



# County of Fairfax, Virginia

*To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County*

February 21, 2018

Ben Wales  
Cooley LLP  
11951 Freedom Drive, Suite 1400  
Reston, VA 20190

Re: Special Exception Application SE 2016-HM-024  
(Concurrent with Planned Residential Community Application PRC C-378)

Dear Mr. Wales:

At a regular meeting of the Board of Supervisors held on February 20, 2018, the Board approved Special Exception Application SE 2016-HM-024 in the name of Kensington Senior Development, LLC. The subject property is located at 11501 Sunrise Valley Drive, on 1.8 acres of land, zoned PRC in the Hunter Mill District [Tax Map 17-4 ((17)) 1C]. The Board's action permits a medical care facility (assisted living), pursuant to Sections 6-304, of the Fairfax County Zoning Ordinance, 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. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception must be in substantial conformance with the approved Special Exception (SE) Plat and PRC Plan entitled "The Kensington, Reston, Section 58, Block 1-C", submitted by VIKA Virginia, LLC, and consists of 26 sheets dated November 16, 2016 and revised through November 2, 2017. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 and Par. 8 of Sect. 16-203 of the Zoning Ordinance.
4. A copy of this Special Exception and the Non-Residential Use Permit must be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. The applicant must work with Public Art Reston to coordinate the proposed public art amenity to be located along Sunrise Valley Drive.

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6. The maximum number of resident rooms may not exceed 75, and the maximum number of resident beds may not exceed 105.
7. The proposed building may not exceed 38 feet in height measured in accordance with the Fairfax County Zoning Ordinance. Notwithstanding the foregoing, however, nothing will preclude the applicant from constructing the building to a lower building height provided the building foot print remains in substantial conformance with the SE Plat/PRC Plan.
8. The final architectural design of the building must be consistent with general architectural design provided on sheet "A-02" of the SE Plat/PRC Plan.
9. The applicant must construct pedestrian connections between the proposed development and abutting Wethersfield residential single-family attached dwellings, as well as Sunrise Valley Drive sidewalk network. The exact locations of the pedestrian connections must be determined at time of site plan and coordinated with Fairfax County Department of Transportation. The pedestrian connections must be completed and available for use prior to the issuance of the Non-Residential Use Permit (Non-RUP) for the proposed development.
10. The applicant must make a contribution of \$20,000.00 for pedestrian and bicycle improvements in the area prior to issuance of a non-residential use permit.
11. The applicant must maintain 4 percent of the beds in the Assisted Living Facility for residents who are eligible for the Virginia Department of Ageing and Rehabilitative Services Auxiliary Grant program. If a resident occupying a bed under Virginia Department of Ageing and Rehabilitative Services Auxiliary Grant program moves into the memory care program, the resident must be entitled to maintain his/her status as a Virginia Department of Ageing and Rehabilitative Services Auxiliary Grant program recipient and will be considered part of the 4 percent of beds provided pursuant to this condition.
12. Prior to site plan approval the applicant must provide an outfall analysis that extends the review to the existing culvert system under Sunset Hills Road and the Washington and Old Dominion Trail and demonstrate that the development will not exacerbate the flooding situation downstream. Onsite detention shall be provided in accordance with Article 4 of Stormwater Management Ordinance and that the onsite detention is provided so that a reduction in the 100-year Water Surface Elevation is achieved upstream of the culvert under Sunset Hills Road.
13. The applicant must provide landscaping, including trees and shrubs, in substantial conformance with the SE Plat. The exact number, species, location and spacing of trees and other plant material will be determined at the time of site plan review and will be subject to review and approval of the Urban Forest Management Division (UFMD). In addition, if the site plan includes the use of soil amendments for

stormwater quality control (BMP) purposes, the species and/or location(s) of proposed plantings must be revised, if necessary, as determined by UFMD.

14. Subject to the Applicant securing all necessary easements and/or rights-of-entry and the approval of the Reston Association Design Review Board, supplemental landscaping must be installed both onsite and offsite along the common boundary line between the property and the adjacent the Wethersfield Cluster to enhance the screening and buffering of the proposed structure to the adjacent residences. Prior to site plan approval, the applicant must meet with representatives of the of the cluster association for the Wethersfield Cluster to coordinate details of the supplemental landscaping plan. The design of the supplemental landscaping, when combined with both the existing onsite and offsite landscaping and the new landscaping proposed by the applicant for the subject property, should exceed the equivalent benefit of a Transitional Screening standard #2 and a Barrier standard D, E or F, as set forth in Sections 13-303 and 13-304 of the Zoning Ordinance. Consistent with Condition 13 above and Condition 16 below, the exact number, species, height, location and spacing of trees, shrubs and other plant material will be initially determined at the time of site plan review but thereafter may be altered prior to installation with the approval of UFMD in order to maximize the effectiveness of the supplemental landscaping. Weather permitting, the applicant shall install the offsite portion of the supplemental landscaping within ninety (90) days following the completion of all grading and tree removal activities on the subject property. Any tree or shrub planted by the applicant on the Wethersfield Cluster Association property that dies within two (2) years following the date of initial installation of the supplemental landscaping must be replaced no more than once by the applicant at its sole cost and expense, provided that the applicant may forego such replanting where UFMD determines that such tree(s) or shrub(s) is unlikely to survive given its location or because of circumstances beyond the applicant's control. Notwithstanding anything to the contrary set forth above, in lieu of installing the supplemental landscaping required by this condition, the applicant may elect to contribute funds to the Wethersfield Cluster Association, in an amount mutually agreed to the by applicant and the cluster association, for the association's use to install supplemental landscaping in a design and quantity determined by the cluster association. Evidence of the cluster association's acceptance of a monetary contribution (i.e., copy of a check or transmittal letter) must be provided to UFMD at the time of site plan approval for the proposed development.
15. Site Monitoring: The applicant's Project Arborist must be present on site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be

limited to clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist will visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by UFMD. Written reports will be submitted to UFMD and SDID site inspector detailing site visits. A monitoring schedule and Project Arborist reports must be described and detailed in the Tree Preservation Plan.

16. Landscape Planting Pre-installation Meeting: Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer must coordinate a pre-installation meeting on the site with the landscape contractor, UFMD staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan must be reviewed and must be approved by UFMD staff prior to planting. The installation of plants not approved by UFMD may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release.
17. Invasive Plant Species Management: Forested areas containing plant species that are known to be invasive in quantities that threaten the long term health and survival of the existing vegetation present must be the subject of an invasive plant species management plan in order for the area to be awarded full 10-year canopy credit. At the time of site plan submission the applicant must provide a management plan for review and approval by UFMD specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration of the management program, and potential reforestation as needed.
18. Trash and/or recycling collection, and food and linen delivery hours must be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday, unless unusual circumstances, such as emergencies, atypical weather or traffic conditions require collection outside of these days and times. No weekend pickups will be allowed.

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

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Pursuant to Section 9-015 of the Zoning Ordinance, this special exception will automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the proposed buildings.

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.

**The Board also:**

- Waived Paragraph 3 of Section 9-308 of the Zoning Ordinance(ZO) which requires that service vehicles have access to the building on the side or rear entrance
- Modified Paragraph 5 of Section 9-308 of the ZO to permit the building to be located 25 feet from the right-of-way
- Modified Paragraph 13 of Section 11-203 of the ZO to reduce the loading spaces from two to one
- Modified Section 13-303 of the ZO to permit the landscaping shown on the SE/PRC Plat and waiver of the barrier requirements of Section 13-304 of the ZO
- Waived Paragraph 3 of Section 17-201 of the ZO which requires a service drive along Sunrise Valley Drive
- Modified Paragraph 2 of Section 17-201 of the ZO to provide a sidewalk along Sunrise Valley Drive as shown on the SE/PRC plat

Sincerely,



Catherine A. Chianese  
Clerk to the Board of Supervisors

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cc: Chairman Sharon Bulova  
Supervisor Catherine Hudgins, Hunter Mill District  
Howard Goodie, Director, Real Estate Division, Dept. of Tax Administration  
Tracy D. Strunk, Director, Zoning Evaluation Division, DPZ  
Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning  
Thomas Conry, Dept. Manager, GIS, Mapping/Overlay  
Jeff Hermann, Section Chief, Transportation Planning Division  
Donald Stephens, Transportation Planning Division  
Ken Williams, Plans & Document Control, ESRD, DPWES  
Andrea Dorlester, Park Planning Branch Manager, FCPA  
Abdi Hamud, Development Officer, DHCD/Design Development Division  
Jill Cooper, Executive Director, Planning Commission  
Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

