



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

County of Fairfax, Virginia

January 14, 2009

DULLES CORRIDOR METRORAIL PROJECT PHASE I STAFF REPORT PART V

SPECIAL EXCEPTION APPLICATION SE 2008-MD-036 CONCURRENT WITH 2232-MD08-012

PROVIDENCE AND HUNTER MILL DISTRICTS

APPLICANT: Metropolitan Washington Airports Authority and the Virginia Department of Rail and Public Transportation

ZONING: C-7, C-8, SC, HC

PARCEL(S): 29-3 ((1)) 32 Part
29-3 ((1)) 71A Part

ACREAGE: 2.51 acres

FAR: .72

OPEN SPACE: 55%

PLAN MAP: Retail

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

PROPOSAL: Applicant proposes to establish new Metrorail facilities (Tysons Central 7) including the station with platform, pedestrian bridges and other associated components.

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/



STAFF RECOMMENDATIONS:

Staff recommends approval of SE 2008-MD-036 subject to the proposed development conditions in Appendix 1.

Staff recommends that the Planning Commission find that the facility proposed under 2232-MD08-012 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 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.

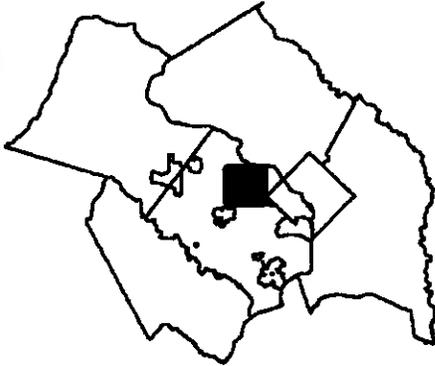
N:\SE\Tysons Metro Stations\Tysons Central 7\Tysons Central 7 Cover.doc



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-036



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

Accepted: 10/28/2008
Proposed: TO PERMIT AN ELECTRICALLY-POWERED REGIONAL RAIL TRANSIT FACILITY AND ASSOCIATED COMPONENTS

Area: 2.51 AC OF LAND; DISTRICT - PROVIDENCE

Zoning Dist Sect: 04-0704 9-401

Art 9 Group and Use: 4-B

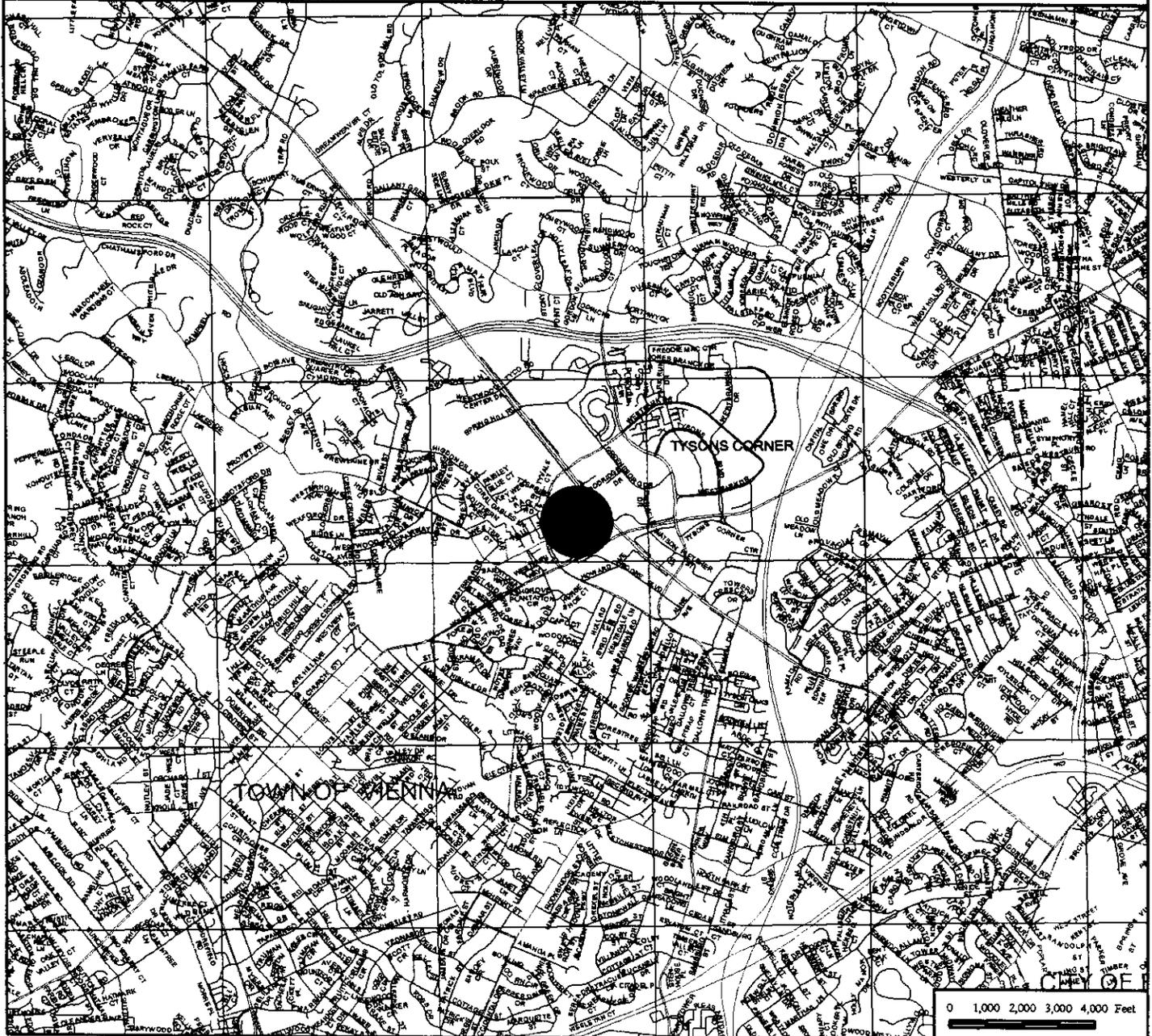
Located: 8359 & 8348 LEESBURG PIKE

Zoning: C- 8

Plan Area: 2

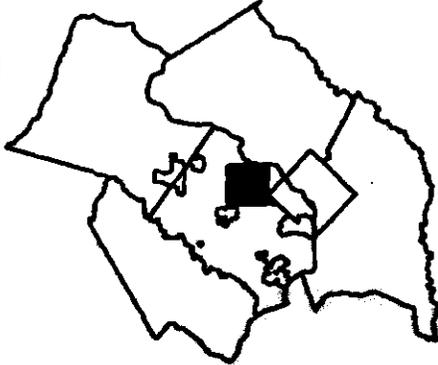
Overlay Dist: SC HC

Map Ref Num: 029-3- /01/ /0032 pt. /01/ /0071A pt.



Special Exception

SE 2008-MD-036



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AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC
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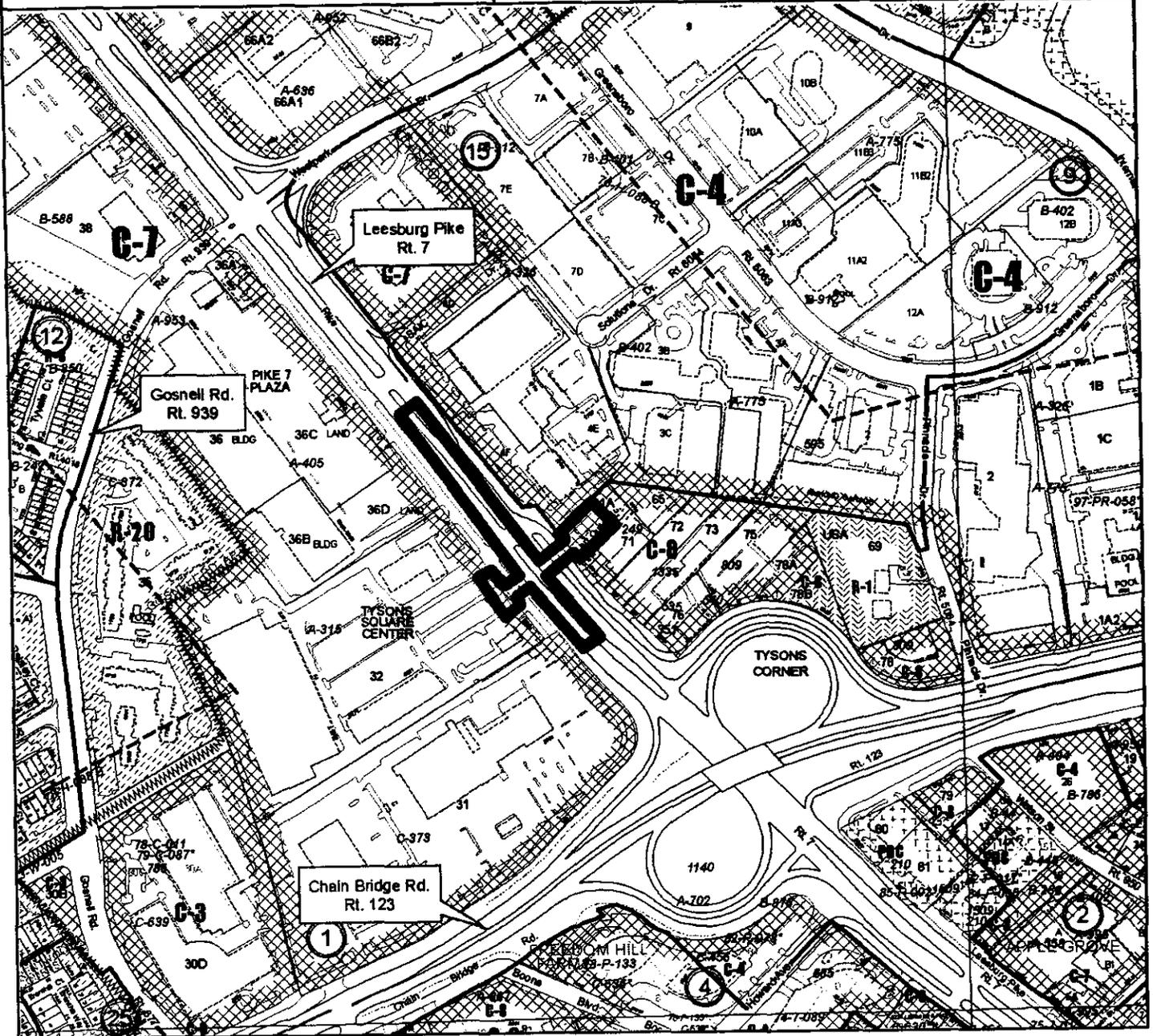
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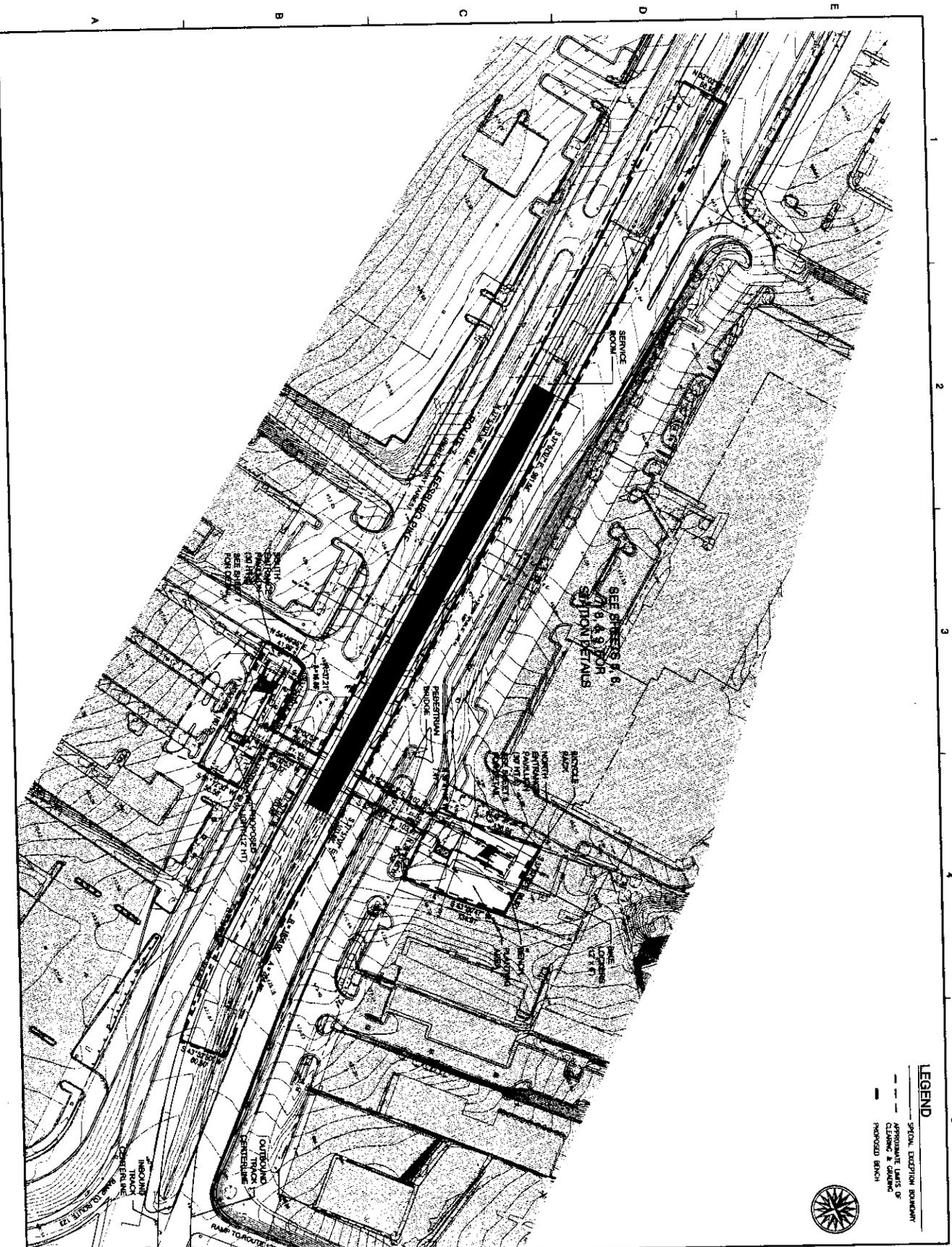
Zoning: C-8

Plan Area: 2

Overlay Dist: SC HC

Map Ref Num: 029-3- /01/ /0032 pt. /01/ /0071A pt.





LEGEND

- SPECIAL EXCEPTION BOUNDARY
- - - - - APPROXIMATE LINES OF CLEARING & GRADING
- PROPOSED BENCH



Dewberry

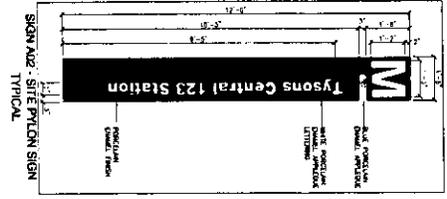
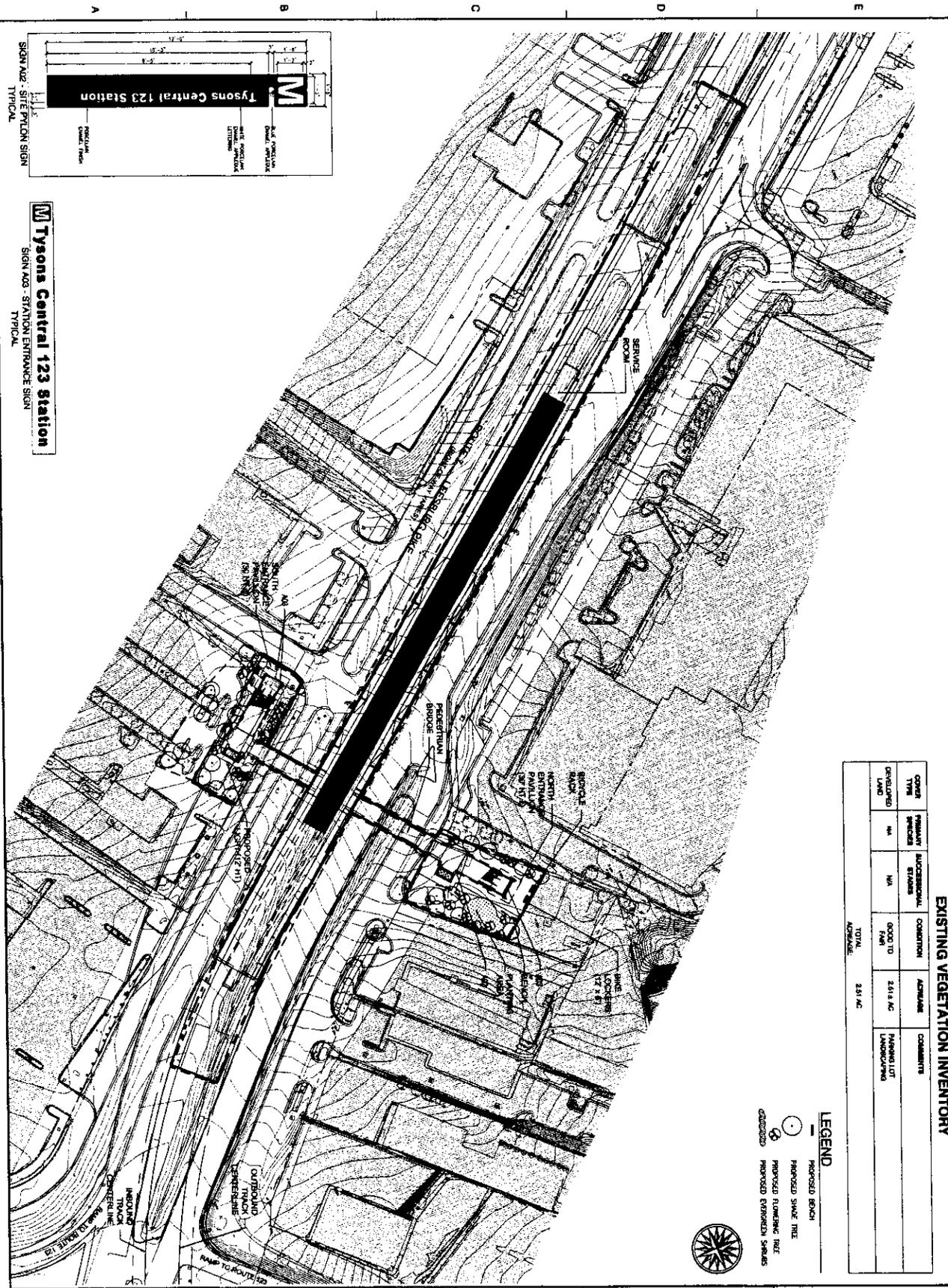
Dewberry & Davis, LLC
 1000 North 19th Street
 Suite 200
 Arlington, VA 22209
 Telephone: 703.241.1000
 Fax: 703.241.1001
 www.dewberry.com

TYSONS CENTRAL 7 STATION
 Dulles Corridor Metrorail Project
SPECIAL EXCEPTION PLAT
 2232 PLAN
 PROVIDENCE DISTRICT AND HUNTER HILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA



NO.	DATE	DESCRIPTION
1	08.03.07	ISSUED FOR PERMIT
2	08.03.07	ISSUED FOR PERMIT

DESIGNED BY: [Blank]
 APPROVED BY: [Blank]
 CHECKED BY: [Blank]
 DATE: November 16, 2007
 TITLE: Tysons Central 7 Station
 Dulles Corridor Metrorail Project
 Special Exception Plat
 2232 Plan
 PROJECT NO.: M-10672



M Tysons Central 123 Station
SIGN AGE - STATION ENTRANCE SIGN
TYPICAL

EXISTING VEGETATION INVENTORY

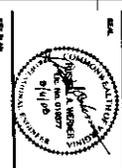
CONVEYANCE TYPE DEVELOPED LAND	PERMANENT SIGNATURES	ACCESSORIAL SIGNATURES	CONDITION	APPROXIMATE ACREAGE	COMMENTS
NA	NA	NA	GROUP TO PLAN	2,616 AC	INDICATED LOT UNDEVELOPED
TOTAL APPROXIMATE				2,616 AC	

- #### LEGEND
- PROPOSED BENCH
 - PROPOSED SHADE TREE
 - ⊗ PROPOSED FLOWERING TREE
 - ⊕ PROPOSED EVERGREEN SHRUBS



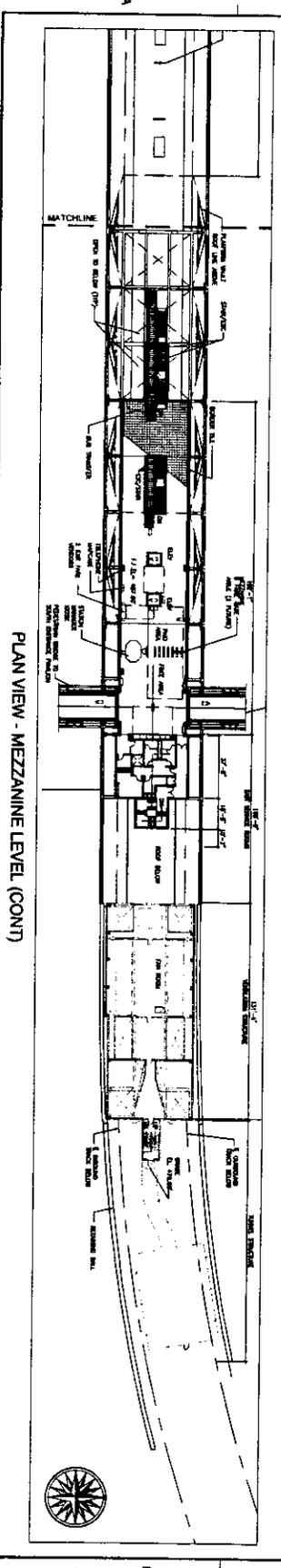
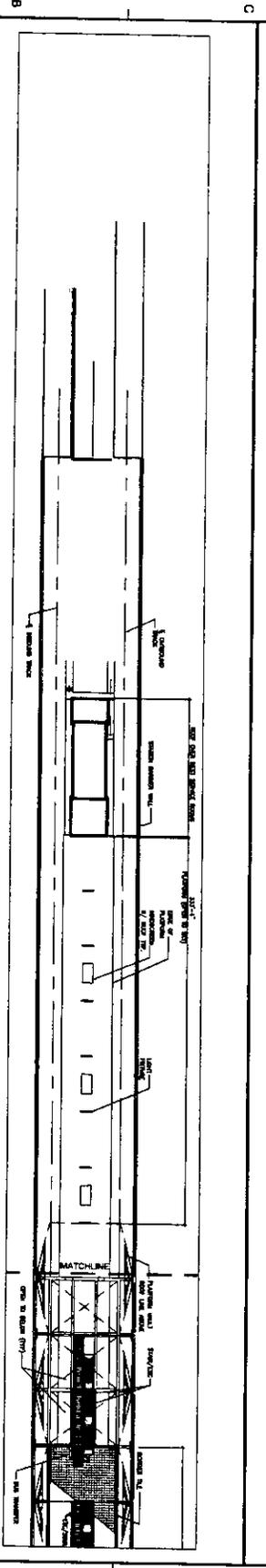
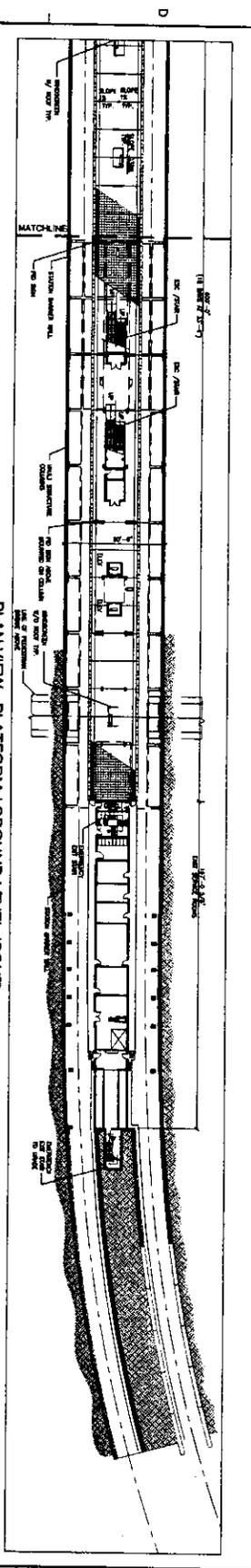
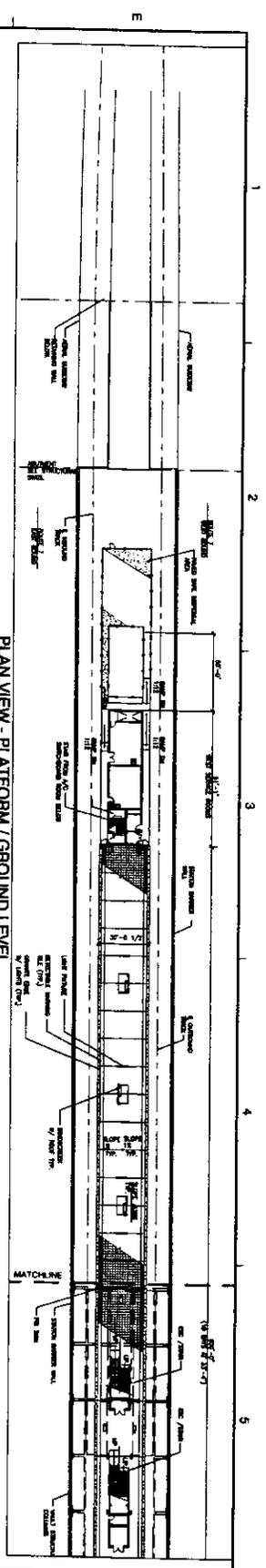
NO.	DATE	BY	DESCRIPTION
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2	08/01/07	AKC	DESIGN
3	08/01/07	AKC	DESIGN

DRAWN BY: AKC
 APPROVED BY: [Signature]
 DATE: November 15, 2007
 TITLE: Tysons Central 7 Station
 Dulles Corridor Metrolink Project
 Landscape Plan, Sign Plan & Existing Vegetation Map
 PROJECT NO.: M-10672



TYSONS CENTRAL 7 STATION
 Dulles Corridor Metrolink Project
SPECIAL EXCEPTION PLAN
 2232 PLAN
 PROVIDENCE DISTRICT AND HUNTER HILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

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 FAX: 703-441-1001
 WWW.DEBERRY.COM



Dewberry

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 Fax: 703.243.8801
 www.dewberry.com

TYSONS CENTRAL 7 STATION
 Dulles Corridor Metrorail Project
 SPECIAL EXCEPTION PLAN
 2232 PLAN
 PROVIDENCE DISTRICT AND HUNTER HILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

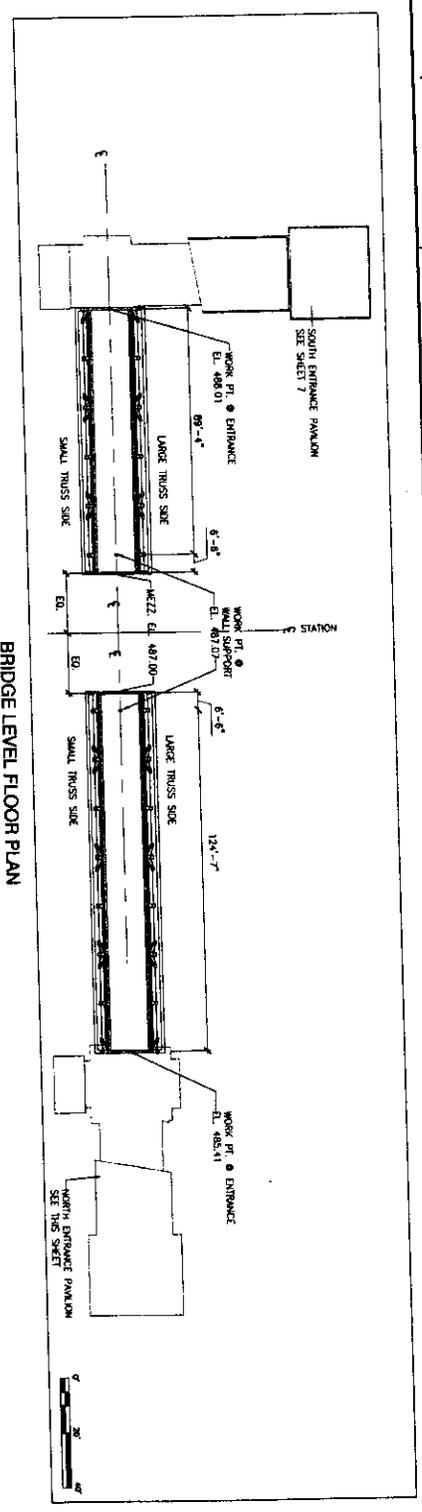
DATE: 12/15/07
 DRAWN BY: JAC
 CHECKED BY: LAM
 DATE: November 19, 2007
 TITLE: Tysons Central 7 Station
 Dulles Corridor Metrorail Project
 Station Plan View Details

PROJECT NO.: M-10672

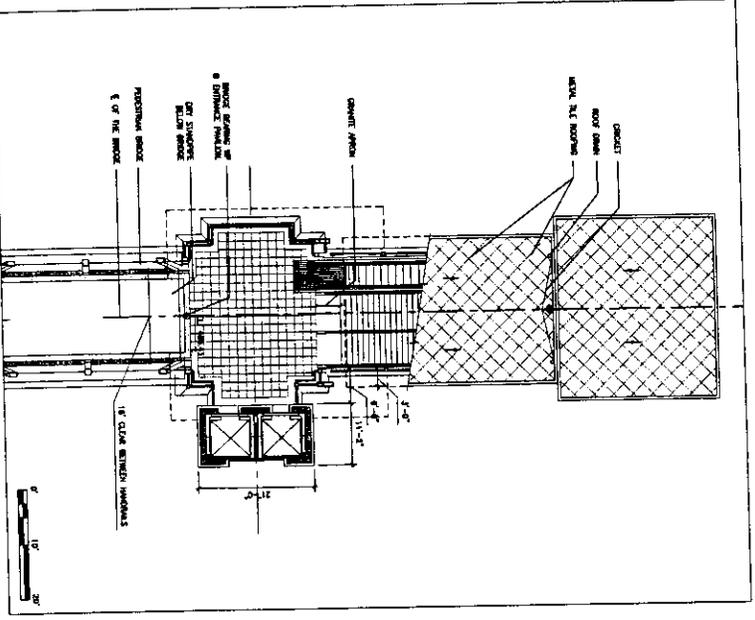
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5 OF 9

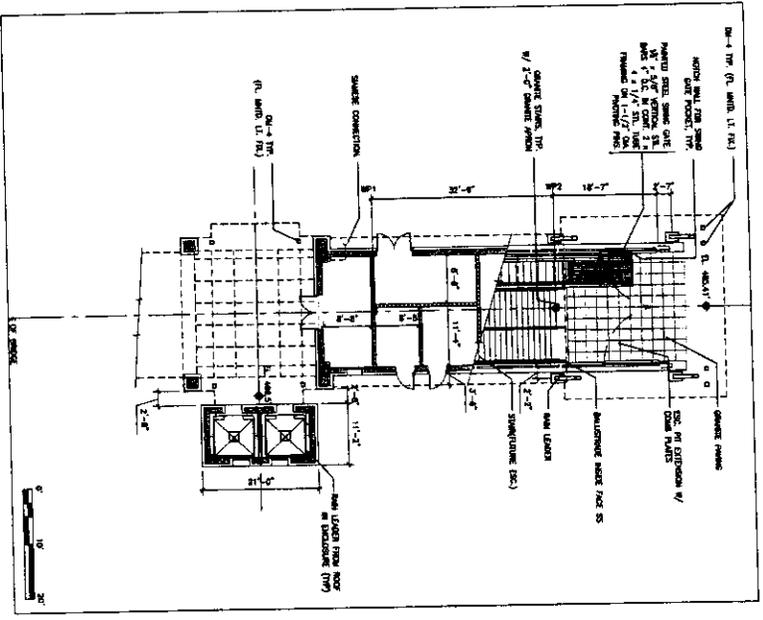
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BRIDGE LEVEL FLOOR PLAN



NORTH ENTRANCE PAVILION - BRIDGE LEVEL



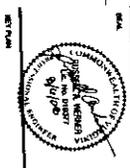
NORTH ENTRANCE PAVILION - GROUND LEVEL



Dewberry

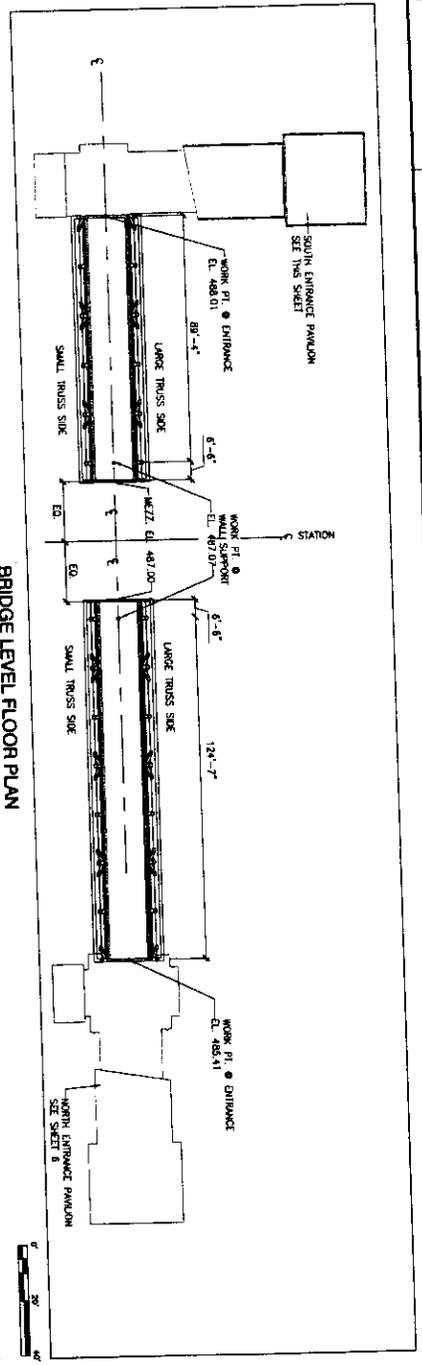
Dewberry & Davis, LLC
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TYSONS CENTRAL 7 STATION
 Dulles Corridor Metrorail Project
SPECIAL EXCEPTION PLAN
 2232 PLAN
 PROVIDENCE DISTRICT AND HUNTER HILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

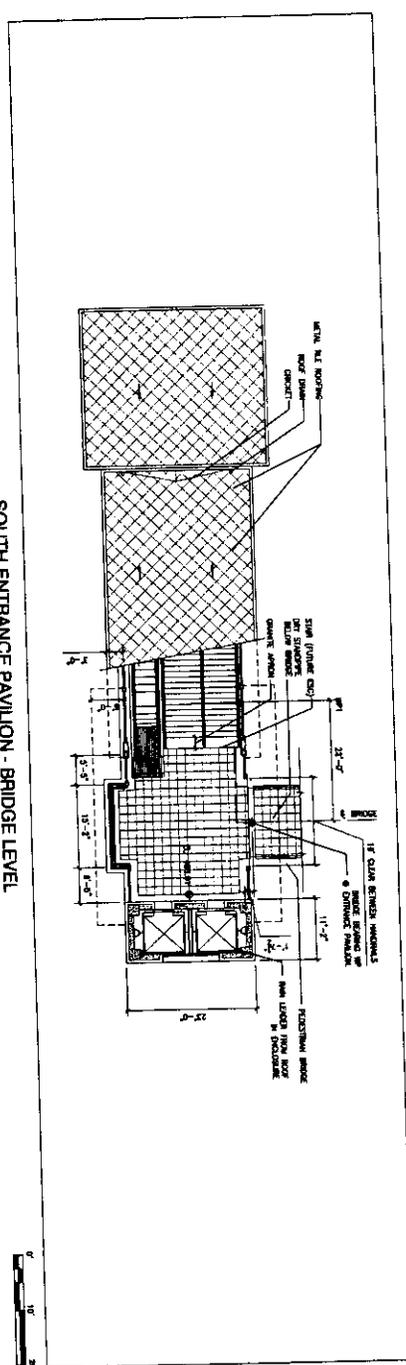


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3	08/13/08	ISSUED FOR PERMIT

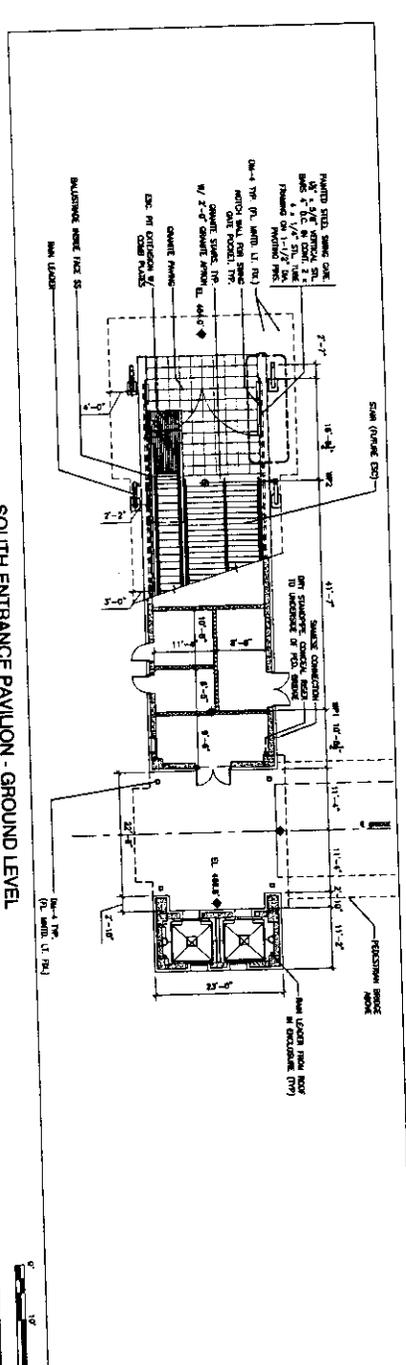
PROJECT NO. M-10672
 TITLE: Tysons Central 7 Station
 Dulles Corridor Metrorail Project
 North Entrance Pavilion and
 Pedestrian Bridge Details
 SHEET NO. M-10672
 OF 9



BRIDGE LEVEL FLOOR PLAN



SOUTH ENTRANCE PAVILION - BRIDGE LEVEL



SOUTH ENTRANCE PAVILION - GROUND LEVEL



Dewberry

Dewberry & Davis, LLC

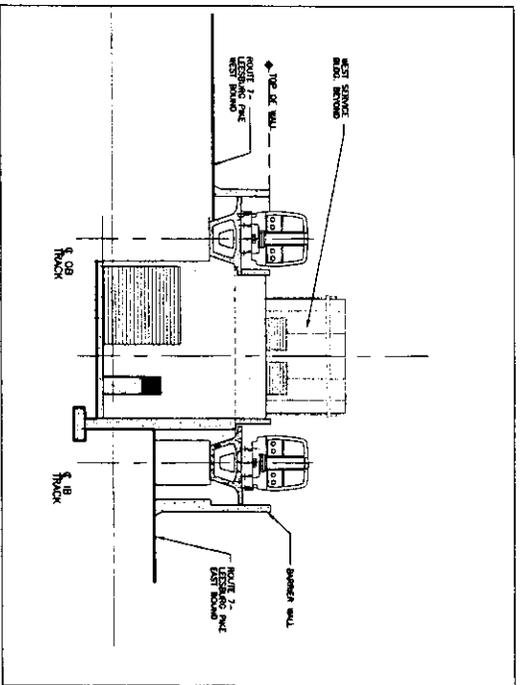
DULLES TRANSIT PARTNERS, LLC

TYSONS CENTRAL 7 STATION
 Dulles Corridor Metrolink Project
SPECIAL EXCEPTION PLAT
 2232 PLAN
 PROVIDENCE DISTRICT AND HUNTER MILL DISTRICT
 FAIRFAX COUNTY, VIRGINIA

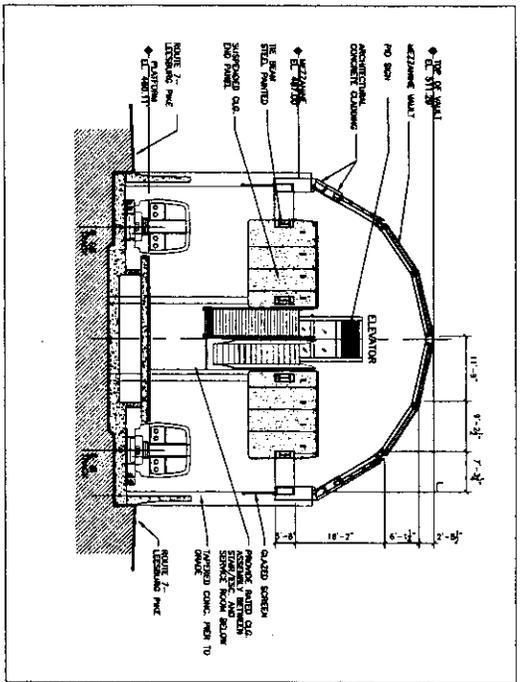


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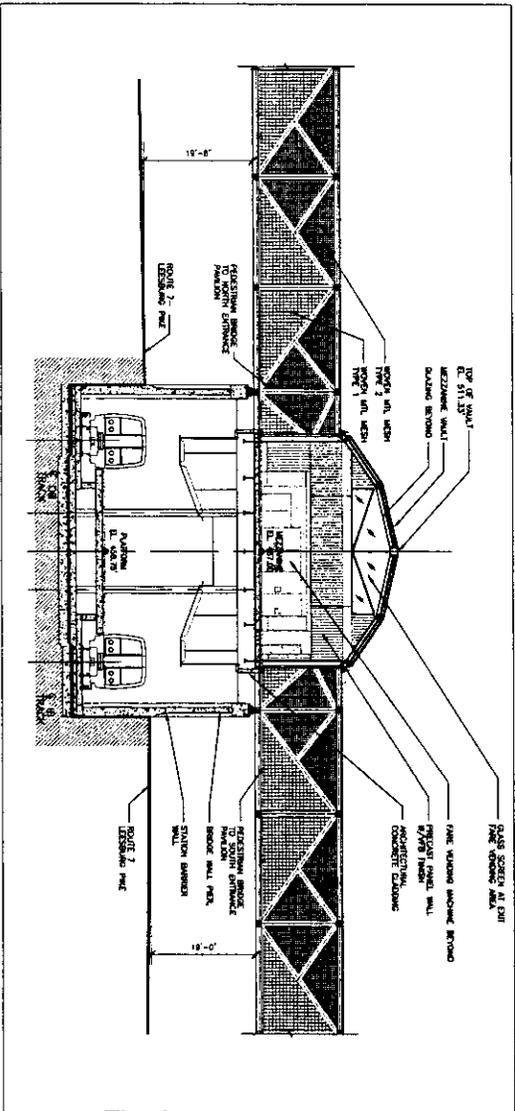
DATE: November 15, 2007
 APPROVED BY: [Signature]
 TITLE: [Title]
 PROJECT NO.: H-1-10672
 SHEET NO.: 14-10647
 7 OF 9



SECTION A
AT COLUMN 07



SECTION B
BETWEEN COLUMNS 11 & 12

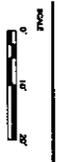


SECTION C
BETWEEN COLUMNS 17 & 18

Dewberry

Dullies & Davis LLC
DULLIES TRANSPORT PARTNERS, LLC
10000 WOODBRIDGE BLVD
SUITE 200
FALLS CHURCH, VA 22044

TYSONS CENTRAL 7 STATION
Dulles Corridor Metrorail Project
SPECIAL EXCEPTION PLAT
2232 PLAN
PROVIDENCE DISTRICT AND HUNTER MILL DISTRICT
FAIRFAX COUNTY, VIRGINIA



NO.	DATE	BY	DESCRIPTION
1	06/01/06	JAC	ISSUED FOR PERMIT

DESIGNED BY: JAC
APPROVED BY: LAM
CHECKED BY: LAM
DATE: NOVEMBER 18, 2007
PROJECT NO.: LA-100072

**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 rail transit facility to construct the proposed Tysons Central 7 Metrorail station, hereinafter referred to as Tysons Central 7. The proposed electrically powered regional rail transit facility will be the third station on the proposed extension of the Metrorail system to a terminus in Loudoun County. The project will be developed in phases and the proposed Tysons Central 7 is the third station in Phase I, 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 3,306 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 envisioned as an urban station and is destined to be primarily accessed by pedestrians and bus riders—with no parking or kiss and ride lot associated with the station. As such, the station is composed of the station with platform and elevated pedestrian bridges over Route 7 (Leesburg Pike) 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 Central 7 is located on Route 7, just west of the interchange of Route 7 and Route 123. The land areas to be developed total 2.51 acres. The majority of the proposed station will be located within the right of way for Route 7, with entrance pavilions located on parcels to the north and south which have current retail development not proposed to be altered with this application.



SURROUNDING AREA DESCRIPTION			
Direction	Use	Zoning	Plan
North	Office (SAIC)	C-4	Retail and Other
South	Retail (Tysons Square Center)	C-7	Retail and Other
East	Retail	C-8	Retail and Other
West	Retail (Tysons Square Center)	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.

According to County records, Tax Map Parcel 29-3((1)) 0071A, to the north of Leesburg Pike, was developed with its current building in 1972. The site currently contains a Merchants Tire Store. To the south of Leesburg Pike, on Tax Map Parcel 29-3 ((1)) 0032, two land use applications have been approved relating to the Wendy's fast food restaurant on the site. On April 6, 1981, the Board of Supervisors (BOS) approved SE 81-C-008 to permit a fast food restaurant on this site. On October 30, 1995, the BOS further approved SEA 81-C-008 to permit a building addition and an increase in land area, seating capacity and parking. Copies of the approved clerk's letter for these cases, with the approved development conditions, are contained in Appendix 4 at the end of this section of the staff report.

COMPREHENSIVE PLAN PROVISIONS (See Staff Report Part I)

Plan Area: II
Planning Sector: Tysons Corner Urban Center
Land Unit: Land Units D (D-1) & M (M-1, M-2)
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 D**, pages 91 – 92:

"SUB-UNIT D-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 M**, pages 123 – 126:

"SUB-UNIT M-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 (for all nonresidential uses) up to 2.0 FAR is appropriate for the area within 1,000 feet of the station platform. . . .

SUB-UNIT M-2 . . .

Option . . .

In the event a rail line is planned within the right-of-way of Route 123 and Route 7, site design for Sub-unit M-2 should not adversely affect the potential need for additional rail right-of-way at the edge of the sub-unit; development proposals should dedicate right-of-way that is needed for the rail alignment as appropriate."

ANALYSIS

Special Exception Plat (Copy at front of staff report)

Title of SE Plat:	Tysons Central 7 Station
Prepared By:	Dewberry & Davis, LLC
Original and Revision Dates:	November 19, 2007 as revised through August 5, 2008.

The Special Exception Plat consists of 9 sheets.

Central 7 Station	
Sheet #	Description of Sheet
1 of 9	Title Sheet, Vicinity Map
2 of 9	Site Layout, Special Exception Plat
3 of 9	Landscape, Existing Vegetation and Sign Plan
4 of 9	Station Perspective, Illustrations, Notes & Tabulations
5 of 9	Station Plan View Details
6 of 9	North Entrance Pavilion and Pedestrian Bridge Details
7 of 9	South Entrance Pavilion and Pedestrian Bridge Details
8 of 9	Elevations and Sections
9 of 9	Elevations and Sections

Site and Station Layout:



Figure 1 Overlay taken from http://www.dullesmetro.com/stations/tyson_7.cfm#

As illustrated above, the Tysons Central 7 station will consist of features located within the right of way of Route 7 including the station platform and the traction power substation. Pedestrian bridges over the travel lanes of Route 7 will provide a connection between the station and the two entrance pavilions located on the north and south sides of Route 7. The station will be partially underground, with the tracks exiting an underground tunnel under the Route 7/Route 123 interchange near the station. The station will consist of two levels, including the platform level and the mezzanine level above which will provide access to the pedestrian bridges over Route 7.

According to the applicant's statement of justification, the passenger station will occupy a footprint of approximately 75,000 square feet (SF) with the station's track platform partially at ground elevation and partially elevated, accommodating the sloping ground elevations at this location. The tracks will, as noted above, emerge from a tunnel east of the station. There will be a canopy partially covering the track platform. The mezzanine level will be above the track platform level and will contain farecard machines, as well as the service kiosk and other associated machines. There will also be elevated pedestrian bridges to the north and south of Route 7. The bridges will connect to entrance pavilions located to the north and south of Route 7. As with all stations in Phase I, payment of a fare is not required to use the bridge as a connection over Route 7. Both the north and south entrance pavilions are proposed to contain escalators and elevators to reach the pedestrian bridges.

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:

The station is proposed to be brick veneer and concrete, consistent with WMATA criteria. The width of the pedestrian bridges is 12 feet and will be enclosed with woven wire mesh panels. The entrance pavilion is proposed to contain walkways, benches, planting areas, bike lockers and bike racks.



Parking and Access:

The proposed station at Tysons Central 7 is proposed to be accessed primarily by pedestrians and feeder bus service. While there are no bus bays or Kiss and Ride facilities currently located at the station; bus bays are proposed to be constructed in the future when Pinnacle Drive is extended adjacent to the passenger entry pavilion on the east side of Route 7. There is also no dedicated Metro parking at this site. The entrance pavilions are to be accessed from sidewalks along Route 7.

Landscaping

Existing vegetation is not of the quality to warrant consideration for preservation. Much of this vegetation was planted as landscaping for Route 7 or for adjacent sites. However, the SE Plat depicts shade and flowering trees around the proposed entrance pavilions. The proposed landscaping includes several natural landscaping techniques such as large contiguous mulched beds for planting trees, shrubs and groundcover with areas of pavers.

Stormwater Management

Stormwater runoff in the station and pavilion areas is being routed into the roadway system. Discharge quantity and quality controls are being introduced in the median areas as a series of shallow ponds connected by an underdrain. The design is currently under review by DCR.

Signage

The applicant proposes pylon and station entrance signs typical to the entire Metrorail system

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. as shown on Sheet 3 of the SE Plat.

Land Use Analysis

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

Transportation Analysis (Appendix 5)

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

this station with the Fairfax County Department of Transportation. 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 (Please also see attached 2232 report)

Issue: Stormwater Management Impact (Appendix 7)

While the applicant is not increasing the impervious surfaces in any significant way with this application, the property does drain into the Old Courthouse Spring Branch and this stream has been given the rating of Level II, Restoration in the Fairfax County 2001 Stream Protection Strategy. In an effort to improve stormwater management in the area, the applicant proposes that stormwater runoff in the station and pavilion areas be routed into the roadway system and that discharge quantity and quality controls be introduced in the median areas as a series of shallow ponds connected by an underdrain. The applicant has reduced stormwater flows off of the project site over existing conditions by using extended on-site detention practices approved by DCR. Staff notes that the applicant, per the Memorandum of Agreement, is subject to state DCR review of all stormwater management issues and will be expected to meet all state and local quality and quantity standards of stormwater management. While issues of stormwater management are typically reviewed by Fairfax County, in this case, regulatory authority has been given to the state to conduct the appropriate review. Even so, the applicant has been working with DCR during the entire review process and DCR currently is reviewing the plans at this time. Given that, staff concludes that the stormwater management issues will be appropriately reviewed and approved by DCR per their regulatory responsibilities.

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 10)

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

Section 9-404 of the Zoning Ordinance notes that, *except for electrically-powered regional rail transit facilities, as further qualified in Sect. 405 below, all buildings and structures shall comply with the bulk regulations of the zoning district in which located.*

Section 405 qualifies that parking structures associated with these rail transit facilities are required to meet bulk standards. As noted, no parking structures are proposed with this Tysons Central 7 Station.

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 StandardsGeneral 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 and C-8 Districts were established to permit regional retail and commercial uses and highway supported commercial uses. The electrically powered regional rail facilities are in harmony with the purpose as they provide multi-modal transportation choices to the regional retail, commercial and future residential 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. Furthermore, this station, in particular, will have a small footprint, will not displace any existing structures and will, in fact, provide improved access to many of the retail and commercial uses within the ¼ to ½ mile radius of the entrances. As such, staff believes that this standard is satisfied.

Paragraph 4 states that the proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood. The pedestrian and vehicular traffic associated with this station will not create a hazard or conflict with the anticipated traffic in the neighborhood. As stated earlier, the station will be accessible only by foot, as there will be no bus bays or kiss and ride lots proposed with this station. The pedestrian bridges across the right of way for Route 7 will separate pedestrians from vehicular traffic. Furthermore, the vehicular traffic associated with this station is expected to be small since, as an urban station in the center of Tysons Corner, it would not be expected to generate much drop off traffic. As such, staff believes that this standard is satisfied.

Paragraph 5 states that in addition to the standards which may be set forth in this Article for a particular category or use, the Board may require landscaping and screening in accordance with the provisions of Article 13. The applicant is providing landscaping on this site where the particular use does not generally have a landscaping requirement. In addition, proposed development conditions require coordination with UFM during the development and installation of the landscaping plan. As such, with implementation of the proposed development conditions and the landscaping already proposed, staff 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 these Zoning Districts, and the applicant is proposing over 15% open space (55%). 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. The use has no parking or loading requirements per the Zoning

Ordinance. Staff notes that the stormwater management and drainage will be reviewed by the DCR per the Memorandum of Agreement. In addition, staff finds that the site will not increase the impervious nature of the area in any significant way, and that this use will not negatively affect the drainage of the area. Stormwater runoff in the station and pavilion will be 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 has been approved by DCR. The use has no parking or loading requirements per the Zoning Ordinance. 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. 9-006 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. 9-405 below, all buildings and structures shall comply with the bulk regulations of the zoning district in which located. Sect. 9-405 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. As a result, 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, therefore 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), WMATA or Fairfax County 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 the lot size to be the minimum required in order to site the station and therefore finds the standard satisfied.

Paragraph 2 notes that notwithstanding Par. 1 of Sect. 9-404 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.

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 transit facility 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-MD08-012 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-036 subject to the proposed development conditions in Appendix 1.

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

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

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

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

APPENDICES

1. Proposed Development Conditions
2. Affidavit
3. Statement of Justification
4. Clerk's Letter for SE 81-C-008 and SEA 81-C-008
5. Transportation Analysis
6. Environmental Analysis
7. Park Authority Analysis
8. Urban Forestry Management Analysis
9. Historic Preservation Analysis
10. Fairfax County Water Authority Memo
11. Applicable Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS

SE 2008-MD-036

January 14, 2009

If it is the intent of the Board of Supervisors to approve SE 2008-MD-036 located at (Tax Map 29-3 ((1)) 32 part, and 29-3 ((1)) 71A 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 the landscape plan, including the selection of

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

13. The project shall satisfy minimum planting area requirements for all proposed planting onsite unless modified and may include the use of soil cells, or other innovative techniques as recommended by UFMD. Planting details illustrating innovative techniques shall be included with landscape plans provided to UFMD for review.
14. 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 102303c

in Application No.(s): SE-2008-MD-036
 (enter County-assigned application number(s), e.g. SE 88-V-001)

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

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

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
The Virginia Department of Rail and Public Transportation 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	600 - 5th Street, N.W. Washington, D.C. 20001	Applicant

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

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

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

Special Exception Attachment to Par. 1(a)

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

102303c

for Application No. (s): SE-2008-MD-036
 (enter County-assigned application number (s))

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

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Commonwealth of Virginia, a body corporate and politic Agent: Peter E. Vigliotti	14685 Avion Parkway Chantilly, VA 20151	Title Owner of 29-3((1)) 32, part, and 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. Riegle 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
Marbish LLC Agents: Robert L. Marsteller Suzanne M. Marsteller	6101 Ed Crone Lane Frederick, MD 21703	Title Owner of Tax Map No. 29-3 ((1)) 71A, part
Bishmar LLC Agent: Maria del Carmen Bishop	5700 Sugarbush Lane Rockville, MD 20852	Title Owner of Tax Map No. 29-3 ((1)) 71A, part

(check if applicable)

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

SPECIAL EXCEPTION AFFIDAVIT

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

102303c

for Application No. (s): SE-2008-MD-036
(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) 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)

102303c

for Application No. (s): SE-2008-MD-036
(enter County-assigned application number (s))

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

Metropolitan Washington Airports Authority (MWAA)
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)

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

102303c

for Application No. (s): SE-2008-MD-036
(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)

102303c

for Application No. (s): SE-2008-MD-036
(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)
DEC 19 2008

DATE: _____
(enter date affidavit is notarized)

102303c

for Application No. (s): SE-2008-MD-036
(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)

102303c

for Application No. (s): SE-2008-MD-036
(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)

102303c

for Application No. (s): SE-2008-MD-036
(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)

102303c

for Application No. (s): SE-2008-MD-036
(enter County-assigned application number (s))

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

Marbish LLC
6101 Ed Crone Lane
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)

Robert L. Marsteller, Manager
Suzanne M. Marsteller, Manager

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

Bishmar LLC
5700 Sugarbush Lane
Rockville, MD 20852

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)

Maria del Carmen Bishop, Manager
Norman R. Bishop Bypass Trust - See Page 4 of 4, Attach. to par. 1(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 AFFIDAVIT

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

102303c

for Application No. (s): SE-2008-MD-036
(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) [X] 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

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

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

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

Special Exception Attachment to Par. 1(c)

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

102303c

for Application No. (s): SE-2008-MD-036
(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)

102303c

for Application No. (s): SE-2008-MD-036
(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)

102303c

for Application No. (s): SE-2008-MD-036
(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)

102303 c

for Application No. (s): SE-2008-MD-036
(enter County-assigned application number (s))

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

Norman R. Bishop Bypass Trust
5700 Sugarbush Lane
Rockville, MD 20852

(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**)

Trustee: Maria del Carmen Bishop

Beneficiary: Norman R. Bishop, Jr.

(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

DEC 19 2008

DATE: _____
(enter date affidavit is notarized)

102 303 c

for Application No. (s): SE-2008-MD-036
(enter County-assigned application number(s))

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

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

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

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

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

NONE

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

SPECIAL EXCEPTION AFFIDAVIT

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

102303 c

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

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

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

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

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

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

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

WITNESS the following signature:

(check one)

Applicant

Applicant's Authorized Agent

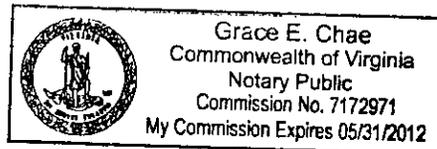
Jonathan P. Rak, Esquire

(type or print first name, middle initial, last name, and & title of signee)

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

Notary Public

My commission expires: 5/31/2012



Special Exception Attachment to Par. 3

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

102303c

for Application No. (s): SE-2008-MD-036
(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.

(check if applicable)

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

**Dulles Corridor Metrorail Project
Special Exception Application
Tysons Central 7 Station**

STATEMENT OF USE

December 22, 2008

Description of Special Exception (SE) Request

The Tysons Central 7 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, Rt. 7 and the north and south entrance pavilions will be located on what is now the Merchant's Tire property and a portion of the Tysons Square Center shopping center. The total SE area comprises 2.51 acres. 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 Central 7 Station will consist of the following components:

- Station and associated platform and traction power substation, all located in the median of Rt. 7. The passenger station itself will occupy a footprint of approximately 75,000 square feet. The station's track platform is partially at ground elevation and partially aerial, accommodating the sloping ground elevations at this location. The tracks emerge from a tunnel east of the station and over the length of the track platform they transition to an aerial section and continue on aerial structures west along Route 7. There is a canopy partially covering the track platform. Above the track platform level, there is a mezzanine level with connections to pedestrian bridges across both eastbound and westbound Route 7. Station levels are connected with escalators, elevators and stairways. There is a traction power substation located partially below grade at the west end of the station, and there are service rooms and a ventilation structure located at the east end. At the west end of the station, there is a vehicular service entrance off of westbound

Special Exception Application, Tysons Central 7 Station
STATEMENT OF USE
December 22, 2008

Route 7 and a ramp to the traction power substation below. 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 Rt. 7. Two pedestrian bridges, one from each side of Rt. 7 connect pavilion entrances to the station. The pedestrian bridges from the northern and southern sides of Rt. 7 are elevated to the station mezzanine level. Like other stations in this portion of the alignment, the width of the pedestrian bridge is 12 feet and is enclosed with woven wire mesh panels. Both the north and south entrance pavilions contain escalators to reach the pedestrian bridges.
- Entrance Pavilions. Access to the station is provided from both the north side and the south side of Rt. 7. Each entrance pavilion area contains walkways, benches, planting areas, bike lockers and bike racks. Within each pavilion are covered stairs, on escalator and two elevators to reach the pedestrian bridges across Route 7. Entrance pavilions are accessed from sidewalks along Route 7. There are no bus pullouts or Kiss & Ride facilities located at this 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 5:00am to midnight on weekdays, 7:00am to 3:00am on weekends.
- C. Daily Patronage: The Dulles Corridor Metrorail extensions ridership is projected to be 59,000 by 2013, including 3,306 daily boardings at the Tysons Central 7 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: Park & Ride and Kiss & Ride facilities will not be provided, and feeder and/or circulator bus service is not planned to serve this station. Therefore, no traffic impact is anticipated.
- F. Vicinity of area to be served: Tysons Corner and the metropolitan area east of I-495

Special Exception Application, Tysons Central 7 Station
STATEMENT OF USE
December 22, 2008

- G. Description of building and façade: The station will be brick veneer and concrete, consistent with WMATA's criteria for character and quality appropriate for public transit facilities. Elevations and section drawings are provided with this submittal as reference drawings.
- H. Listing of Hazardous or Toxic Substances on site: Environmental site assessments have been conducted for land parcels comprising both entrance pavilions of the Tysons Central 7 Station. Record reviews for the north pavilion area (Merchant's Tire and Auto site) indicate the site was originally used for agricultural purposes and developed in the early 1970's as an automotive repair shop. Petroleum releases associated with both the site and adjacent properties are documented within records of the Virginia Department of Environmental Quality (DEQ). All cases are currently closed and the site is not subject to any known environmental regulatory program. Record reviews for the south pavilion area (Tysons Square Center site) indicate that this site has always been undeveloped and was originally situated around agricultural areas. The site was cleared in the 1960's to make way for parking areas associated with Tysons Square Center. The site is not currently subject to regulatory action. Soils borings and groundwater samples were obtained and analyzed from both sites to support acquisition of the properties by the Commonwealth of Virginia. The assessments confirmed existence of petroleum contamination (residual or associated with adjacent properties), and a soil management plan was recommended by DEQ for implementation during construction.

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

- I. Conformity of Proposed Use: The proposed changes conform to the provisions of all applicable ordinances, regulations, adopted standards and any applicable conditions.

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.

Special Exception Application, Tysons Central 7 Station
STATEMENT OF USE
December 22, 2008

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 (FTA), the lead federal agency in the review, issued an amended Record of Decision (ROD) in November of 2006 which is attached. This ROD documented that the project including refinements made during preliminary engineering was successfully reviewed and approved through the NEPA process.
2. See Number 1 above.
3. As part of the NEPA process and the required public hearings, Draft and Final Environmental Impact Statements (DEIS, FEIS) 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 propose location for the Tysons Central 7 Station is not adjacent to any residential development. It is surrounded by office and retail uses, zoned commercial. 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 for Land Units M-1 and D-1, 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. There are no planned residential uses recommended for Land Unit M-2 where the northern entrance pavilion is located.
5. Not applicable
6. Not applicable
7. Not applicable
8. As stated conformance with Article 17, Site Plans shall be not required.

Special Exception Application, Tysons Central 7 Station
STATEMENT OF USE
December 22, 2008

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 along Rt. 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 located on public right-of-way and are 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 Rt. 7 and pedestrian bridges across Route 7. Street improvements in the station vicinity include elimination of the service roads along both sides of Rt. 7 and addition of another through/right turn lane in each direction. Driveway entrances along both sides of Rt. 7 will be reworked in order that the existing uses maintain access to Rt. 7. These improvements accommodate the anticipated increase in pedestrian and vehicular traffic.
5. There are no specific transitional screening or barrier requirements required by Article 13 of the Zoning Ordinance. Extensive landscaping is shown on the special exception plat.
6. Approximately 20% percent open space is provided on the site.

Special Exception Application, Tysons Central 7 Station
STATEMENT OF USE
December 22, 2008

7. There is no parking provided at this station. 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

APPENDIX 4

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

Tel: 703-324-3151 Fax: 703-324-3926

V I R G I N I A

November 14, 1995

Lawrence A. McDermott
Dewberry and Davis
8401 Arlington, Boulevard
Fairfax, Virginia 22031

RE: Special Exception Amendment
Number SEA 81-C-008

Dear Mr. McDermott:

At a regular meeting of the Board of Supervisors held on October 30, 1995, the Board approved Special Exception Amendment Number SEA 81-C-008 in the name of DavCo Restaurants, Inc., located at Tax Map 29-3 ((1)) Pt. 32 for use as a fast food restaurant with drive-in window pursuant to Sections 9-505 and 9-611 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions. These conditions carry forward and supersede all previous applicable development conditions.

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. A copy of the Special Exception Amendment shall be posted in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Department of the County of Fairfax during hours of operation of the permitted use.

4. 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 approved Special Exception Amendment Plat entitled **Special Exception Amendment Plat for Tysons Square Center and prepared by Dewberry & Davis which is dated March 31, 1995 as revised August 16, 1995 and these conditions.**
5. Landscaping shall be provided in accordance with Article 13. Peripheral parking lot landscaping along the southern property line abutting Tax Map Parcel 29-3 ((1)) 31 may be waived provided that the owner of the adjacent parcel gives the applicant permission to plant landscaping, which is at a minimum equivalent to peripheral parking lot landscaping, within the existing landscaped area between the sites and that such landscaping is provided. If permission is not given, peripheral parking lot landscaping shall be provided in strict accordance with Article 13 without waiver or modification.
6. A parking tabulation shall be submitted to DEM at the time of site plan review to demonstrate that adequate parking is provided for the Tysons Square Center in addition to the proposed use.
7. The maximum number of seats shall be 116 seats.
8. Streetscape plantings shall be provided as shown on the Special Exception Amendment Plat subject to the approval of the Urban Forestry Branch of DEM. Trees shall be at least 3" caliper in size at the time of planting.
9. In the event the existing sidewalk along the frontage of the property is removed or relocated, it shall be replaced with a six foot wide sidewalk in accordance with the Tysons Corner Urban Center Plan.
10. A Contribution of \$2.85 per square foot for the additional floor area requested (600 square feet as shown on the Special Exception Amendment Plat) shall be provided toward the Tysons Corner Transportation Fund at the time of site plan approval. This contribution amount shall be adjusted in accordance with the Construction Cost Index as published in the Engineering News Record, using the date of this Special Exception Amendment approval as the base, as determined by the Office of Transportation.

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.

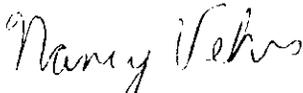
SEA 81-C-008
November 14, 1995

3.

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.

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.

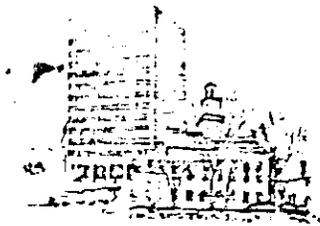
Sincerely,



Nancy Vehrs
Clerk to the Board of Supervisors

NV/ns

cc: John M. Yeatman, Director, Real Estate Dvs., Assessments
Melinda M. Artman, Deputy Zoning Administrator
Frank Jones, Assistant Chief, PPRB, OCP
Audrey Clark, Chief, Inspection Srvs., BPRB, DEM
Barbara A. Byron, Director, Zoning Evaluation Dvsn., OCP
Robert Moore, Trnsprt'n. Planning Dvs., Office of Transportation
Paul Eno, Project Planning Section, Office of Transportation
Department of Environmental Management
Y. Ho Chang, Resident Engineer, VDOT
Land Acqu. & Planning Dvs., Park Authority



COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX

4100 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030

April 8, 1981



Mr. James P. Downey
11800 Sunrise Valley Drive
Reston, Virginia 22091

Re: Special Exception
Number 81-C-008

Dear Mr. Downey:

At a regular meeting of the Board of Supervisors held on April 6, 1981, the Board approved Special Exception No. 81-C-008 in the name of DavCo Food, Inc., for Wendy's Old Fashioned Hamburgers, located as Tax Map 29-3 ((1)) part 32 for use as a fast food restaurant pursuant to Sections 4-704 and 7-607 of the Fairfax County Zoning Ordinance, by requiring conformance with the following development conditions:

1. This Special Exception is granted for the location indicated in the application and is not transferable to other land.
2. This Special Exception is granted for the building and use indicated on the plats submitted with the application only.
3. A copy of the Special Exception SHALL BE POSTED in a conspicuous place along with the Non-Residential Use Permit on the property of the use and be made available to all Departments of the County of Fairfax during hours of operation of the permitted use.
4. A site plan will be submitted for approval in accordance with the landscaping provisions of Articles 17 and 13. Peripheral parking lot landscaping along the southern property line abutting JKJ Chevrolet may be waived provided that JKJ gives this applicant permission to plant transitional landscaping within the existing landscaped area between the sites. If JKJ permission is not given, peripheral parking lot landscaping shall be provided

in strict accordance with Article 13 without waiver or modification. The existence of an approved site plan for the shopping center should in no way be construed to relieve the applicant from submission of a revised site plan which satisfies ordinance requirements for parking, landscaping and screening.

5. A parking study shall be submitted to demonstrate adequate parking for utilization by any regional retail commercial use in addition to the proposed use and abutting service station.

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 complied with.

Under provisions of Section 9-014 of the Zoning Ordinance, this Special Exception shall automatically expire without notice eighteen months after the effective date of the exception unless construction has commenced or an extension has been granted by the Board of Supervisors because of the occurrence of conditions unforeseen at the time of the granting of the Special Exception. Any request for extension should cite justification for the extension and be filed with the Zoning Administrator not less than thirty (30) days prior to the expiration date.

If you have any questions concerning this Special Exception, please call me.

Very truly yours,

Ethel Wilcox Register
Clerk to the Board

EWR/mg

cc: Mr. Patteson
Mr. Knowlton
Mr. Covington
Mr. Davis



County of Fairfax, Virginia

MEMORANDUM

DATE: December 18, 2008

TO: Regina Coyle, Director
Zoning Evaluation Division, DPZ

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

FILE: 3-5 (SE 2008-MD-036)

SUBJECT: SE 2008-MD-036; Metropolitan Washington Airports Authority
Land Identification Maps: 29-3 ((1)) 32, 71A

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

AKR/MAD



25

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-MD08-12 MWA
Tax Map # 29-3((01)) 0032 & 71A Tysons Central 7 Metro Station
Fairfax County

Dear Mr. Jillson:

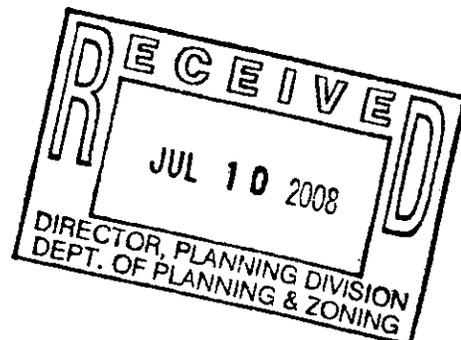
I have reviewed the above submittal dated June 26, 2008, and received on June 30, 2008. This proposal is in conformance with the Fairfax County Comprehensive Plan and the proposed Metrorail Extension to Dulles Airport. I have no comments on this application.

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

Sincerely,

Kevin Nelson
Transportation Engineer

cc: Ms. Angela Rodeheaver
fairfaxrezoning2232-MD08-12r1MWAATysonsCentral7MetroSta7-3-08DJ





County of Fairfax, Virginia

MEMORANDUM

DATE: December 23, 2008

APPENDIX 6

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 Assessment:** SE 2008-MD-036/2232-MD08-12
WMATA – Tyson's Central 7 Metro Station

John R. Bell of the Environment and Development Review Branch has reviewed this application for a special exception and 2232 approval to permit the development of a public mass transit rail station. No 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/



DEPARTMENT OF
**PLANNING
& ZONING**



FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM



APPENDIX 7

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

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

FROM: Sandy Stallman, Manager
Park Planning Branch

DATE: July 10, 2008

SUBJECT: SE 2008-0161, 2232-P08-12 - Tysons Central 7 Station
Tax Map Numbers: 29-3 ((1)) 32 part, 71A

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 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 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.

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 2008-0161, 2232-P08-12 - Tysons Central 7 Station
July 10, 2008
Page 3

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2008-0161 rpt.doc



MEMORANDUM

July 29, 2008

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

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

SUBJECT: Tysons Central 7 Station Dulles Corridor Metrorail Project
SE 2008-0161

I have reviewed the above referenced proposed Special Exception Plat and 2232 Plan stamped as received by the Zoning Evaluation Division on June 19, 2008. The following comments and recommendations 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 the Chain Bridge Road/Route 123 exchange and east of Westpark Drive. Existing landscaping within and adjacent to the project boundaries includes oak and maple species. Existing vegetation 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. The Station Perspective, Illustrative, Notes, & Tabulation on Sheet 4 of the SE Plat depicts a landscape utilizing several natural landscaping techniques such as large contiguous mulched beds for planting trees, shrubs, and groundcovers. Areas of pavers are shown. In addition the illustration appears to shown little or no turf. These features would seem to define the character of the proposed rail station and not be subject to change as stated in the note at the bottom of Sheet 4.

Recommendation: Incorporate these features 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:** 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.

- Comment:** The Landscape Plan on Sheet 3 shows planting areas for several trees shown on the south side of Leesburg Pike that appear to be less than eight feet in width and do not satisfy minimum planting area requirements. Trees can not attain normal growth and size needed to function properly and provide the benefits expected, if planting areas are undersize and adequate soil volume and quality are not provided.

Recommendation: Provide planting areas that are at least eight feet wide and satisfy minimum planting area requirements as indicated in PFM Table 12.7. In addition, show no trees less than four feet from any restrictive barrier.

- 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.

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



<u>Species</u>	<u>Common name</u>	<u>Problem</u>	<u>Canopy Credit Multiplier</u>	<u>Conditional Credit</u>
<u><i>Elaeagnus angustifolia</i></u>	Russian olive	Invasive	None	
<u><i>Ginkgo biloba</i> (female only)</u>	<u>ginkgo</u>	Female plant produces fruits with objectionable odor	Conditional 1.0	Full credit if male plant is used.
<u><i>Liquidambar styraciflua</i></u>	<u>sweetgum</u>	Invasive root system. High VOC emissions	Conditional 0.5	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><i>Morus alba</i></u>	<u>white mulberry all cultivars</u>	Invasive	None	
<u><i>Phellodendron amurense</i> (female only)</u>	<u>amur corktree</u>	Prolific, invasive seeds	Conditional 1.0	May receive full credit if male plant is used.
<u><i>Pinus strobes</i></u>	<u>white pine</u>	Brittle wood. Branch and twig failure. Susceptibility to disease and environmental stress. Overuse in Fairfax County.	0.5	Not conditional, but reduced credits
<u><i>Populus alba</i></u> <u><i>Populus deltoides</i></u>	<u>white poplar</u> <u>Eastern cottonwood</u>	Invasive root system Brittle wood. Branch and twig failure. Invasive root system.	None Conditional 1.0	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><i>Populus nigra 'Italica'</i></u>	<u>Lombardy poplar</u>	Susceptibility to disease. Short life span	None	
<u><i>Pyrus calleryana</i></u>	<u>all varieties and cultivars of Callery pear.</u>	Poor branch attachment. Highly susceptible to storm damage. Invasive Overuse in Fairfax County	None	

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



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



5. **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.

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 #: 138101

cc: RA File
DPZ File





County of Fairfax, Virginia

MEMORANDUM

APPENDIX 9

DATE: 14 July 2008

TO: David Jillson, Senior Planner

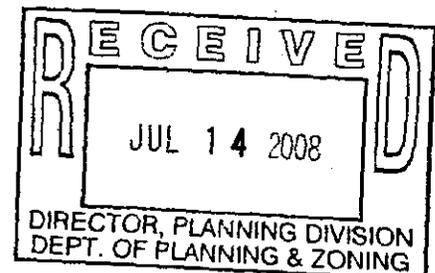
FROM: Linda Cornish Blank, Historic Preservation Planner

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.



Excellence * Innovation * Stewardship
Integrity * Teamwork * Public Service

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/



Fairfax Water

20

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

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

July 15, 2008

APPENDIX 10

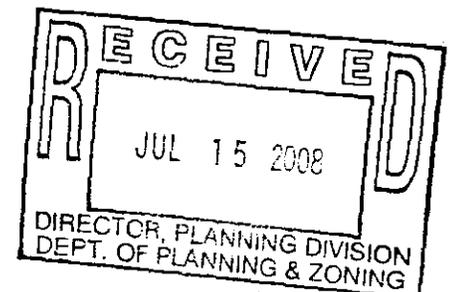
Mr. David S. Jillson, Senior Planner
Fairfax County Department of Planning and Zoning
Facilities Planning Branch, Planning Division, Suite 730
12055 Government Center Parkway
Fairfax, Virginia 22035-5505

Re: Tysons Central 7 Station (2232-MD08-12)
Fairfax Water Review Comments

Dear Mr. Jillson:

We have completed our review of the referenced 2232 Application for construction of the Tysons Central 7 Metro Station with associated entrance pavilions and offer the following:

- Fairfax Water is capable of providing service to the proposed station located on Leesburg Pike immediately north of the Chain Bridge Road overpass. 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 Central 7 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 and associated pedestrian bridge will be in conflict with Fairfax Water's existing 12" water main and meter vault in Route 7 (Leesburg Pike). 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 (Phase 1), 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.

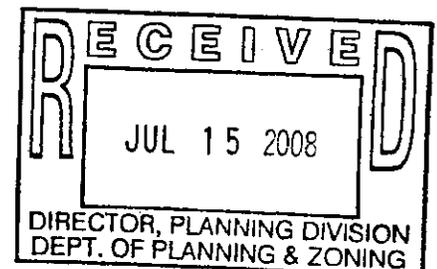
Sincerely,

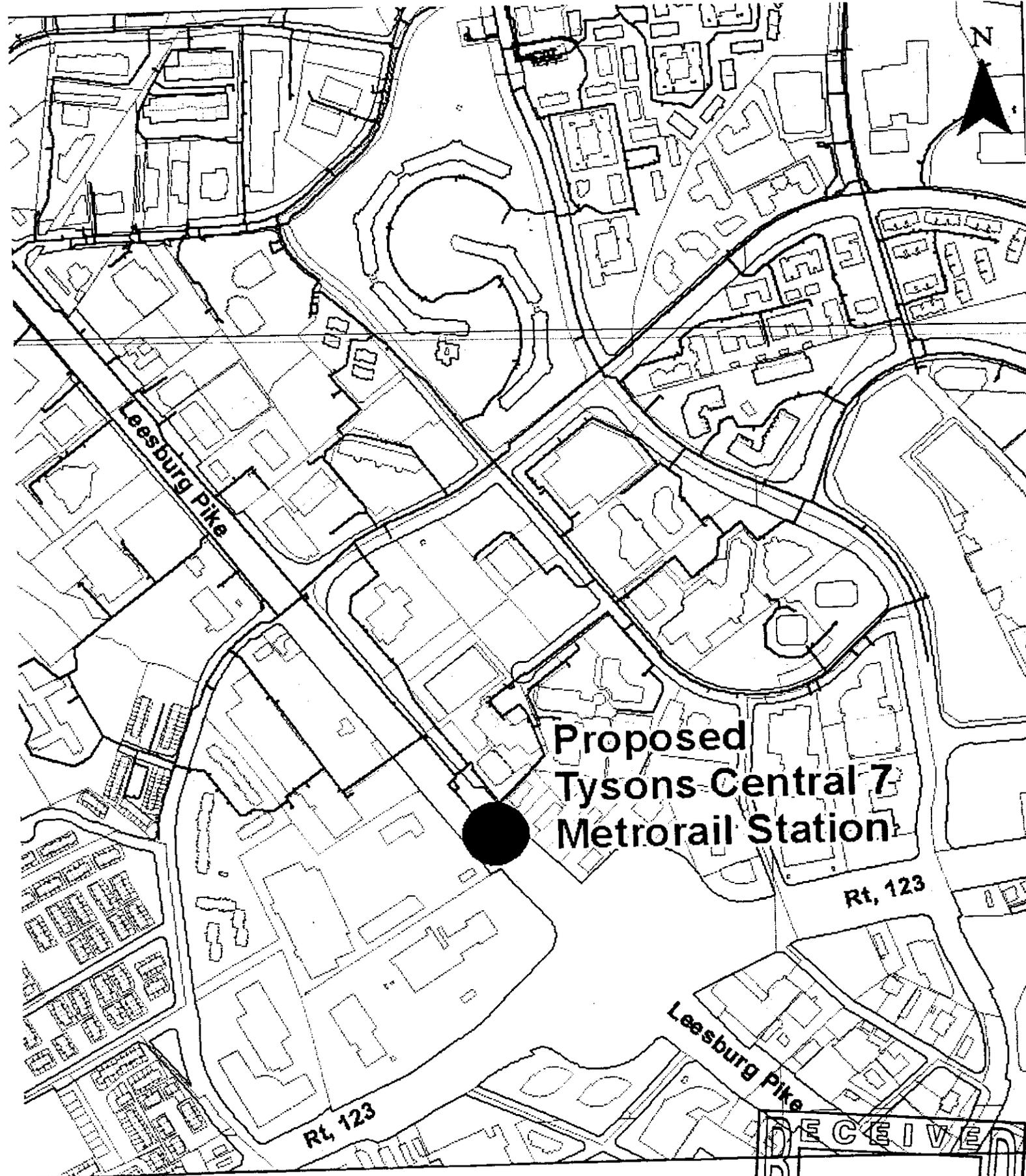


Traci Goldberg, P.E.
Manager, Planning

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 Central 7
Metrorail Station**

Fairfax Water

Tysons Central 7 Metrorail Station

Existing Water Main

RECEIVED
JUL 15 2008
PLANNING DIVISION
DEPT. OF PLANNING & ZONING
Sheet 1 of 4

July 14, 2008

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.

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- 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)

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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

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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

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- (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:

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- 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)

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PART 4 9-400 CATEGORY 4 TRANSPORTATION FACILITIES

9-401 Category 4 Special Exception Uses

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

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

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

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

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

PRC District: All uses

PRM District: Limited to uses 2, 6 and 7

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

R-E, R-1 Districts: All uses

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

PRM District: Limited to uses 3 and 4

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

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

C-5 District: Limited to uses 6 and 7

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

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

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

I-I District: Limited to use 3

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

I-2 through I-6 Districts: All uses

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.