

## PROPOSED DEVELOPMENT CONDITIONS

SE 2004-PR-014

September 7, 2004, 2004

If it is the intent of the Board of Supervisors to approve SE 2004-PR-014 in the name of Fair Oaks Penderbrook Apartments, LLC, located at Tax Map 46-3 ((1)) 71 (3905 Penderview Drive) to permit a condominium conversion with nonconforming parking pursuant to Sect. 9-614 of the Fairfax County Zoning Ordinance, then 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. This Special Exception is subject to the provisions of Article 17, Site Plans, as may be determined by DPWES. Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled " Penderbrook Section 7" prepared by Dewberry & Davis LLC and dated March 25, 2004, and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. The applicant shall follow the guidelines set forth in the Fairfax County Condominium Cooperative Ordinances and the Virginia Condominium Cooperative Acts pertaining to relocation payments for tenants displaced by the conversion.
5. Prior to entering into a contract of sale, written notification shall be provided to all purchasers specifying that the Condominium Owners' Association will be responsible for the maintenance of the private streets and stormwater management facility serving the development. These maintenance responsibilities shall also be disclosed within the Condominium Owners' Association documents.
6. If reserved parking is provided, no more than 424 spaces shall be reserved. The remainder of the spaces, which shall be distributed throughout the site, shall be open or visitor parking spaces. This condition shall not prohibit the provision of parking permits which are not restricted to specific spaces.

**PENDERBROOK**

**PCA 84-P-002-4/SE 2004-PR-014**

**PROFFERS**

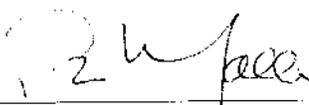
**June 8, 2004**

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950, as amended, subject to the approval of PCA 84-P-002-4 and SE 2004-PR-014 for Tax Map 46-3-((1))-71 (the "Subject Property") and to Sections 2-409(2) and 9-614 of the Fairfax County Zoning Ordinance, to permit a non-conforming condominium conversion, the Applicant for itself, its successors and assigns, hereby reaffirms the proffered conditions accepted by the Board of Supervisors in the approvals of RZ 85-P-136/PCA 84-P-002-1/CDPA and FDPA 84-P-002-1 dated June 12, 1986, and revised June 16, 1986 and June 17, 1986; PCA 84-P-002-2 and PCA 85-P-136, dated March 6, 1996; FDPA 84-P-002-2; and PCA 84-P-002-3 and FDPA 84-P-002-3, dated May 9, 2003; which will remain in full force and effect, except as amended as follows:

45. The applicant and its assignees agree to develop approximately 480 multiple family units ~~as rental units~~. Of these units, no more than 92 units will be made available as rental units for a period of at least ten (10) years to moderate income households. These units will be available at rents affordable to households whose incomes are equal to a range of 50 to 70 percent of the MSA median income adjusted by family size at the time application is made for financing through the Industrial Revenue Bond Program (IRB) or its equivalent then in effect. The median income shall be mutually agreed upon by the FCRHA and applicant.

FAIR OAKS PENDERBROOK APARTMENTS L.L.C.  
(Title Owner of Tax Map 46-3-((1)) Parcel 71)

BY: MALKIN PENDERBROOK L.L.C., its Manager

By:   
Peter L. Malkin, Chairman and Managing  
Member