A part, for an electrically powered regional rail transit facility pursuant to Sect. 9-401 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions:

1. This Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. A copy of these development conditions shall be included in all relevant plans, as determined by the Department of General Services (DGS), of each station.
4. Certification from DGS shall be provided to the Department of Planning and Zoning that the project conforms to these special exception conditions prior to the issuance of a Non-Residential Use Permit (Non-RUP). Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
5. Noise attenuation measures as specified in the Amended Record of Decision (ROD) dated November 17, 2006 shall be provided unless modifications are approved by the Fairfax County Department of Planning and Zoning.
6. Vibration attenuation measures as specified in the amended ROD dated November 17, 2006 shall be provided unless modifications are approved by the Fairfax County Department of Planning and Zoning.
7. Stormwater management plans shall be implemented as determined by the Virginia Department of Conservation and Recreation (DCR).
8. Signs shall be regulated by Washington Metropolitan Area Transit Authority (WMATA) standards.
9. Advertising within the station shall be regulated by WMATA standards.
10. Lighting shall be in conformance with WMATA standards and the Outdoor Lighting Standards contained in the Zoning Ordinance.
11. Erosion and Sediment control plans shall be implemented as determined by DCR.
12. In order to maximize the survivability of vegetation onsite and to encourage innovative landscaping techniques, development of a landscape plan, including the selection of

plantings to be used, shall be coordinated with Urban Forest Management Division of Fairfax County Department of Public Works and Environmental Services (UFMD), and UFMD shall be contacted for input during its development. Upon completion of a landscape plan, a copy of the landscape plan shall be concurrently submitted to the Department of General Services (DGS) and UFMD for comment. Comments from UFMD received by DGS, or their designee, within 10 working days shall be considered for implementation.

13. The project shall satisfy minimum planting area requirements for all proposed planting onsite unless modified and may include the use of soil cells, or other innovative techniques as recommended by UFMD. Planting details illustrating innovative techniques shall be included with landscape plans provided to UFMD for review.
14. Additional pedestrian connections to the station such as pedestrian bridges and walkways may be established subject to the submission of a detailed design proposal to the Department of Planning and Zoning for staff evaluation and approval.

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

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

I, Jonathan P. Rak, Esquire, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)       applicant  
                           applicant's authorized agent listed in Par. 1(a) below      102406c

in Application No.(s): SE 2008-MD-034  
 (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 <b>BOLD</b> above)
The Virginia Department of Rail and Public Transportation Representative: Charles M. Badger	1593 Spring Hill Road, Suite 600 Vienna, VA 22182	Applicant with Metropolitan Washington Airports Authority (MWAA) on behalf of Washington Metropolitan Area Transit Authority (WMATA)
Metropolitan Washington Airports Authority (MWAA) Agents: Charles S. Carnaggio Marcia S. McAllister James L. Van Zee	1593 Spring Hill Road, Suite 300 Vienna, VA 22182	Applicant with Virginia Department of Rail and Public Transportation on behalf of Washington Metropolitan Area Transit Authority (WMATA)
Washington Metropolitan Area Transit Authority (WMATA) Agents: Gary (nmi) Malaski John D. Thomas Neil E. Nott	1593 Spring Hill Road Vienna, VA 22182	Applicant

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

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Special Exception Attachment to Par. 1(a)

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

102406c

for Application No. (s): SE 2008-MD-034  
 (enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Commonwealth of Virginia, a body corporate and politic Agent: Peter E. Vigliotti	14685 Avion Parkway Chantilly, VA 20151	Title Owner of 29-3 roadway
Dulles Transit Partners, LLC Agents: Frank G. Turpin Ernest S. Lee George B. Morschauer	1595 Spring Hill Road, Suite 600 Vienna, VA 22182	Engineer/Agent for Applicant
Dewberry & Davis LLC Agent: Lawrence A. McDermott	8401 Arlington Boulevard Fairfax, VA 22031	Engineer/Agent for Applicant
McGuireWoods LLP Agents: Carson Lee Fifer, Jr. Joanna C. Frizzell David R. Gill Jonathan P. Rak Gregory A. Riegler Mark M. Viani Kenneth W. Wire Lisa M. Chiblow Lori R. Greenlief Sheri L. Hoy	1750 Tysons Boulevard, Suite 1800 McLean, VA 22102	Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Attorney/Agent Planner/Agent Planner/Agent Planner/Agent
CARS-DB1, L.L.C. Agent: Catherine (nmi) Potter	6407 Idlewild Road Charlotte, NC 28212	Title Owner of Tax Map No. 29-3 ((1)) 2C1
Cherner Family LLC Agent: Jonathan K. Cherner	8550 Leesburg Pike Vienna, VA 22182	Title Owner of Tax Map No. 29-3 ((1)) 53, 53A
Tysons Spring Hill Station LLC Agent: Theodore J. Georgelas	8405 Greensboro Drive, P130 McLean, VA 22102	Contract Purchaser of Tax Map No. 29-3 ((1)) 53, 53A

(check if applicable)

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

SPECIAL EXCEPTION AFFIDAVIT

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

102406c

for Application No. (s): SE 2008-MD-034
(enter County-assigned application number(s))

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

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

CORPORATION INFORMATION

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

The Virginia Department of Rail and Public Transportation
1595 Spring Hill Road, Suite 600
Vienna, VA 22182

DESCRIPTION OF CORPORATION: (check one statement)

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

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

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

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

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Metropolitan Washington Airports Authority (MWA  
1593 Spring Hill Road, Suite 300  
Vienna, VA 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

The Metropolitan Washington Airports Authority, a body corporate and politic created by interstate compact between the Commonwealth of Virginia and the District of Columbia under Chapter 598 of the 1985	Acts of Virginia Assembly, as amended, codified at Va. Code §5.1-152 et seq. (2001), and by the District of Columbia Regional Airports Authority Act of 1985, as amended, codified at D.C. Code ann.	§§9-901 et seq. (2001). There are no shareholders.
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**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Washington Metropolitan Area Transit Authority (WMATA)  
1593 Spring Hill Road  
Vienna, VA 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

Special Exception Attachment to Par. 1(b)

DEC 19 2008

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Dulles Transit Partners, LLC  
1595 Spring Hill Road, Suite 600  
Vienna, VA 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Bechtel Infrastructure Corporation,  
a Nevada corporation  
Washington Group International, Inc., an  
Ohio corporation

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

Bechtel Infrastructure Corporation, a Nevada corporation  
5275 Westview Drive  
Frederick, MD 21703

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Washington Group International, Inc., an Ohio corporation  
720 Park Boulevard  
Boise, ID 83712

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Washington Holdings Inc., a Delaware corporation

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

Washington Holdings, Inc., a Delaware corporation  
720 Park Boulevard  
Boise, ID 83712

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

URS Holdings, Inc., a Delaware corporation

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

Special Exception Attachment to Par. 1(b)

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

1024060

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

URS Corporation, a Delaware corporation

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

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

Dewberry & Davis LLC  
8401 Arlington Boulevard  
Fairfax, VA 22031

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

The Dewberry Companies LC  
8401 Arlington Boulevard  
Fairfax, VA 22031

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

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

Commonwealth of Virginia, a body corporate and politic  
14685 Avion Parkway  
Chantilly, VA 20151

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

The Commonwealth of Virginia is a  
governmental authority, not a corporation

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Cherner Family LLC  
8550 Leesburg Pike  
Vienna, VA 22182

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Jonathan K. Cherner	Harvey (nmi) Cherner
Randee L. Cherner	Arlene K. Cherner
Andrew M. Cherner	
Abbey S. Cherner	

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

Tyson's Spring Hill Station LLC  
8405 Greensboro Drive, P130  
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Theodore J. Georgelas

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

CARS-DB1, L.L.C.  
6407 Idlewild Road  
Charlotte, NC 28212

**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)

Capital Automotive, L.P.  
CARS-DBSPE1, Inc., its managing  
member

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

CARS-DBSPE1, Inc.  
6407 Idlewild Road  
Charlotte, NC 28212

**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)

Capital Automotive, LLC, its sole  
shareholder

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Capital Automotive, LLC  
8270 Greensboro Drive  
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Flag Fund V LLC, its sole member  
Capital Automotive Real Estate Services,  
Inc., its manager

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

Capital Automotive Real Estate Services, Inc.  
8270 Greensboro Drive  
McLean, VA 22102

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

Flag Fund V LLC

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Flag Fund V LLC  
One Beacon Street  
Boston, MA 02108

**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)

DRA G&I Flag Fund V Real Estate Investment Trust, its managing member      Fund V Rash Co-Investment Trust

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

DRA G&I Flag Fund V Real Estate Investment Trust  
220 East 42nd Street  
New York, NY 10017

**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)

DRA Growth and Income Fund

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

Special Exception Attachment to Par. 1(b)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Fund V Rash Co-Investment Trust  
One Beacon Street  
Boston, MA 02108

**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)

DRA Growth and Income Fund V

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

DRA Growth and Income Fund V  
220 East 42nd Street  
New York, NY 10017

**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)

DRA Growth and Income Fund V's stock is traded on a national stock exchange. No shareholder of DRA Growth and Income Fund V owns 10% or more of CARS-DB1, L.L.C.

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

Special Exception Attachment to Par. 1(b)

DATE: DEC 19 2008  
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102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

DRA Growth and Income Fund  
220 East 42nd Street  
New York, NY 10017

**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)

DRA Growth and Income Fund's stock is traded on a national stock exchange. No shareholder of DRA Growth and Income Fund owns 10% or more of CARS-DB1, L.L.C.

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

**DESCRIPTION OF CORPORATION:** (check one statement)

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

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

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

SPECIAL EXCEPTION AFFIDAVIT

DEC 19 2008

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

102406c

for Application No. (s): SE 2008-MD-034  
\_\_\_\_\_  
(enter County-assigned application number(s))

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

PARTNERSHIP INFORMATION

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

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

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

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

Equity Partners of McGuireWoods LLP

- |                         |                       |                        |
|-------------------------|-----------------------|------------------------|
| Alphonso, Gordon R.     | Becker, Scott L.      | Buchan, Jonathan E.    |
| Anderson, Arthur E., II | Becket, Thomas L.     | Busch, Stephen D.      |
| Anderson, Corby C.      | Beil, Marshall H.     | Cabaniss, Thomas E.    |
| Andre-Dumont, Hubert    | Belcher, Dennis I.    | Cacheris, Kimberly Q.  |
| Bagley, Terrence M.     | Bell, Craig D.        | Cairns, Scott S.       |
| Barger, Brian D.        | Bilik, R. Eric        | Capwell, Jeffrey R.    |
| Baril, Mary Dalton      | Boland, J. William    | Carter, Joseph C., III |
| Barnum, John W.         | Brenner, Irving M.    | Cason, Alan C.         |
| Barr, John S.           | Brooks, Edwin E.      | Chaffin, Rebecca S.    |
| Beane, John C.          | Brown, Thomas C., Jr. | Cobb, John H.          |

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

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

Special Exception Attachment to Par. 1(c)

DEC 19 2008

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

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

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

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

Cogbill, John V., III  
Cordell, Stephen L.  
Covington, Peter J.  
Cramer, Robert W.  
Cromwell, Richard J.  
Culbertson, Craig R.  
Culbreth, James H., Jr.  
Cullen, Richard (nmi)  
Cutchins, Clifford A., IV  
de Cannart d'Hamale, Emmanuel  
De Ridder, Patrick A.  
Dickerman, Dorothea W.  
Dillon, Lee Ann  
DiMattia, Michael J.  
Dimitri, James C.  
Dorman, Keith A.  
Douglass, W. Birch, III  
Downing, Scott P.  
Dyke, James Webster, Jr.  
Edwards, Elizabeth F.  
Evans, David E.  
Ey, Douglas W., Jr.  
Feller, Howard (nmi)  
Fennebresque, John C.  
Fifer, Carson Lee, Jr.  
Foley, Douglas M.  
Fox, Charles D. IV  
France, Bonnie M.

Freedlander, Mark E.  
Freye, Gloria L.  
Fuhr, Joy C.  
Germaise, Susan L.  
Getchell, E. Duncan, Jr.  
Gibson, Donald J., Jr.  
Glassman, Margaret M.  
Glickson, Scott L.  
Gold, Stephen (nmi)  
Goldstein, Philip (nmi)  
Goodall, Larry M.  
Gordon, Alan B.  
Grandis, Leslie A.  
Grant, Richard S.  
Greenberg, Richard T.  
Grieb, John T.  
Harmon, Jonathan P.  
Harmon, T. Craig  
Harmon, Yvette (nmi)  
Hartsell, David L.  
Hayden, Patrick L.  
Hayes, Dion W.  
Heberton, George H.  
Horne, Patrick T.  
Isaf, Fred T.  
Iselin, Benjamin B.  
Jackson, J. Brian  
Jarashow, Richard L.

Jeffcoat, Brenton D.  
Johnston, Barbara Christie  
Kanazawa, Sidney (nmi)  
Katsantonis, Joanne (nmi)  
Keenan, Mark L.  
Kennedy, Wade M.  
King, Donald E.  
King, Sally Doubet  
Kittrell, Steven D.  
Kratz, Timothy H.  
Krueger, Kurt J.  
Kutrow, Bradley R.  
La Fratta, Mark J.  
Lias-Booker, Ava E.  
Lieberman, Richard E.  
Little, Nancy R.  
Long, William M.  
Manning, Amy B.  
Marianes, William B.  
Marks, Robert G.  
Marshall, Gary S.  
Marshall, Harrison L., Jr.  
Marsico, Leonard J.  
Martin, Cecil E., III  
Martin, George Keith  
Martinez, Peter W.  
Mason, Richard J.  
Mathews, Eugene E. III

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

Special Exception Attachment to Par. 1(c)

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

102406e

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

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

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

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

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

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

Special Exception Attachment to Par. 1(c)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

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

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

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

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

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

Special Exception Attachment to Par. 1(c)

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

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

Capital Automotive, L.P.  
8270 Greensboro Drive, #950  
McLean, VA 22102

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

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

Capital Automotive, LLC, its general  
partner

O.P.L.P. LLC

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

**SPECIAL EXCEPTION AFFIDAVIT**

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

102406c

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

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

Supervisor Catherine Hudgins is a Principal Director for the Washington Metropolitan Area Transit Authority (WMATA).  
Supervisor Jeffrey McKay is an Alternate Director for the Washington Metropolitan Area Transit Authority (WMATA).  
Theodore J. Georgelas (Tysons Spring Hill Station LLC) donated in excess of \$100 to Gerry Connolly for Congress.

**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:

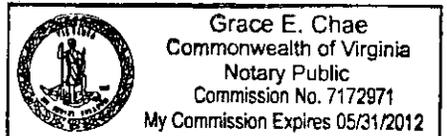
(check one)  Applicant  Applicant's Authorized Agent

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

Subscribed and sworn to before me this 19th day of December 2008, in the State/Comm. of Virginia, County/City of Fairfax.

Grace E. Chae  
Notary Public

My commission expires: 5/31/2012



**Special Exception Attachment to Par. 3**

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

102406c

for Application No. (s): SE 2008-MD-034  
(enter County-assigned application number (s))

David R. Gill (McGuireWoods LLP) donated \$100 to Supervisor Jeff McKay.

Gregory A. Riegler (McGuireWoods LLP) donated in excess of \$100 to Supervisor Jeff McKay.

James W. Dyke, Jr. (McGuireWoods LLP) donated in excess of \$100 to Gerry Connolly for Congress.

Gregory A. Riegler (McGuireWoods LLP) donated in excess of \$100 to Gerry Connolly for Congress.

McGuireWoods Federal PAC donated in excess of \$100 to Gerry Connolly for Congress.

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

Andrew M. Cherner donated in excess of \$100 to Gerry Connolly for Congress.

Harvey (nmi) Cherner donated in excess of \$100 to Gerry Connolly for Congress.

Jonathan K. Cherner donated in excess of \$100 to Gerry Connolly for Congress.

(check if applicable)

There are more disclosures to be listed for Par. 3, and Par. 3 is continued further on a "Special Exception Attachment to Par. 3" form.

**Dulles Corridor Metrorail Project  
Special Exception Application  
Tysons West Station  
STATEMENT OF USE**

**December 22, 2008**

**Description of Special Exception (SE) Request**

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

The property on which the station and associated entrance pavilions will be located will be Commonwealth of Virginia property (VDOT right-of-way). As shown on Sheet 2 of the Special Exception Plat, the station itself is located in the median of Leesburg Pike, Route 7, and the north and south entrance pavilions will be located on what is now the Cherner property (car dealership) to the north and the CARS property (car dealership) to the south. The total SE area comprises 1.91 acres.

A separate, though related, special exception application will be filed for a proposed Kiss & Ride Lot located north of the station. The provision of a Kiss & Ride Lot associated with the Tysons West Station was a feature in the Amended Record of Decision issued by the Federal Transit Administration in November 2006. The request for special exception approval is being processed separately because issues surrounding exact location and access are still to be refined.

An electrically-powered regional rail transit facility not located in the right-of-way of the Dulles International Airport Access Highway, the combined Dulles International Airport Access Highway and Dulles Toll Road or an interstate highway is a Category 4 Special Exception Use per Section 2-517 of the Zoning Ordinance.

**Description of Special Exception (SE) Plat**

The Tysons West Station will consist of the following components:

- Station and associated platform, located in the median of Route 7. The passenger station itself will occupy a footprint of approximately 37,000 square feet. The station's track platform is aerial at this location and will be the third level of the station. There is a canopy approximately 300-feet in length partially covering the track platform. The mezzanine level where the pedestrian bridges connect will be the second level. Passenger fare gates are

Special Exception Application, Tysons West Station  
STATEMENT OF USE  
December 22, 2008

located on the mezzanine level. Station levels are connected with escalators, elevators and stairways. Mechanical and electrical equipment rooms are located at ground level under the west end of the mezzanine, and are fully enclosed as an integral part of the station structure. At both ends of the station there are paved dispersal areas within the median of Route 7 to accommodate emergency evacuation of the station. There are barrier walls along the length of the station protecting it from vehicular traffic on both eastbound and westbound Route 7.

- Elevated Pedestrian Bridges across Route 7. Two pedestrian bridges, one from each side of Route 7 connect the entrance pavilions to the mezzanine level (second level) of the station. Like other stations in Tysons Corner, the width of the pedestrian bridge is 16-feet between handrails and is enclosed with woven wire mesh panels. The pedestrian beidge will have a single-sloped roof approximately 24-feet in width as shown on Sheet 2 of the Special Exception Plat. Both the north and south entrance pavilions contain elevators and escalators to reach the pedestrian bridges. Pedestrians crossing Route 7 will be able to walk through the station mezzanine to the pedestrian bridge on the opposite side.
- Entrance Pavilions. Access to the station is provided from both the north side and the south side of Route 7. Each entrance pavilion area contains walkways, benches, planting areas, bike lockers and bike racks. Within each pavilion are covered stairs, an escalator and two elevators to reach the pedestrian bridges (the north entrance pavilion will have two escalators). Entrance pavilions are accessed from sidewalks along Route 7.
- Bus Canopy. There are eight bus shelters (two per bay) located west of the north entrance pavilion as shown on the Special Exception Plat. There is a continuous canopy located over the bus shelters. Bus stops are within a dedicated roadway lane.
- Kiss & Ride Lot. As previously mentioned, a Kiss & Ride Lot is planned to be associated with the Tysons West Station. It is the subject of a separate special exception application but it shown for informational purposes on the SE plat for the Tysons West Station.

**Pertinent Data**

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

- A. Type of Operation: Electrically-powered regional rail transit facility
- B. Hours of Operation: In accordance with Metro schedules, currently 5:00 am to midnight on weekdays, 7:00am to 3:00am on weekends.

Special Exception Application, Tysons West Station  
STATEMENT OF USE  
December 22, 2008

- C. Daily Patronage: The Dulles Corridor Metrorail extensions ridership is projected to be 59,000 by 2013, including 4,000 daily boardings at the Tysons West Station.
- D. Proposed number of employees: One employee (the station agent) assigned full time per shift, with additional employees present at various times to perform maintenance tasks, provide security and conduct operations assistance.
- E. Estimate of traffic impact: The primary mode of access for this station is pedestrian, not automobile. Five bus bays will be provided on the north side of Route 7 adjacent to the station entrance pavilion. The Kiss & Ride Lot is not part of this application and its traffic impact will be evaluated in a separate application.
- F. Vicinity of area to be served: Tysons Corner and areas west of I-495
- G. Description of building and façade: The station finish will be comprised of textured pre-cast concrete panels and brick veneer consistent with WMATA's criteria for character and quality appropriate for public transit facilities. The platform canopy on the track level will cover approximately 300 feet in length of the track platform, and will provide coverage for all vertical circulation elements and equipment. The roof system consists of standing seam metal roofing with aluminum frame skylights. The pedestrian bridges will have sloping walls comprised of a tightly woven wire fabric material. Pedestrian bridges will have a single-sloped roof. The selection of finishes and station features continues to be refined to achieve improvement in cost effectiveness, and current details are included on reference drawings attached to this application.
- H. Listing of Hazardous or Toxic Substances on site: The proposed use of the properties as a WMATA metro station will not generate hazardous waste, although there are a number of industrial products that are used in the operation and maintenance of a station. These products include (but are not limited to) paints and associated paint solvents, lead-acid batteries, and oils and lubricants. WMATA manages these products and associated waste in accordance with state and federal laws.
- I. Conformity of Proposed Use: The proposed changes conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

**Discussion of Zoning Ordinance Compliance**

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

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

**Sect. 9-403 Additional Submission Requirements:**

1. Review and approval through the National Environmental Policy Act (NEPA) process was required for the entire expansion of the rail system. The Federal Transit Administration, the lead federal agency in the review, issued an amended Record of Decision (ROD) in November of 2006 which is attached. This amended ROD documented that the project including refinements made during preliminary engineering was successfully reviewed and approved through the NEPA process.
2. See Number 1 above.
3. As part of the NEPA process and the required public hearings, Draft and Final Environmental Impact Statements (DEIS, FEIS) were prepared. Noise abatement was addressed as a technical report appended to the FEIS and is referenced here to comply with this submission requirement.
4. Not applicable

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

1. Not applicable
2. Not applicable
3. Not applicable.
4. The proposed location for the Tysons West Station is not adjacent to any residential development. It is surrounded by car dealerships, hotel and industrial uses zoned commercial and industrial. There is an option in the Comprehensive Plan for conversion of non-residential square footage to residential square footage in a mixed use development environment in all the surrounding Land Subunits, but any proposal that would utilize this option must go through the legislative process and be assessed on its own merit for compliance with mitigation measures regarding adverse visual or noise impacts from the rail system.
5. Not applicable

Special Exception Application, Tysons West Station  
STATEMENT OF USE  
December 22, 2008

6. Not applicable
7. Not applicable
8. As stated conformance with Article 17, Site Plans shall be not required.

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

1. We acknowledge that this facility does not have to comply with any minimum lot size requirements.
2. No parking structures are proposed with this special exception application.

Sect. 9-006, General Standards

1. The proposed use at this location is in harmony with the adopted Comprehensive Plan. A rail station symbol is indicated at this area along Route 7 on the Comprehensive Plan map. Language within Tysons Corner Urban Center section of Area II of the Comprehensive plan acknowledges the benefits of rail alignment through Tysons Corner and the approval of the Commonwealth Transportation Board of this alignment. The land unit sections of the Comprehensive plan which surround the property contain rail options which allow for increased density and height considerations based on the location of the station. A 2232 application is also necessary for this use.
2. The proposed changes are in harmony with the general purpose and intent of the applicable zoning district regulations. Located on public right-of-way, the rail transit use is in harmony with the intended purpose of the right-of-way.
3. The proposed changes will not adversely affect neighboring properties and will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof. The proposed improvements are to be located on public right-of-way and will be adjacent to uses which will benefit from the presence of Metrorail.
4. The pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The station improvements include sidewalk connections along Route 7 and pedestrian bridges across Route 7. Street improvements in the station vicinity include elimination of the service roads along both sides of Route 7 and addition of another through/right turn lane in each direction. Driveway entrances along both sides of Route 7 will be reworked in order that the existing uses maintain access to Route 7. These improvements accommodate the anticipated increase in pedestrian and vehicular traffic.

Special Exception Application, Tysons West Station  
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5. There are no specific transitional screening or barrier requirements required by Article 13 of the Zoning Ordinance. Extensive landscaping is shown on the special exception plat.
6. Approximately 14 percent open space is provided on the site.
7. The decision to include or exclude parking at Metrorail stations was considered based on site constraints, local land use plans, as well as consultations with local government.
8. Standard Metro signage is proposed and is shown on the special exception plat submitted with this application.

**Attachments**

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



# FAIRFAX COUNTY

OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

DPZ

V I R G I N I A

Telephone: 703-324-3151  
FAX: 703-324-3926  
TTY: 703-324-3903

April 13, 2000

## APPENDIX 4

William B. Lawson, Jr., Esquire  
Lawson and Frank, P.C.  
6045 Wilson Boulevard - Suite 100  
Arlington, Virginia 22205-1540

RE: Special Exception Amendment  
Number SEA 79-C-007-3

Dear Mr. Lawson:

At a regular meeting of the Board of Supervisors held on March 27, 2000, the Board approved Special Exception Amendment Number SEA 79-C-007-3 in the name RRR, L.L.C D/B/A Rosenthal Honda Dealership, located at 1580, 1582, 1592 Spring Hill Road (Tax Map 29-3 ((1)) 2C, and 2D) to allow a change in applicant name, building additions and site modifications, pursuant to Section 4-704 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous conditions. Previously approved development conditions or those with minor revisions are indicated with asterisks (\*).

1. \*This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. A copy of this Special Exception Amendment and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services. Any plan submitted pursuant to this Special Exception Amendment shall be in substantial conformance with the approved Special Exception

Amendment Plat entitled **Special Exception Amendment, Rosenthal/Spring Hill Road and prepared by Dewberry & Davis, which is dated April 29, 1999 and revised through December 15, 1999** and these conditions. Minor modifications to the approved Special Exception Amendment may be permitted pursuant to Paragraph 4 of Section 9-004 of the Zoning Ordinance.

4. \*This Special Exception Amendment is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.
5. \*One-hundred and ten (110) feet of right-of-way from the centerline of Route 7 is shown on the Special Exception Amendment Plat along the property frontage. If, at the time of site plan review, DPWES determines that 110 feet of right-of-way does not exist as shown on the Special Exception Amendment Plat, the applicant shall dedicate in fee simple to the Board of Supervisors any additional right-of-way along the property frontage to a total of 110 feet from centerline. Upon demand by Fairfax County and after such time as a project for the widening of Route 7 has been endorsed by the Board and right-of-way acquisition for such project has commenced, right-of-way not to exceed 126 feet from the centerline of Route 7 shall be dedicated in fee simple to the Board. Density credit, pursuant to Section 2-308 (5) of the Zoning Ordinance, shall be granted for any future right-of-way dedication.
6. On-site illumination shall comply with Article 14 of the Zoning Ordinance. All lighting shall be downward directed so as not to cause glare on adjacent properties. Full cut-off lighting should be provided for any proposed outdoor lighting. Outdoor lighting for any new property name signage shall be designed to minimize glare.
7. \*The maximum hours of operation shall be between 9:00 A.M. to midnight Monday through Saturday and 12:00 P.M. to 6:00 P.M. on Sundays for the automobile sales use and 7:00 A.M. to midnight Monday through Saturday for the automobile service use.
8. The number of employees on site at any given time shall not exceed 95 unless provision is made for one on-site parking space for each additional employee by reducing the number of display or storage vehicles that are located on site.

9. Landscaping shall be provided as shown on the Special Exception Amendment Plat, subject to the approval of the Urban Forester. At the time of the first submission of the site plan, the applicant shall submit a Tree Maintenance Plan prepared by a certified arborist for the review and approval of the Urban Forester and shall implement such plan as approved by the Urban Forester. Such Plan shall consist of an inventory of all of the trees intended to contribute to the tree cover and interior parking lot landscaping requirements for the site. The inventory shall include the size, species, and condition rating of each tree. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree maintenance activities to improve the condition and maximize the survivability of the trees to be retained shall be provided. Any trees that are not expected to respond to maintenance activities shall be identified for replacement with a tree of a species and size determined by the Urban Forester.
10. \*No vehicles shall be parked, stored or displayed on any portion the site that is shown as open space or landscaping on the Special Exception Amendment Plat, and no vehicles shall be stored or displayed on the site in a manner that will impede the flow of traffic on-site.
11. \*The applicant shall contribute to Fairfax County, at the time of building permit issuance, \$2.85 per square foot of new building gross floor area that was approved with SEA 79-C-007-2 but is not currently constructed to be used for improvements to the Route 7/Spring Hill Road intersection. This \$2.85 contribution shall be escalated according to the VA Highway Construction Bid Index from the date of approval of SEA 79-C-007-2 which was May 17, 1993. The prior contribution of \$15,180.00 made pursuant to SEA 79-C-007 shall be credited toward this final contribution.
12. \*The curb cut on the Route 7 service drive shall be permanently closed by removing the existing pavements, restoring the curb, scarifying and landscaping.
13. \*The loading and unloading of vehicles shall occur on transport carriers either on-site or on the site of the nearby Rosenthal Nissan dealership.
14. \*Vehicles utilizing the service area shall not stack onto Spring Hill Road.

SEA 79-C-007-3  
April 13, 2000

- 4 -

15. At the time of site plan approval, the applicant shall provide a contribution to the Tysons Corner Road Fund in the amount of \$3.02 per square foot of gross floor area for the proposed addition to the Honda dealership, which shall be escalated on an annual basis according to the Virginia Highway Construction Bid Index from the date of the Board of Supervisors' approval of SEA 79-C-007-3.
16. Interior noise levels in the proposed showroom shall not exceed a maximum of 50 dBA Ldn, as approved by DPWES.
17. All dumpsters shall be completely enclosed by either solid wood or board-on-board fencing, as approved by DPWES.
18. Wheel stops or curbing shall be installed at all parking spaces to prevent vehicles from parking in landscaped areas.
19. The addition to the Honda dealership shall substantially conform with the building elevations contained on Sheet 2 of the Special Exception Amendment Plat in general architectural style and character.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment 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 Amendment. 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.

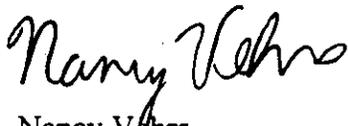
SEA 79-C-007-3

April 13, 2000

- 5 -

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division in the Department of Planning and Zoning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



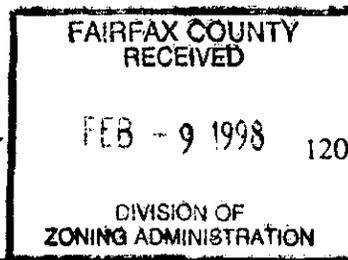
Nancy Vohrs  
Clerk to the Board of Supervisors

NV/ns

cc: Chairman Katherine K. Hanley  
Supervisor—Hunter Mill District  
Janet Coldsmith, Director, Real Estate Div., Dept. of Tax Administration  
Michael R. Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRD, DPZ  
Audrey Clark, Director, BPRD, DPW&ES  
Barbara A. Byron, Director, Zoning Evaluation Div., DPZ  
Robert Moore, Trnsprt'n. Planning Div., Department of Transportation  
Ellen Gallagher, Project Planning Section, Department of Transportation  
Michelle A. Brickner, Director, Site Development Services, DPW&ES  
DPW&ES – Bonds & Agreements  
Department of Highways, VDOT  
Land Acqu. & Planning Div., Park Authority  
District Planning Commissioner



# FAIRFAX COUNTY



OFFICE OF THE CLERK  
BOARD OF SUPERVISORS  
12000 Government Center Parkway, Suite 533  
Fairfax, Virginia 22035-0072

V I R G I N I A

Telephone: 703-324-3151  
FAX: 703-324-3926  
TDD: 703-324-3903

January 28, 1998

Robert A. Lawrence, Esquire  
Hazel and Thomas, P.C.  
3110 Fairview Park Drive - Suite 1400  
Post Office Box 12001  
Falls Church, Virginia 22042-4505

RE: Special Exception Amendment  
Number SEA 93-P-010-2

Dear Mr. Lawrence:

At a regular meeting of the Board of Supervisors held on January 12, 1998, the Board approved Special Exception Amendment Number SEA 93-P-010-2 in the name of Andrew M. Cherner, located at Tax Map 29-3 ((1)) 53 and 53A to permit a vehicle sales and ancillary service establishment and waiver of open space pursuant to Sections 4-704 and 9-612 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions which supersede all previous conditions. Development conditions which were previously approved in SEA 93-P-010 are marked with an asterisk.

- \*1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
- \*2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the Special Exception Amendment Plat approved with the application, as qualified by these development conditions.
3. This Special Exception Amendment is subject to the provisions of Article 17, Site Plans as may be determined by the Department of Environmental Management (DEM). Any plan submitted pursuant to this Special Exception Amendment shall be in conformance with the Special Exception Amendment Plat entitled Cherner Isuzu/Kia prepared by Walter L. Phillips, Inc., which was last revised August 26, 1997, and these conditions.

4. The maximum number of employees on the site at any one time shall not exceed forty-four (44), including sales and service, unless provision is made for one (1) on-site parking space for each additional employee by reducing the number of display or storage vehicles that are located on site.
5. At the time of site plan approval or upon the demand of Virginia Department of Transportation (VDOT) or Fairfax County, whichever occurs first, right-of-way in accordance with Fairfax County Project #06494, as shown on the Special Exception Amendment Plat, shall be dedicated along Spring Hill Road in fee simple to the Board of Supervisors. All ancillary easements needed to facilitate improvements to Spring Hill Road shall also be provided at that time.
- \*6. Following completion of the Route 7 widening project in front of the subject site by others, subject to the approval of VDOT and the Urban Forester, the applicant shall install street trees and landscaping which conform with the Tysons Corner Urban Center Guidelines in the median strip located between the service drive and the westbound lanes of Route 7 in front of the site.
7. Parking shall be provided in accordance with the Article 11 requirements, subject to DEM approval. At the time of site plan approval, display spaces shall be labeled on the site plan, as approved by DEM. Only those spaces which are within labeled display spaces on the applicant's site plan shall be utilized for vehicle display. No vehicles shall be parked, stored, or displayed on any portion of the site that is shown as open space or landscaping on the Special Exception Amendment Plat or in the service drive.
8. Prior to final site plan approval, a contribution in the amount of \$3.02 per square foot of non-residential gross floor area for the proposed 3,204 square foot building addition shall be placed in a fund administered by the Office of Transportation to be used toward Tysons Corner area road improvements. The contribution shall be adjusted for inflation from 1990 according to the Construction Cost Index as published in the Engineering News Record by McGraw-Hill at the time of payment.
9. All signs shall comply with the requirements of Article 12 of the Zoning Ordinance except that the existing Used Cars sign, which is attached to the freestanding identification sign and is depicted on the Special Exception Amendment Plat, may be structurally reconstructed, as long as it does not exceed 10.5 square feet in area, subject to approval of Zoning Administration.

- \*10. All loading, unloading, and parking of trucks or vehicles used in the transport of automobiles shall occur on the site and shall not result in any disruption of traffic flow on the Route 7 service drive.

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

Pursuant to Section 9-015 of the Zoning Ordinance, this Special Exception Amendment 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 Amendment. 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.

**The Board also:**

- **Waived the interior parking lot landscaping and modified the peripheral parking lot landscaping; and**
- **Directed that the Acting Director of the Department of Environmental Management (DEM) modify the tree cover requirements.**

If you have questions regarding the expiration of this Special Exception Amendment or filing a request for additional time they should be directed to the Zoning Evaluation Division of the Office of Comprehensive Planning at 703-324-1290. The mailing address for the Zoning Evaluation Division is Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035.

Sincerely,



Nancy Vehrs  
Clerk to the Board of Supervisors

SEA 93-P-010-2  
January 28, 1998

4.

NV/ns

cc: John M. Yeatman, Director, Real Estate Div., Dept. of Tax Administration  
Michael Congleton, Deputy Zoning Administrator  
Frank Jones, Assistant Chief, PPRB, OCP  
Audrey Clark, Chief, Inspection Svcs., BPRB, DEM  
Barbara A. Byron, Director, Zoning Evaluation Div., OCP  
Robert Moore, Trnsprt'n. Planning Div., Office of Transportation  
Paul Eno, Project Planning Section, Office of Transportation  
Department of Environmental Management  
Dorothy Purvis, Permits Department, VDOT  
Land Acq. & Planning Div., Park Authority



## County of Fairfax, Virginia

**MEMORANDUM**

DATE: December 18, 2008

TO: Regina Coyle, Director  
Zoning Evaluation Division, DPZ

FROM: Angela Kadar Rodeheaver, Chief *MAD/AR*  
Site Analysis Section, DOT *AKR*

FILE: 3-5 (SE 2008-MD-034)

SUBJECT: SE 2008-MD-034; Metropolitan Washington Airports Authority  
Land Identification Maps: 29-3 ((1)) 2C, 53, 53A

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

AKR/MAD



26

# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

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

July 3, 2008

DAVID S. EKERN, P.E.  
COMMISSIONER

---

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

Re: 2232-MD08-13 MWAA  
Tax Map # 29-3((01)) 0002C, 53 & 53A Tysons West Metro Station  
Fairfax County

Dear Mr. Jillson:

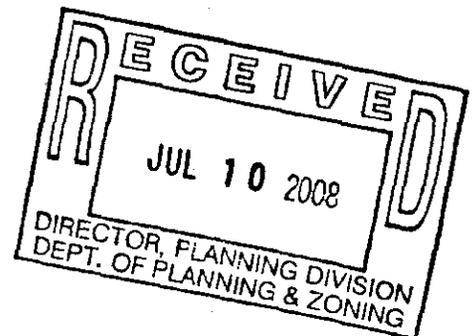
I have reviewed the above submittal dated June 26, 2008, and received on June 30, 2008. This proposal is in conformance with the Fairfax County Comprehensive Plan and the proposed Metrorail Extension to Dulles Airport. I have no comments on this application.

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

Sincerely,

Kevin Nelson  
Transportation Engineer

cc: Ms. Angela Rodeheaver  
fairfaxrezoning2232-MD08-13r1MWAAATysonWestMetroSta7-3-08DJ





# County of Fairfax, Virginia

## MEMORANDUM

DATE: December 23, 2008

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

David B. Marshall, Chief  
Facilities Planning Branch, DPZ

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

**SUBJECT:** ENVIRONMENTAL ANALYSIS: SE 2008-PR-034/2232-MD08-13  
Metropolitan Washington Airports Authority – Tyson West Metrorail Station

Jennifer Bonnette of the Environment and Development Review Branch has reviewed this application for the Tysons West Metrorail Station to be located in the median of Route 7-Leesburg Pike, immediately north of the intersection with Spring Hill Road. The metrorail station facilities will include entrance pavilions located to the north and south of Route 7 and a Kiss-and-Ride located to the north of Route 7. No significant environmental issues have been identified as a result of this evaluation.

PGN: JRB

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





# FAIRFAX COUNTY PARK AUTHORITY

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# M E M O R A N D U M



APPENDIX 7

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

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

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

**DATE:** July 10, 2008

**SUBJECT:** SE 2008-0093, 2232-P08-13 - Tysons West Station  
Tax Map Numbers: 29-3 ((1)) 2C, 53, 53A

## BACKGROUND

The Park Authority staff has reviewed the proposed Development Plan dated June 4, 2008, for the above referenced SE and 2232 applications. The Development Plan shows a planned future Metro station in the Providence Supervisory District.

## COMPREHENSIVE PLAN CITATIONS

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

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

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

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

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

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

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

**ANALYSIS AND RECOMMENDATIONS**

Natural Resources Impact:

The project drains in part to Old Courthouse Spring Branch which was given the rating of Level II – Restoration in the Fairfax County 2001 Stream Protection Strategy. The Park Authority owns and operates Old Courthouse Spring Branch Stream Valley Park down stream of the project as well as extensive parkland within the Difficult Run stream corridor.

The applicant should seek to reduce storm water flows off of the project site over existing conditions to the greatest extent possible and should use Low Impact Design to the greatest extent possible. This should include consideration of the use of cisterns and other methods to capture stormwater to increase the time of concentration (peak shave) and in order to reuse this captured stormwater to irrigate planters and beds at the Metro station. Also, plants native to Fairfax County should be used in landscaping. If non-native plants are used they should not be invasive plants. A list of invasive plant species for the state of Virginia can be found at the Virginia Department of Conservation & Recreation Division of Natural Heritage (DNH) website at <http://www.dcr.virginia.gov/dnh/invinfo.htm>. For a list of native plant species, see the section on the DNH website titled *Native Plants for Conservation, Restoration, and Landscaping* at [http://www.dcr.virginia.gov/natural\\_heritage/nativeplants.shtml](http://www.dcr.virginia.gov/natural_heritage/nativeplants.shtml).

Finally, the County may wish to consider creation of a regional pond on parcel 29-3 ((1)) 38 in conjunction with this project in order to attenuate erosive storm flows within Old Courthouse Spring Branch from the Tysons Corner area. At a minimum, stream stabilization could occur on this parcel to improve the outfalls from the extensive paved headwaters area.

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

cc: Cindy Walsh, Acting Director, Resource Management Division  
Chron Binder  
File Copy

Regina M. Coyle, David Jillson  
SE 2008-0093, 2232-P08-13 - Tysons West Station  
July 10, 2008  
Page 3

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2008-0093 rpt.doc



# County of Fairfax, Virginia

## MEMORANDUM

July 30, 2008

APPENDIX 8

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

**FROM:** Hugh Whitehead, Urban Forester II *HAW*  
Forest Conservation Branch, DPWES

**SUBJECT:** Tysons West Station Dulles Corridor Metrorail Project  
SE 2008-0093

I have reviewed the above referenced Special Exception Plat and application stamped as received by the Zoning Evaluation Division on June 19, 2008. The following comments are based on this review and a site visit conducted on June 26, 2008.

**Site Description:** The site is located on Leesburg Pike/Route 7, west of Spring Hill Road and east of Tyco Road. Existing landscaping within and adjacent to the project boundaries includes oak and maple species. Existing vegetation is not of significant quality and does not warrant special consideration for preservation.

1. **Comment:** The site provides an opportunity to implement an exemplary landscape plan that can demonstrate how a well designed and installed landscape can make a significant contribution to this major commercial area. A landscape utilizing natural landscaping techniques such as large contiguous mulched beds for planting trees, shrubs, and groundcovers; areas of pavers are shown; and minimizing turf areas should define the character of the proposed rail station. These applications will support normal healthy tree growth and help ensure that trees attain a size at which they can actually provide the benefits that are expected.

**Recommendation:** Incorporate the natural landscaping features described above into the Landscape Plan provided on Sheet 3 to clearly demonstrate the intent proposed for these areas. Delineate areas of pavers, mulched beds, and any proposed turf areas. Turf should be minimized to eliminate or minimize the need for mowing and the resulting air pollution, and to contribute to energy conservation.

2. **Comment:** Many of the proposed planting areas are less than eight feet wide which does not satisfy the PFM requirement for minimum width. Trees can not achieve normal growth and size need to function and provide the benefits expected if planting areas are undersize and adequate soil volume and quality is not provided.

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



**Recommendation:** Provide planting areas that satisfy at least the minimum width of eight feet and minimum planting area required for the respective size Category of the trees proposed, as specified in PFM Table 12.7. In addition, show no trees less than four feet from any restrictive barrier.

3. **Comment:** A tree cover calculation is not provided. Though it appears proposed tree cover will adequately satisfy requirements, the legend refers only to shade trees, flowering trees, and evergreen shrubs.

**Recommendation:** Proposed tree types should identify Category I, II, III, or IV trees as specified in PFM Table 12.7. Tree cover can then be calculated based on the Category of the tree and the proposed size at the time of planting.

4. **Comment:** Some tree species are known to do poorly in urban environments or have characteristics that cause them to be maintenance liabilities. Below is a list of species that should be avoided when selecting plant material for this project.

**Table 12.11 Species that Cause Problems after Planting**

<u>Species</u>	<u>Common name</u>	<u>Problem</u>	<u>Canopy Credit Multiplier</u>	<u>Conditional Credit</u>
<u><i>Acer platanoides</i></u>	Norway maple	<u>Invasive seedlings</u>	<u>None</u>	
<u><i>Acer saccharinum</i></u>	silver maple	<u>Brittle wood. Branch and twig failure.</u> <u>Invasive root system.</u> <u>Overuse in Fairfax County.</u>	<u>None</u>	
<u><i>Acer saccharum</i></u>	sugar maple	<u>Susceptibility to stress in urban environments.</u>	<u>Conditional 1.0</u>	<u>Full credit if planted away from high heat environments such as parking lots.</u>
<u><i>Betula papyrifera</i></u>	white birch	<u>Susceptible to bore insects. Short life span.</u>	<u>None</u>	
<u><i>Cornus florida</i></u>	flowering dogwood	<u>Discula anthracnose (Dogwood Spot Anthracnose)</u>	<u>Conditional 1.0</u>	<u>Full credit if varieties resistant to Discula anthracnose are used.</u>
<u><i>Cupressocyparis leylandii</i></u>	leyland cypress	<u>Susceptible to disease. Overuse in Fairfax County</u>	<u>0.5</u>	<u>Not conditional, but reduced credits</u>
<u><i>Elaeagnus umbellata</i></u>	autumn olive	<u>Highly invasive</u>	<u>None</u>	

<u>Species</u>	<u>Common name</u>	<u>Problem</u>	<u>Canopy Credit</u>	<u>Conditional Credit</u>
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Department of Public Works and Environmental Services  
 Land Development Services, Urban Forest Management Division  
 12055 Government Center Parkway, Suite 518  
 Fairfax, Virginia 22035-5503  
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			<u>Multiplier</u>	
<u>Elaeagnus angustifolia</u>	<u>Russian olive</u>	<u>Invasive</u>	<u>None</u>	
<u>Ginkgo biloba (female only)</u>	<u>ginkgo</u>	<u>Female plant produces fruits with objectionable odor</u>	<u>Conditional 1.0</u>	<u>Full credit if male plant is used.</u>
<u>Liquidambar styraciflua</u>	<u>sweetgum</u>	<u>Invasive root system. High VOC emissions</u>	<u>Conditional 0.5</u>	<u>None if planted near buildings or infrastructure. May receive .25X if planted immediately adjacent to an existing forest/woodland community that contains this species as a major constituent</u>
<u>Morus alba</u>	<u>white mulberry all cultivars</u>	<u>Invasive</u>	<u>None</u>	
<u>Phellodendron ameurense (female only)</u>	<u>amur corktree</u>	<u>Prolific, invasive seeds</u>	<u>Conditional 1.0</u>	<u>May receive full credit if male plant is used.</u>
<u>Pinus strobes</u>	<u>white pine</u>	<u>Brittle wood. Branch and twig failure. Susceptibility to disease and environmental stress. Overuse in Fairfax County.</u>	<u>0.5</u>	<u>Not conditional, but reduced credits</u>
<u>Populus alba</u>	<u>white poplar</u>	<u>Invasive root system</u>	<u>None</u>	
<u>Populus deltoides</u>	<u>Eastern cottonwood</u>	<u>Brittle wood. Branch and twig failure. Invasive root system.</u>	<u>Conditional 1.0</u>	<u>None if planted near buildings or infrastructure. May receive full credits if planted immediately adjacent to existing forest/woodland communities that contain this species as a constituent</u>
<u>Populus nigra 'Italica'</u>	<u>Lombardy poplar</u>	<u>Susceptibility to disease. Short life span</u>	<u>None</u>	
<u>Pyrus calleryana</u>	<u>all varieties and cultivars of Callery pear.</u>	<u>Poor branch attachment. Highly susceptible to storm damage. Invasive Overuse in Fairfax County</u>	<u>None</u>	
<u>Species</u>	<u>Common name</u>	<u>Problem</u>	<u>Canopy Credit Multiplier</u>	<u>Conditional Credit</u>



<u>Quercus palustris</u>	<u>pin oak</u>	<u>Invasive root system</u> <u>Susceptibility to</u> <u>stress in urban</u> <u>environments with</u> <u>low soil pH</u>	<u>Conditional</u> <u>1.0</u>	<u>None if planted near</u> <u>buildings or infrastructure.</u> <u>May receive full credit if</u> <u>planted immediately</u> <u>adjacent to existing</u> <u>forest/woodland</u> <u>communities that contain</u> <u>this species as a major</u> <u>constituent.</u>
<u>Salix alba</u>	<u>white willow</u>	<u>Weak wood. Grows</u> <u>quickly. Branch and</u> <u>twig failure.</u>	<u>Conditional</u> <u>1.0</u>	<u>None if planted near</u> <u>buildings or infrastructure.</u> <u>May receive full credit if</u> <u>planted immediately</u> <u>adjacent to existing</u> <u>forest/woodland</u> <u>communities that contain</u> <u>this species as a constituent.</u>
<u>Salix nigra</u>	<u>black willow</u>	<u>Weak wood. Grows</u> <u>too quickly. Branch</u> <u>and twig failure</u>	<u>Conditional</u> <u>1.0</u>	<u>None if planted near</u> <u>buildings or infrastructure.</u> <u>May receive full credit if</u> <u>planted immediately</u> <u>adjacent to existing</u> <u>forest/woodland</u> <u>communities that contain</u> <u>this species as a constituent.</u>
<u>Tsuga canadensis/</u>	<u>Canadian</u> <u>hemlock</u>	<u>Susceptible to</u> <u>Hemlock Woolly</u> <u>Adelgid</u>	<u>0.5</u>	<u>Not conditional, but reduced</u> <u>credits</u>
<u>Tsuga caroliniana/</u>	<u>Carolina</u> <u>hemlock</u>	<u>Susceptible to</u> <u>Hemlock Woolly</u> <u>Adelgid</u>	<u>0.5</u>	<u>Not conditional, but reduced</u> <u>credits</u>
<u>Ulmus americana</u>	<u>American elm</u>	<u>Susceptibility to</u> <u>disease. Root</u> <u>systems can damage</u> <u>nearby infrastructure.</u>	<u>Conditional</u> <u>1.0</u>	<u>None if planted near</u> <u>buildings or infrastructure.</u> <u>May receive full credit if</u> <u>disease resistant varieties are</u> <u>used and tree is located</u> <u>away from infrastructure</u>

**Recommendation:** Select and plant native and non-invasive species that are appropriate for the post-development conditions that will exist on this site.

- Comment:** Soils on construction sites typically become compacted and the soil structure is diminished during the course of the project. For trees to avoid stress during establishment and grow and function normally, soils should be fertile and well aerated.



Tysons West Station Dulles Corridor Metrorail Project  
SE 2008-0093  
July 30, 2008  
Page 5 of 2

**Recommendation:** Include development conditions that would ensure the soil in which landscape trees and other vegetation are planted is suitable for normal growth and function of the plants. For example:

“If planting in areas that have been previously compacted, the soil shall be properly prepared (tilled and amended as needed based on soil samples) to a depth of 1 foot (0.3m) over the entire area, prior to installation of landscape material. Soil within individual planting holes shall not be amended.”

If you have any questions, please contact me at 703-324-1770.

HCW/  
UFMID #: 138102

cc: RA File  
DPZ File

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**Department of Public Works and Environmental Services**  
**Land Development Services, Urban Forest Management Division**  
12055 Government Center Parkway, Suite 518  
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# County of Fairfax, Virginia

## MEMORANDUM

APPENDIX 9

DATE: 14 July 2008

TO: David Jillson, Senior Planner

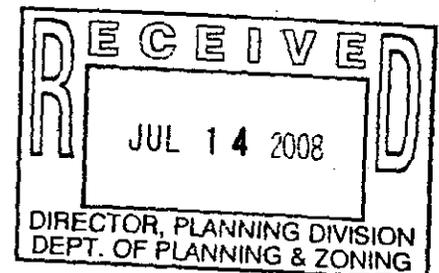
FROM: Linda Cornish Blank, Historic Preservation Planner

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

Finding: The subject parcels and VDOT R-O-Ws are not included within the boundaries of a Fairfax County Historic Overlay District, are not listed on the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file. There are no properties in the immediate vicinity of the parcels and areas which are the subject of this application that are within the boundaries of a Fairfax County Historic Overlay District, listed on the Fairfax County Inventory of Historic Sites or the National Register of Historic Places or documented in the historic structures survey file that would be negatively impacted by the construction of the rail transit facilities

Recommendation:

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



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



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Integrity \* Teamwork \* Public Service

# Fairfax Water

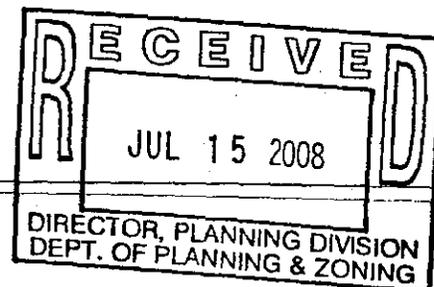
FAIRFAX COUNTY WATER AUTHORITY  
8560 Arlington Boulevard, Fairfax, Virginia 22031  
www.fairfaxwater.org

APPENDIX 10

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

July 15, 2008

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



Re: Tysons West Station (2232-MD08-13)  
Fairfax Water Review Comments

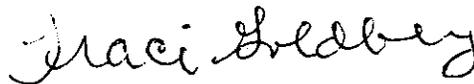
Dear Mr. Jillson:

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

- Fairfax Water is capable of providing service to the proposed station located on Leesburg Pike between Spring Hill Road and Tyco Road. A proposed 24-inch diameter water main, to be constructed along Leesburg Pike concurrent with the Metrorail extension, may be used to provide domestic water and fire protection for the Tysons West site. Existing distribution mains adjacent to the site may alternatively be used to serve the Metrorail station. Please refer to the attached sketch for the location of existing water mains.
- Additional off-site water main extensions and highway crossings may be necessary to satisfy water quality requirements.
- The on-site minimum required facilities will be determined during the site plan review process.
- The proposed Metro station site will not be in conflict with any existing Fairfax Water facilities in Route 7 (Leesburg Pike). However, the proposed roadway improvements associated with this station will be in conflict with Fairfax Water's existing water mains in this area. These facilities must be relocated, and placed into service, under the advance utility relocations phase(s) of the Dulles Corridor Metrorail Project, as indicated on Fairfax Water Project No. 2367, Division 1 (Phases 1 and 2), prior to construction of the Metro station. Other existing utility infrastructure located in the vicinity of the site may need to be relocated to accommodate the proposed construction.
- Fairfax Water may incorporate additional desired facilities into the station construction project as circumstances warrant.
- Water utility construction must be coordinated with all other related phases of the Dulles Corridor Metrorail extension project.

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

Sincerely,

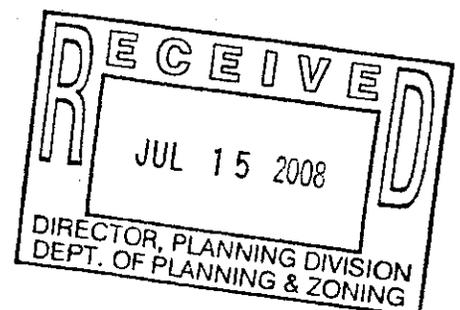


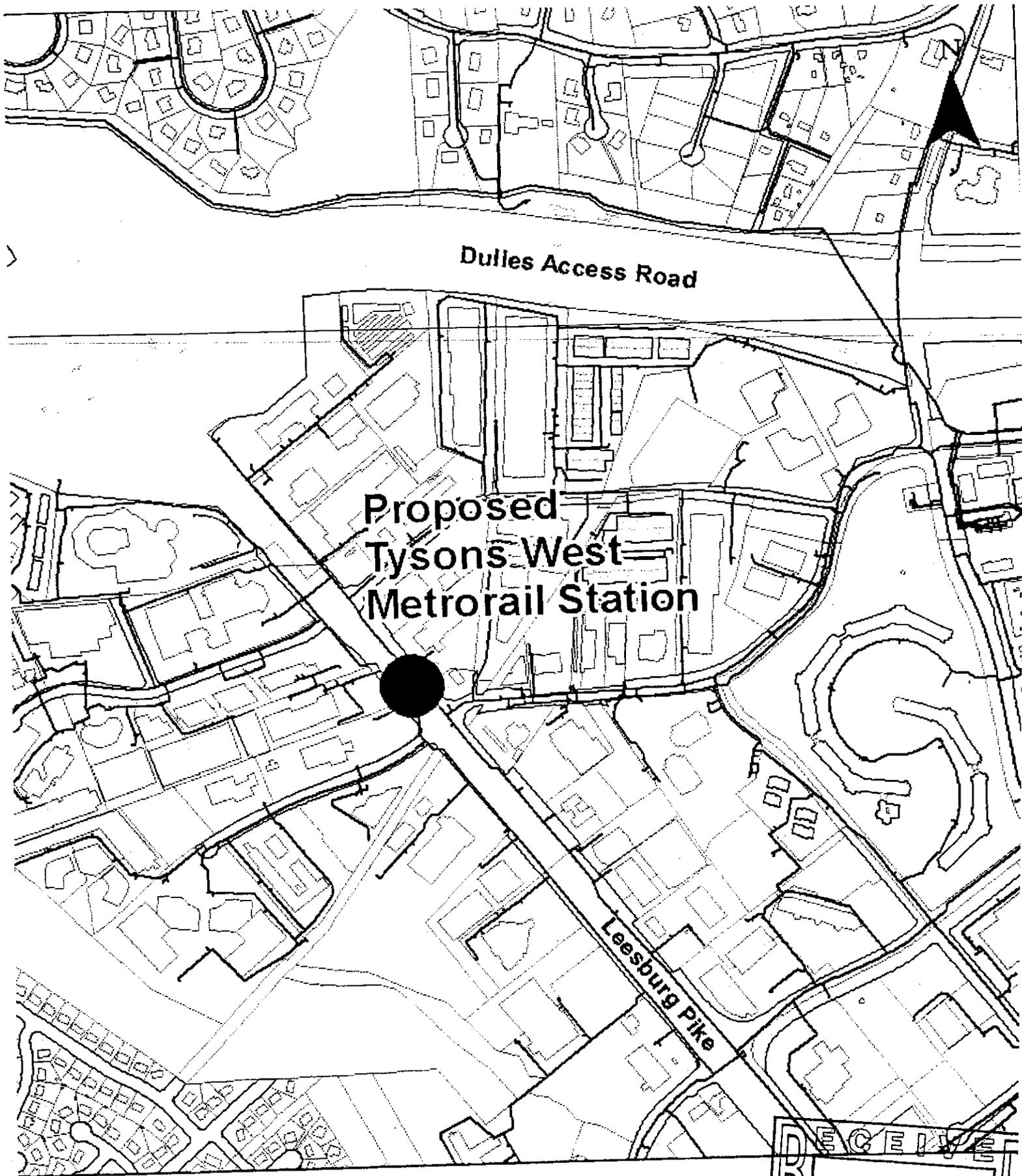
Traci Goldberg, P.E.  
Manager, Planning

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Attachment as Noted

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





**Proposed  
Tysons West  
Metrorail Station**

**Fairfax Water**

**Tysons West Metrorail Station**

Existing Water Main

**RECEIVED**  
JUL 15 2008  
DIRECTOR, PLANNING DIVISION  
DEPT. OF PLANNING

July 14, 2008

Sheet 4 of 10

**FAIRFAX COUNTY ZONING ORDINANCE**

**PART 5 7-500 SIGN CONTROL OVERLAY DISTRICT**

**7-501 Purpose and Intent**

Sign Control Overlay Districts are established in furtherance of Sect. 12-101 by restricting freestanding signs in the intensely developed commercial and industrial areas of the County where there is an increased need to reduce visual clutter, sight distance obstructions and interference with traffic control signals and mechanisms and where the speed of traffic does not warrant the freestanding signs otherwise permitted by the provisions of Article 12.

This district shall be in addition to and shall overlay all other zoning districts where it is applied, so that any parcel of land lying in such an overlay district shall lie in one or more of the other zoning districts provided for by this Ordinance. The effect is to create a new district which has the characteristics and limitations of the underlying district, together with the characteristics and limitations of the overlying district.

**7-502 District Boundaries**

The Sign Control Overlay District boundaries shall be as established on the Official Zoning Map.

**7-503 Establishment of Districts**

Sign Control Overlay Districts shall be established in like manner as any other zoning district permitted by this Ordinance, and may be amended in accordance with the provisions of Part 2 of Article 18.

**7-504 Administration**

The administration of the provisions of this Sign Control Overlay District shall be as provided for in Article 12.

**7-505 Permitted Uses**

All uses permitted by right in the underlying zoning district(s)

**7-506 Special Permit Uses**

All uses permitted by special permit in the underlying zoning district(s)

**7-507 Special Exception Uses**

All uses permitted by special exception in the underlying zoning district(s)

**7-508 Use Limitations**

As specified in the underlying zoning district(s), and as qualified for signs by the provisions of Sect. 12-204.

OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

- 7-509**      **Lot Size Requirements**  
As specified in the underlying zoning district(s)
- 7-510**      **Bulk Regulations**  
As specified in the underlying zoning district(s)
- 7-511**      **Open Space**  
As specified in the underlying zoning district(s)
- 7-512**      **Additional Regulations**  
As specified in the underlying zoning district(s)

FAIRFAX COUNTY ZONING ORDINANCE

**PART 6 7-600 HIGHWAY CORRIDOR OVERLAY DISTRICT**

**7-601 Purpose and Intent**

In furtherance of the purposes set forth in Sections 15.2-2200, 15.2-2283, 15.2-2284 and 15.2-1200 of Va. Code Ann. and, in general, to protect and promote the health, safety and general welfare of the public by the prevention or reduction of traffic congestion and/or danger in the public and private streets, a limitation is placed on certain automobile oriented, fast service, or quick turn-over uses by the imposition of the Highway Corridor Overlay District. Except as allowed by right or except as qualified by Sections 607 and 608 below, the following uses shall be regulated in the Highway Corridor Overlay District:

1. Drive-in financial institutions.
2. Fast food restaurants.
3. Quick-service food stores.
4. Service stations.
5. Service station/mini-marts.

Nothing herein shall be construed so as to impair a vested right.

**7-602 District Boundaries**

1. Highway Corridor Overlay District boundaries shall be as established on the Official Zoning Map.
2. In lieu of a metes and bounds description, the District boundaries may be described by fixing the points of beginning and end in the centerline of a street and the distance on one or both sides from the centerline to which this district shall extend.

**7-603 Establishment of Districts**

1. The Board of Supervisors may apply the Highway Corridor Overlay District to the land along any street or highway upon concluding that:
  - A. A major purpose of the street or highway is to carry through traffic; and
  - B. The construction and/or utilization of regulated uses would have an adverse impact on level of service, increase danger and/or congestion in the streets, impair the public health, safety, convenience and welfare and/or impede the maintenance or creation of a convenient, attractive and harmonious community.
2. The Highway Corridor Overlay District shall be in addition to and shall overlay all other zoning districts where it is applied so that any parcel of land lying in a Highway Corridor Overlay District shall also lie within one or more of the other zoning districts provided for by this Ordinance. The effect shall be the creation of new zoning districts consisting

## OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

of the regulations and requirements of both the underlying district(s) and the Highway Corridor Overlay District.

3. Such districts may be amended in accordance with the provisions of Part 2 of Article 18.

### **7-604 Administration**

The administration of the provisions of the Highway Corridor Overlay District shall be as provided for in Article 9 for drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts and as provided for in Article 18 for all other uses.

### **7-605 Permitted Uses**

All uses permitted by right in the underlying zoning district(s)

### **7-606 Special Permit Uses**

All uses permitted by special permit in the underlying zoning district(s)

### **7-607 Special Exception Uses**

1. All uses permitted by special exception in the underlying zoning district(s) except as qualified by Sect. 601 above.
2. Except as permitted by right pursuant to Sections 4-502, 4-602, 4-702, 4-802, 4-902 and 10-202, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts subject to the provisions of Part 6 of Article 9 and Sect. 608 below.

### **7-608 Use Limitations**

All uses shall be subject to the use limitations set forth in the underlying zoning district(s), and, in addition, drive-in financial institutions, fast food restaurants, quick-service food stores, service stations and service station/mini-marts shall be subject to the following use limitations:

1. In any Highway Corridor Overlay District:
  - A. Such a use shall be designed so that pedestrian and vehicular circulation is coordinated with that on adjacent properties.
  - B. Such a use shall have access designed so as not to impede traffic on a public street intended to carry through traffic. To such end, access via the following means may be given favorable consideration:
    - (1) Access to the site is provided by a public street other than one intended to carry through traffic, and/or

FAIRFAX COUNTY ZONING ORDINANCE

- (2) Access to the site is provided via the internal circulation of a shopping center, which center contains at least six (6) other commercial uses, or an office complex having a limited number of well-designed access points to the public street system and no additional direct access is provided to the site from a public street intended to carry through traffic over and above those entrances which may exist to provide access to the shopping center, and/or
  - (3) Access to the site is provided by a functional service drive, which provides controlled access to the site.
- C. There shall be no outdoor storage or display of goods offered for sale except for the outdoor storage or display of goods permitted at a service station or service station/mini-mart.
2. Where the underlying district is C-2, C-3 or C-4, in addition to Par. 1 above:
- A. Service stations shall not include any uses such as vehicle or tool rental.
  - B. Service stations shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
3. Where the underlying district is C-5 or C-6, in addition to Par. 1 above:
- A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than two (2) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours, subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
4. Where the underlying district is C-7, C-8, C-9, I-3 or I-4, in addition to Par. 1 above:
- A. Service stations and service station/mini-marts shall not be used for the performance of major repairs, and shall not include the outdoor storage of more than four (4) abandoned, wrecked or inoperable vehicles on the site for more than seventy-two (72) hours subject to the limitation that there shall be no dismantling, wrecking or sale of said vehicles or parts thereof. In addition, in no event shall any one (1) abandoned, wrecked or inoperable vehicle be stored outdoors for a period exceeding seventy-two (72) hours.
5. Where the underlying district is I-5 or I-6, in addition to Par. 1 above:

OVERLAY AND COMMERCIAL REVITALIZATION DISTRICT REGULATIONS

- A. Service stations and service station/mini-marts shall not be used for the performance of major repairs.

**7-609 Lot Size Requirements**

As specified in the underlying zoning district(s)

**7-610 Bulk Regulations**

As specified in the underlying zoning district(s)

**7-611 Open Space**

As specified in the underlying zoning district(s)

**7-612 Additional Regulations**

As specified in the underlying zoning district(s)

FAIRFAX COUNTY ZONING ORDINANCE

**PART 4 9-400 CATEGORY 4 TRANSPORTATION FACILITIES**

**9-401 Category 4 Special Exception Uses**

1. Airports.
2. Bus or railroad stations.
3. Heliports.
4. Helistops.
5. (Deleted by Amendment #05-374, Adopted July 25, 2005, Effective July 26, 2005)
6. Electrically-powered regional rail transit facilities.
7. Regional non-rail transit facilities.

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

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

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

PDH, PDC Districts: Limited to uses 2, 3, 4, 6 and 7

PRC District: All uses

PRM District: Limited to uses 2, 6 and 7

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

R-E, R-1 Districts: All uses

R-2 through R-MHP Districts: Limited to uses 6 and 7

PRM District: Limited to uses 3 and 4

C-1, C-2 Districts: Limited to uses 6 and 7

C-3, C-4 Districts: Limited to uses 4, 6 and 7

C-5 District: Limited to uses 6 and 7

C-6 District: Limited to uses 2, 4, 6 and 7

C-7, C-9 Districts: Limited to uses 2, 3, 4, 6 and 7

C-8 District: Limited to uses 2, 4, 6 and 7

I-1 District: Limited to use 3

I-1 District: Limited to uses 3, 4, 6 and 7

I-2 through I-6 Districts: All uses

## SPECIAL EXCEPTIONS

### 9-403 Additional Submission Requirements

In addition to the submission requirements set forth in Sect. 011 above, all applications for Category 4 uses shall be accompanied by the following items:

1. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution or other official act adopted by the governmental entity proposing the use, authorizing the establishment of the proposed use at the proposed location.
2. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by such agencies as the Federal Aviation Administration and all other federal, State or local statutes, ordinances, rules or regulations applicable thereto.
3. A statement shall be provided detailing all noise abatement procedures, methods and devices that will be employed in the operation of the facility, and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
4. In the case of airports, a map shall be presented showing the landing and take-off corridors as projected, such map to cover an area within at least a 5000 foot radius of the boundaries of the proposed facility.

### 9-404 Standards for all Category 4 Uses

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

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

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to effectively control access to such areas. Access to the landing area of an elevated helistop shall be through limited access points.

8. Before establishment, all uses, including modifications or alterations to existing uses, except regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA, shall be subject to the provisions of Article 17, Site Plans. Regional non-rail transit facilities and electrically-powered regional rail transit facilities operated by WMATA shall be established in conformance with the provisions of the agreement between WMATA and the County.

**9-405**

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

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