



# FAIRFAX COUNTY

**APPLICATION FILED:** February 18, 2005  
**PLANNING COMMISSION:** January 26, 2006  
**BOARD OF SUPERVISORS:** Not Scheduled

V I R G I N I A

January 12, 2006

## STAFF REPORT

**APPLICATION SE 2005-PR-009**  
**(Concurrent with 2352-WPFM-002-1)**

### PROVIDENCE DISTRICT

**APPLICANT:** Sunrise Assisted Living Limited Partnership

**ZONING:** R-2

**PARCEL(S):** 47-2 ((1)) 66, 67A, 70A

**ACREAGE:** 7.44 acres

**DENSITY:** 16.54 du/ac

**FLOOR AREA RATIO (FAR):** 0.72

**OPEN SPACE:** 173,015 sq. ft. (57 percent)

**PLAN MAP:** 4-5 du/ac (7.1 acres)  
2-3 du/ac (0.35 acres)

**SE CATEGORY:** Category 3

**PROPOSAL:** Construct an Independent Living Facility for Elderly Residents with 122 new dwelling units as a Condominium with the existing single family detached dwelling unit to remain for a total of 123 dwelling units for the elderly; Public Facilities Manual waiver to allow underground detention in a residential project

### STAFF RECOMMENDATIONS:

Staff recommends that SE 2005-PR-009 be approved subject to the development conditions contained in Appendix 1.

Staff further recommends that the transitional screening yard requirement be modified along the northern, southern and western boundaries and that the barrier requirement be waived along the eastern boundary in favor of that shown on the Special Exception Plat and referenced in the development conditions.

Staff further recommends that the Board of Supervisors approve the requested Public Facilities Manual waiver request, 2352-WPFM-002-1, to allow underground detention in a residential development subject to the proposed development conditions contained in Attachment A of Appendix 6.

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.

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.



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).

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

**DESCRIPTION OF THE APPLICATION**

The applicant, Sunrise Assisted Living Limited Partnership, is proposing to develop an independent living facility with 123 units for the elderly, including 122 multi-family dwelling units and an existing single family detached dwelling unit on Parcel 66, which will be retained. All residents including those in the single family detached dwelling will meet the residency requirements for an independent living facility specified in the Zoning Ordinance. The gross floor area (GFA) of the proposed building and the existing dwelling would be 234,195 square feet (sq. ft.), resulting in an overall floor area ratio (FAR) of 0.72 and a density of 16.34 du/ac. Open space covers 3.92 acres or approximately 53 percent of the 7.44 acre application property. A total of 237 parking spaces are proposed at a rate of 1.93 spaces per unit. The majority of the parking spaces will be located under the building; approximately 47 spaces are shown above ground. A concurrent request (PFM waiver 2352-WPFM-002-1) to allow underground detention for a residential development has also been filed. The applicant is also requesting a modification of the transitional screening yard requirements along the northern, western and southern boundaries and a waiver of the barrier requirement along the eastern boundary.

A reduced copy of the proposed Special Exception Plat is included in the front of this report. The proposed development conditions are included as Appendix 1. The applicant's affidavit is Appendix 2 and the applicant's statements regarding the application are included as Appendix 3.

This special exception application is a Category 3, Quasi-Public Uses, special exception and has been filed pursuant to the provisions of Sect. 9-306, which address independent living facilities. In addition, the special exception must also comply with the Standards for All Category 3 Uses in Sect. 9-304 and the General Standards for all special exception uses found in Sect. 9-006. The most relevant standards are contained in the Excerpts from the Zoning Ordinance found in Appendix 9.

**LOCATION AND CHARACTER**

The application property is located on the northeast side of Blake Lane (Rt. 655), approximately 300 feet southeast of Chain Bridge Road (Rt. 123). The northwestern part of the property, Parcel 70A, was previously developed as a nursing facility run by the applicant; however, this operation has ceased and the buildings are vacant.

The improvements within this portion of the site included a former dwelling converted to support the operations of the nursing facility, a second building with the nursing facilities and several outbuildings. All of these structures are planned to be removed. This portion of the application property is landscaped with numerous trees and shrubs.

The other half of the property, Parcels 66 and 67A, is developed with a single family detached dwelling with a detached garage and other out buildings. There are existing trees along the periphery of the site and around the dwelling unit. The major portion of the area behind the house is an open field. The existing dwelling is shown to be retained, with the new facility to be located behind the dwelling.

<b>SURROUNDING AREA DESCRIPTION</b>			
<b>Direction</b>	<b>Use</b>	<b>Zoning</b>	<b>Plan Map</b>
<b>Northeast</b>	Single Family Detached Dwellings (Oakton Station)	R-4	2-3 du/ac
	Single Family Attached Dwellings (Oakton Mains)	R-5	2-3 du/ac
	Commercial (Office/Retail)	C-5	Retail & Other
<b>Southwest</b>	Single Family Attached Dwellings (Oakleigh and Barden Oaks) (Oak Manor and Oakton Commons)	R-12 & PDH-12	8-12 du/ac
<b>East</b>	Large Lot Single Family Dwellings	R-2	2-3 du/ac
<b>Northwest</b>	Commercial (Eating Establishment)	C-5	Retail & Other

## **BACKGROUND**

Special Permit, SP 16827, was approved June 11, 1957, to allow a 'convalescent home' on what was then identified as Parcel 70. On May 17, 1960, pursuant to an amendment to SP 16827, the convalescent home was allowed to expand to a maximum of 27 residents. On February 26, 1963, separate approval was granted pursuant to SP 14313 to allow a 'care home' for five occupants on what was then identified as Parcel 74. These approvals were all granted to C. A. and N. J. Fowler. On October 6, 1981, SP 81-P-051 was approved to allow 27 patients on Parcel 70. On March 26, 1985, approval was granted, pursuant to SPA 81-P-051 to increase the land area by including Parcel 74, increase the size of the nursing facility and construct new parking and buildings on the site. These approvals were filed in the name of T. M. Klaussen to allow the Sunrise Terrace Retirement Home. Parcels 70

and 74 have been combined into Parcel 70A. The Clerk to the Board's letter regarding the approval of SP 81-P-051 is included as Appendix 4. The records regarding the previous approvals are on file with the Department of Planning and Zoning. Parcel 66, currently developed with a single family detached dwelling unit, was not included in any of the previous approvals for a convalescent home or a care home.

## **COMPREHENSIVE PLAN PROVISIONS**

<b>Plan Area:</b>	II
<b>Planning District:</b>	Fairfax Planning District
<b>Planning Sector:</b>	Mosby Woods Community Planning Sector (F3)

The Comprehensive Plan provides the following guidance on the land use and the intensity/density for the property. On page 42 of the Fairfax Planning District of the 2003 edition of the Area II Plan, under the heading, "Recommendations, under the sub-heading "Land Use," the Plan states:

The Mosby Woods sector is largely developed as stable residential neighborhoods. Infill development in these neighborhoods should be compatible with existing development in the vicinity in terms of use, type and intensity, in accordance with the guidance provided by the Policy Plan under Land Use Objectives 8 and 14.

The Comprehensive Plan Map shows this property to be planned for 2-3 du/ac (0.35 acres) and 4-5 du/ac (7.09 acres).

In Appendix 1 of the Policy Plan (2003 edition), the Comprehensive Plan provides the following guidance with regard to the review of multifamily residential development and elderly housing in areas identified in the Comprehensive Plan as Suburban Neighborhoods.

## **APPENDIX 1**

### **GUIDELINES FOR MULTIFAMILY RESIDENTIAL DEVELOPMENT**

The following guidelines are desirable characteristics for sites to be considered for multifamily development. Although the guidelines outline desired characteristics, certain circumstances might warrant multifamily development on a site even when these guidelines are not entirely met.

Guidelines for Suburban Neighborhoods:

1. Multifamily sites in designated Suburban Neighborhood areas should be in close proximity to community-serving retail. In addition, multifamily sites should be centrally located with respect to community services such as libraries, houses of worship, park/recreational facilities, and schools.
2. To accommodate traffic flow, the site should have adequate access to an arterial or to a collector street. An appropriate transportation analysis should be performed in conjunction with proposed multifamily development, with approval made contingent on the satisfactory resolution of identified transportation issues.
3. Sites for multifamily residential development should be located where it is County policy to provide public water and sewer service.
4. The required site size for multifamily development in Suburban Neighborhoods is dependent upon density, setback requirements, open space, parking, social and recreational amenities to be provided, and building height. These factors will tend to determine minimum site size. Generally, in areas of the County which have a reasonable supply of vacant or underutilized land, sites should be above the size necessary to meet Zoning Ordinance requirements (a minimum of 200 units). This enhances the ability to support a package of private amenities such as swimming pools, tennis courts, a clubhouse, etc. If proposed multifamily projects contain more than 600 units, diversity in architectural style, layout and transition should be encouraged.
5. Environmental concerns should be considered in site selection. Multifamily development is not appropriate in areas designated as Low Density Residential Areas. Environmental Quality Corridors and areas subject to airport noise greater than DNL 60 dBA generally should be avoided.

Guidelines for Multifamily Residential Development for the Elderly:

Locational guidelines for housing for the elderly should recognize the needs of the elderly as well as site characteristics. With regard to residents for whom health and mobility have become a concern, guidelines for the location of multifamily residential development should be modified as described below. With regard to residential facilities such as congregate housing and nursing homes, which are designed to serve the elderly population in need of continuous medical/nursing care, these developments are less location sensitive than other elderly residential developments.

1. Public transportation and community services should be located within a reasonable walking distance and should be accessible via paved walkways that are lighted, secure, and well maintained. Crosswalks should be delineated, and adequate provisions should be made for

crossing heavy traffic (e.g., pedestrian crossing signals). If neither public transportation nor community services are located within a short walking distance (i.e., a 5-7 minute walk), the elderly housing development should provide shuttle bus service which can offer residents comparable access to community services.

2. The topography of the site, and that between the site and nearby destinations, should be taken into consideration when siting residential development for the elderly. Pedestrian facilities should not be located on slopes greater than 5-8%, and such maximum slopes should not be continuous for more than 75 feet.
3. Safety and security are of particular concern to the elderly. To the extent possible, the architecture and site design for multifamily residential development for the elderly should incorporate features which reduce the potential for crime and enhance the security of residents.

## ANALYSIS

### Special Exception Plat (Reduction at front of staff report)

**Title of Special Exception Plat:** Oakton Condominiums for Life

**Prepared By:** BC Consultants

**Original and Revision Dates:** February 17, 2005 as revised through November 15, 2005

<b>Special Exception Plat (Oakton Condominiums for Life)</b>	
<b>Sheet #</b>	<b>Description of Sheet</b>
1 of 17	Composite Plan (depicting Comprehensive Plan Densities), Tabulations, Notes and Vicinity Map
2 of 17	Special Exception Plat
3 of 17	Landscape Plan
4 of 17	General Notes & Sect. 9-011 Comments
5 of 17	Stormwater Management Plan
6 of 17	Adequate Outfall Plan & Details
7 of 17	Existing Conditions and Vegetation Map
8 of 17	Preliminary Tree Preservation Plan
9 of 17	Blake Lane Improvements Plan
10 of 17	Sight Distance Profiles
11 of 17	Perspective, Elevations and Photograph of House to be Retained

<b>Special Exception Plat (Oakton Condominiums for Life)</b>	
<b>Sheet #</b>	<b>Description of Sheet</b>
12 of 17	South Elevations (East and West Wings)
13 of 17	North Elevations (East and West Wings)
14 of 17	Sections
15 of 17	Details of Service Area and Patio Area
16 of 17	Details of Open Lawn Area, Fencing, Seating and Arbor
17 of 17	Lighting Plan

Description of the Proposed Independent Living Facility:

The applicant's statements contained in Appendix 3 describe the proposed independent living facility as age restricted housing limited to residents age 62 or older; however, a spouse that is not under the age of 55 may also reside in the facility. No more than three adults will be allowed to occupy a single unit; children will be prohibited from residing in the project. The size of the units is anticipated to be between 880 sq. ft. and 2,000 sq. ft. Each unit will be allocated one parking space, with additional spaces available for an additional fee. The units will be designed to promote accessibility by including bathrooms that can be readily made accessible, lever hardware on the doors, non-glare lighting, emergency call buttons and wider doorways and hallways. Based on the occupancy patterns at a similar facility run by the applicant, an estimated resident population of approximately 168 is expected. Fifteen (15) percent of the units are to be affordable dwelling units (under the County's ADU Ordinance).

Approximately 16,000 sq. ft. is planned to be devoted to common facilities, where meals will be provided and/or activities staged. The common space will be available for outside service providers to provide services to residents. This space is to be owned and managed by the applicant or its successors and assigns. The services provided at this facility will include: social and recreation programs, optional on-site meals, an on-site concierge, a shuttle van to local shopping and other destinations, security and an emergency response service. There will be a total of approximately 52 employees, with the largest shift anticipated to have 20 employees. A separate fee will be charged for the services element.

The following features are depicted on the proposed SE Plat:

- Site Layout. A single building is proposed to be constructed, consisting of a one-story central core area and two wings within which the dwelling units will be located. The main entrance to the building will be in the center of the west wing; this will provide visitor access to the building.

The central core area will have the service entrance to the facility and will be location of the common areas for the project. Typically, the residents will access their units from the underground parking garage under the main building. The existing dwelling that will be retained is located in the eastern portion of the site and in front of the main building. A three car garage is proposed to be added to the existing dwelling.

- *Vehicular Access.* All access to the new facility will be from Blake Lane. The westernmost access point will provide a connection to the main entrance of the new building. The drive serving this entrance will continue past the main entrance and provide access to the parking garage under the building, via an entrance at the western of the building. Surface spaces for visitor parking are proposed along this drive. A second access point in the middle of the property provides access to the service area located in the central core area of the building. The dumpster and loading spaces are to be located in the service area. The single family dwelling that is to remain will have a private driveway that connects to the travelway that accesses the service area. This driveway will provide access to a new attached garage for the single family dwelling and a new circular drive to be located adjacent to the dwelling. The easternmost access point will provide access to the entry to the below grade parking garage at the end of the east wing. The SE Plat proposes an alternate location for this entrance, just to the east of the single family dwelling. The alternate is proposed so as to locate the drive so that the vehicles using this access do not drive toward the front of the dwelling before turning to the east to access the parking garage. See Sheet 9 for additional details on the alternate access. The alternate access point is subject to the approval of VDOT and is dependent on a modification of the sight distance requirements.
- *Road Improvements:* The SE Plat includes the dedication of right-of-way generally to thirty feet from centerline of Blake Lane, which matches the existing section in front of Parcel 70A. The frontage along Parcels 66 and 67A currently does not include curb and gutter and sidewalk; the SE Plat includes improving that section with curb and gutter and a five foot wide sidewalk. The SE Plat shows the existing four foot sidewalk along Parcel 70A, which is proposed to be retained.
- *Pedestrian access.* Pedestrian access to the site will be via the sidewalk along Blake Lane. The existing four foot wide sidewalk is shown to be replaced with a five foot wide sidewalk and a new five foot wide sidewalk is to be constructed along the frontage of Parcel 66. A five foot wide asphalt pathway is shown around the proposed new building extending from the sidewalk at the eastern end of the main building to the surface parking spaces at the west end of the building.

- Parking. A total of 237 parking spaces is proposed, at a ratio of approximately 1.92 spaces per dwelling unit. Fifty-three surface spaces are shown near the main entrance to the building. Parking for the existing single family dwelling will be provided in the new three-car attached garage.
- Open space. As noted above, the SE Plat includes more than half (53 percent) of the property as open space located around the building. Within the open space area are tree preservation areas, the pathway noted above, a patio area with seating, landscaping, an arbor and an area labeled as “Open Lawn Area” that is ringed by the proposed five foot wide asphalt pathway.
- Tree Preservation. The areas of tree preservation are focused on the existing trees along the periphery of the proposed facility, where large trees and understory material that provides a transition between the application property and the abutting uses is in place. A 25 inch diameter breast height (dbh) red maple is shown to be preserved adjacent to the existing dwelling. The tree preservation areas are shown on the Landscape Plan and the Preliminary Tree Preservation Plan.
- Landscaping: Parcel 70A contains landscape material that has matured over the past twenty years; however, it will have to be removed as part of the proposed development shown on the SE Plat. The new landscaping will include the following:
  - Large deciduous street trees will be planted on approximately 50 foot centers along Blake Lane (some trees may not be planted if they interfere with sight distance);
  - The surface parking area includes large deciduous trees planted in islands located approximately 9 parking spaces apart;
  - Screening, consisting of a combination of evergreen trees, large deciduous trees and small flowering deciduous trees, is proposed between the existing house and the new building, and between the house and the service area;
  - Evergreen screening is proposed between the driveway to the easternmost entrance of the garage and the existing dwelling that is being retained;
  - Plantings of large deciduous trees, small flowering deciduous and evergreen trees are shown between the west wing of the building and Blake Lane;
  - Between the western boundary and the drive into the westernmost entrance to the parking garage, landscaping consisting of deciduous and evergreen trees is proposed; and,

- Along the rear of the property and along the eastern boundary, additional plantings are shown to supplement the screening provided by the existing vegetation.
- *Stormwater Management and Best Management Practices:* The applicant proposes to provide underground stormwater management and best management practices facilities and has filed a waiver of the Public Facilities Manual (PFM), which is included in this application. The underground detention would be located north of the east wing of the proposed building and adjacent to the “Lawn Area.” This facility will discharge into the existing stream located near the northeastern corner of the property. The proposed underground facility is to be constructed as a BMP facility and is calculated to provide 44 percent phosphorous removal, meeting the requirement for this site. In addition, the SE Plat identifies six locations for possible bio-retention facilities. Pervious pavers are proposed for the drive and parking spaces near the west wing, subject to the approval of DPWES. Both of these types of facilities will allow water to infiltrate into the soils, which, based on the County’s soils map, have infiltration rates suitable for this purpose. However, the SE Plat also notes that these conditions will have to be field verified by a qualified geotechnical engineer.
- *Proposed Building:* Sheets 11 through 14 provide architectural elevations and bulk diagrams of the proposed new building and a photograph of the existing house that is to be retained. Sheet 14 includes sections that illustrate the relationship of the new building to the townhouse community to the north, Oakton Mains, by comparing building heights and showing the existing trees along the northern boundary.

The building consists of four stories in the east wing and three stories in the west wing. The building will have a mansard style roof that will screen the mechanical equipment.

The height of the proposed building is 50 feet, as determined by the average grade plane and measured to the deck of the mansard roof, which is in accordance with the Zoning Ordinance. The site slopes downward towards the easternmost boundary and away from Blake Lane. Accordingly, the parking garage will not be visible from the south or from Blake Lane. The garage is screened on the northern and eastern sides by the existing vegetation along those boundaries, which will be supplemented by additional landscaping. Toward to the lower (eastern) portion of the application property, the height of the building as measured from the actual grade to the top of the building, including the roof, will be approximately 60 feet. However, the eastern boundary is wooded with mature trees which will screen the new structure.

## Land Use Analysis

The application property is depicted on the Plan Map with two different residential density ranges, 4-5 dwelling units per acre on 7.09 acres and 2-3 du/ac on 0.35 acres. There is no site specific text pertaining to the application property. The lower density recommendation applies to the strip of land extending northward from the easternmost portion of the rest of the site; this 0.35 acre area will remain undisturbed open space. This narrow strip of land is abutted by single family detached dwellings to the east and the single family attached dwellings of Oakton Manor to the west. Oakton Manor, a townhouse community, also abuts the northern boundary of the main portion of the application property. Oakton Manor is planned at 4-5 du/ac. The communities across Blake Lane and to the south are developed with townhouses at densities of approximately 10 dwelling units to the acre and are planned at 8-12 du/ac. The property to the west is commercially developed and fronts on Chain Bridge Road.

Although the property is zoned R-2, the density for an independent living facility is based on the residential density range specified by the adopted Comprehensive Plan, which is then adjusted by a multiplier of four. As noted in the discussion regarding density under Zoning Ordinance provisions below, the proposed 223 independent living units is in conformance with the recommended density for this property with the adjustment allowed by the multiplier.

The proposed independent living facility has been designed to fit into the community by:

- Providing a building with varying heights and other design features that will break up the mass of the building as seen from Blake Lane and from the north;
- With the exception of one wing, having the proposed building set back approximately 60 feet from Blake Lane and extensive landscaping is proposed between Blake Lane and the new building;
- Retaining fifty feet of existing mature hardwood vegetation along the eastern boundary as a buffer to the existing single family detached dwelling to the east;
- Utilizing existing mature vegetation along the northern boundary and supplemental plantings to enable the project to be screened from the existing townhome subdivision to the north;
- Retaining the existing vegetation along its boundary with the commercial uses to the west to provide a transition between the commercial uses and the residential development along Blake Lane;
- Placing the majority of the parking underground so as to reduce the amount of paving visible around the site; and,
- Utilizing the topography of the site to screen the underground parking.

The Land Use Element of the Policy Plan includes Guidelines for Multifamily Residential Development in Appendix 1. These guidelines are split into two

portions, one addressing multi-family development in suburban neighborhoods and one that addresses multi-family residential development for the elderly. This proposal meets the guidelines for suburban neighborhoods as follows:

- The site is near the commercial development in Oakton, which, in addition to retail establishments, includes churches and a future library thereby addressing the first guideline, which requires that multi-family sites should be in close proximity to community-serving retail and community services such as libraries, houses of worship, park and recreational facilities and schools;
- While this portion of Blake Lane is not an arterial road, it is a collector street and the site is within 300 feet of Chain Bridge Road, which is identified as a major arterial road in the Comprehensive Plan, thereby satisfying the second guideline, which recommends that multi-family development in suburban neighborhoods have adequate access to a collector road;
- Sewer and water service are available at this site, as recommended by the third guideline;
- The site is an adequate size to provide more than half of it as open space and to provide on-site amenities for the future residents, as recommended by the fourth guideline;
- The fifth guideline states that multi-family dwellings should not be located in areas designated for low density residential development nor should they be located in sites affected by airport noise greater than 60 dBA; neither of these apply in this instance.

This site meets the guidelines for multi-family residential development for the elderly as follows:

- Public transportation is available on Chain Bridge Road; the site and Chain Bridge Road include pedestrian facilities, which may be improved if VDOT approves the applicant's request to install a traffic signal at the intersection of Blake Lane and Chain Bridge Road. In addition, the applicant is committed to provide shuttle service for the residents, satisfying the first guideline;
- The topography of the site and the surrounding is such that walking pathways that are generally level, satisfying the second guideline;
- The security of the future residents is addressed by having underground parking and by having an on-site staff including a concierge, thereby satisfying the third guideline.

**Environmental Analysis** (Appendices 5 & 6)**Stormwater Management/Best Management Practices  
& Stormwater Outfalls**

The following water quality and quantity controls are proposed:

- A stormfilter vault and an underground detention facility, both of which are located in the northeastern corner of the property;
- Pervious pavement for the surface parking area and the emergency vehicle access lane;
- Multiple bioretention facilities which will be dispersed around the site (the exact number of which will be determined at the time of site plan review); and,
- The existing storm drainage system.

The proposed stormwater measures are projected to achieve a 44% phosphorous removal, which exceeds the 40% phosphorous removal required by the Chesapeake Bay Preservation Ordinance (CBPO). Staff supports the proposed low impact development (LID) techniques for this development, as the Policy Plan guidance encourages the use of good site design and LID techniques as an effective means to reduce water pollution and to prevent water quality degradation consistent with the CBPO. The adequacy of any proposed SWM/BMP measure will be subject to review and approval by the Department of

Public Works and Environmental Services (DPWES). To implement this proposed underground system approval of a waiver to allow underground detention with a residential project is required. This request, 2352-WPFM-002-1, has been filed with DPWES and is addressed by the comments of the Environmental and Site Review Division in Appendix 6.

Pursuant to the provisions of Sect. 8-0603 of the Public Facilities Manual (PFM), underground detention is permitted in residential development only with the approval of a waiver. The Board of Supervisors may grant such a waiver to allow underground detention for a residential development in conjunction with the approval of a special exception application. The proposed underground detention facilities are not located under a parking area as is typically proposed; however, the proposed location is at the portion of the site that is lower in elevation and is considered appropriate by staff. Underground facilities located in residential development shall:

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- Be privately maintained;
- Be disclosed a part of the chain of title to all future owners;
- Not be located in a county storm drainage easement;
- Have a private maintenance agreement, in a form acceptable to the Director of DPWES, executed prior to the approval of the construction plan;
- Have lockable manholes and doors at the access points;
- Include liability insurance in an amount acceptable to the County; and,

- Have a financial plan established to address operation, inspection, maintenance of the underground stormwater facility and a replacement reserve in an amount approved by the County.

Staff recommends that the Board of Supervisors approve the requested waiver 2352-WPFM-002-1, to allow the underground detention facility in a residential area subject to the waiver conditions dated July 15, 2005, that are contained in Attachment A of Appendix 6.

The outfall narrative provided on sheet 6 of the SE Plat indicates that the stormfilter vault and underground detention system will outfall into a stream channel and a receiving floodplain located northeast of the site. The narrative also indicates that both channel and floodplain are adequate to accommodate the runoff from this development. Sheet 5 of the SE Plat depicts this channel and the riprap which is proposed to ensure stabilization. The adequacy of the outfall will be determined by DPWES.

### **Tree Preservation**

Existing vegetation on the subject property most worthy of preservation include the mixed hardwood forest located on the southeastern portion of the property and the dense bottomland forest located along the northern boundary, as well as along the narrow strip of land which projects northeast of the main property.

Tree preservation areas shown on the plat include the bottomland forest on the northern boundary, the narrow wide strip of land and much of the existing vegetation in the southeastern end of the property. The landscape plan (Sheet 3) shows the applicant's intent to provide significant re-vegetation of the site.

The revised SE Plat dated September 23, 2005, has addressed the comments made by the Urban Forest Management as follows (see Appendix 7):

- The limits of clearing and grading along the northern boundary of Parcel 70A have been adjusted to provide the 20 to 25 foot deep limits of clearing and grading recommended. This limit of clearing and grading is generally outside of the drip line of the off-site trees in this area; however, it should be adjusted at the time of site plan approval to fully protect these trees. A proposed development condition requires that the limits of clearing and grading be modified in this portion of the site.
- The magnolia tree located near the northern boundary has been included in the trees to be preserved, as recommended.
- The tree preservation areas in front of the site that were initially shown on the SE Plat have been removed from subsequent submissions of the SE Plat as recommended. The majority of this material is in poor condition or consists of species with weak wood (silver maples) that were recommended to be removed.

- The existing off-site trees along the western boundary provide screening to the commercial uses on Chain Bridge Road and are shown to be preserved. Existing Building 2 is located immediately adjacent to these trees and is slated for demolition. Sheet 8 has been revised to include specific measures related to the demolition of that dwelling including the removal of the driveway under those trees to limit the damage to these trees during that phase of construction. A proposed development condition requires that the measures on Sheet 8 be followed during the demolition of this dwelling.
- The limits of clearing and grading along the western boundary have been generally adjusted to ensure the protection of the existing hardwood forest along that boundary providing an appropriate transition to the single family detached dwelling to the east along Blake Lane. However, it appears that some of the canopy will be within the area to be disturbed by the proposed construction. The applicant should coordinate with the County to ensure that these trees are preserved if they are in good condition including the trees closest to Blake Lane. A proposed development condition requires that such coordination be undertaken to preserve this hardwood forest.

## **Transportation** (Appendix 8)

### Transportation Improvements

As noted in the applicant's statements, the intersection of Blake Lane and Chain Bridge Road immediately west of the application property is not signalized. It should be noted that Oakton Elementary School is located on Chain Bridge Road opposite Blake Lane. The applicant has stated that they will pay for a signal warrant analysis and install the signal should the warrants be met. The correspondence dated August 9, 2005, states that the applicant's traffic analysis indicates that the warrants for a signal would likely be met. This offer is included in the proposed development conditions.

### Streets

The SE Plat includes frontage improvements along the segment of Blake Lane in front of Parcels 66 and 67A, including a five foot wide sidewalk. The frontage of Parcel 70A was improved as part of the previous development of that parcel. This portion of the site frontage includes a four foot sidewalk that is shown to be removed and replaced with a five foot wide sidewalk. A proposed development condition requires that the sidewalk be rebuilt.

### Non-motorized Facilities

As noted elsewhere in this report, access to public transit is available on Chain Bridge Road. The bus routes along Chain Bridge Road provide service to the Vienna – Fairfax Metrorail stop and to Tysons Corner. Bus service to Falls Church and Fair Oaks Mall is available from Jermantown Road and approximately 1500 feet from the application property.

### ZONING ORDINANCE PROVISIONS (Appendix 9)

The bulk requirements, building height, yards and density or intensity, for this project are specified in the Additional Standards for Independent Living Facilities contained in Sect. 9-306 of the Zoning Ordinance. While the lot width and lot size requirements of the R-2 District apply, the additional standards supersede the bulk requirements for the R-2 District. The following chart addresses all of the buildings included in the independent living facility; including the existing single family detached dwelling units.

<b>Bulk Standards (Independent Living Facility)</b>		
<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Lot Size	18,000 sq. ft.	7.44 acres
Lot Width	100 feet	952 feet
Building Height	50 feet	50 feet
Front Yard <sup>1</sup>	30 feet	30 feet
Side Yard <sup>1</sup>	30 feet	42 feet
Rear Yard <sup>1</sup>	50 feet	64 feet
Density <sup>2</sup>	19.6 du/ac	16.34 du/ac
Floor Area Ratio (FAR) <sup>3</sup>	Not Specified	0.72
Open Space <sup>4</sup>	116,000 sq. ft (50 percent)	173,000 sq. ft. (53 percent)
Parking Spaces	1 sp/4 du & 1 sp/employee on Major Shift (123÷4) + 20 = 51 spaces	237 spaces
Loading Spaces <sup>5</sup>	3 spaces	2 spaces

<sup>1</sup>. The yard requirements for an independent living facility are based on the uses recommended by the adopted Comprehensive Plan for the adjacent properties. Fifty foot deep yards are required where the independent living facility abuts land planned for 0.2 to 8 dwelling units per acre, in this instance, to the east. Thirty foot deep yards are required where the application property abuts land planned for residential uses in excess of 8 dwelling units per acre, commercial and/or industrial uses, which is applicable to the south, west and north. (See Par. 10, Sect. 9-306).

<sup>2</sup>. See the discussion regarding density pursuant to the provisions of Par. 6, Sect. 9-306 below.

<sup>3</sup>. Par. 4 of Sect. 9-306 requires that the floor area ratio information be provided to assist the Board in determining if the proposed facility is consistent with the neighborhood.

<sup>4</sup>. The amount of open space required for an independent living facility is determined by the density range recommended by the Comprehensive Plan as stated in Par. 6 of Sect. 9-306.

## Density

Par. 6 of Sect. 9-306 addresses the density allowable for an independent living facility. A multiplier of four times the recommended residential density range for an independent living facility can be utilized as the method for determining the allowable density. Par. 6 further states that an independent living facility can be developed at the high end of the plan range resulting from the application of the multiplier if 15 percent of the proposed independent living dwelling units are affordable. The applicant intends to provide 15 percent of the units, which are also required pursuant to the proposed development conditions. As noted above, the property has two density ranges: 0.35 acres is planned 2–3 du/ac and 7.09 acres is planned 4–5 du/ac. Accordingly, when the multiplier of four is applied, the maximum number of units permitted for an independent living facility on the application property is 145  $\{4 \times [(0.35 \times 3) + (7.09 \times 5)] = 145\}$ . The SE Plat proposes to develop 123 dwelling units, including the single family dwelling which is to remain, resulting in a density of 16.34 du/ac.

## Transitional Screening and Barriers

Par. 11 of Sect. 9-306 states that transitional screening will be provided as specified for a multi-family dwelling in the matrix included in Article 13, Landscaping and Screening.

Transitional Screening			
Direction	Use	Standard	Provided
Northeast (R-5 & R-5)	Single Family Attached Dwelling Units Single Family Detached Dwelling Units	Transitional Screening Yard 1	Modification Requested (see below)
Southwest (PDH-12 & R-12)	Single Family Attached Dwelling Units	Transitional Screening Yard 1	Modification Requested (see below)
Northwest (C-5)	Eating Establishment	Not Required	n/a
East (R-2)	Single Family Detached Dwelling Units	Transitional Screening Yard 1	Modification Requested (see below)

**Modification:** Transitional Screening

**Basis:** Par. 3 of Sect. 13-304:

The applicant is proposing to utilize several design features to ameliorate the impact of the proposed building on the surrounding community. First, to the south, along Blake Lane, the project has been designed so that the garage is not visible from the road and so that the project will be integrated into the

neighborhood. In addition, landscaping is proposed that will both screen the on-site drive aisles and service area and provide an attractive presence on the street through the use of evergreens as screening and deciduous trees for visual interest. Along Blake Lane, the building is limited to three stories in height, similar to the single family attached developments along that road. Along the other boundaries where transitional screening is required, the SE Plat utilizes a combination of existing vegetation and supplemental plantings to provide screening of the taller side of the building. (The site slopes downward away from Blake Lane toward the northeast corner, which is the lowest portion of the property). In addition, landscaping within the yard area is also proposed to provide screening. Staff recommends that this modification request be approved.

<b>Barrier</b>			
<b>Direction</b>	<b>Use</b>	<b>Standard</b>	<b>Provided</b>
Northeast (R-5 & R-4)	Single Family Attached Dwelling Units	Not Required	n/a
	Single Family Detached Dwelling Units	Barrier D, E or F <sup>1</sup>	Waiver Requested <sup>2</sup>
Southwest (PDH-12 & R-12)	Single Family Attached Dwelling Units	Not Required	n/a
Northwest (C-5)	Eating Establishment	Not Required	n/a
East (R-2)	Single Family Detached Dwelling Units	Barrier D, E or F <sup>1</sup>	Waiver Requested <sup>2</sup>

1. Barrier D – 42-48 inch chain link fence; Barrier E – 6 foot wall of architectural block or brick; Barrier F – 6 foot tall solid wood fence.
2. The requested modifications are addressed in the section entitled “Waivers/Modifications below.

**Waiver:** Barrier

**Basis:** Par. 12 of Sect. 13-304:

A barrier is required along the eastern boundary and part of the northeastern boundary, where the proposed independent living facility abuts single family detached dwellings. The northern extent of this boundary is the northern arm of the property which will remain unimproved. The remaining portion of the eastern boundary is heavily wooded and slopes downward to the east. As such the required barrier would not be effective. Staff supports the proposed waiver of the barrier requirement in this portion of the site.

## **Special Exception Standards**

Additional Standards for Independent Living Facilities (Sect. 9-306)

Category 3 Standards (Sect. 9-304)

General Special Exception Standards (Sect. 9-006)

With regard to Sect. 9-306, Additional Standards for Independent Living Facilities:

- Par. 1 addresses the age and/or disability occupancy restrictions required for an independent living facility, which are incorporated into the proposed development conditions.
- Par. 2 requires that the Board find that applications for independent living facilities adequately and satisfactorily take into account the needs of the residents for transportation, health, recreational and other similar such facilities. As noted in the Description of the Proposed Independent Living Facility, the Land Use Analysis and in the discussion regarding transit access, this project, as modified by the proposed development conditions, includes on-site services, recreational opportunities and transportation options for the future residents that satisfy this additional standard.
- Par. 3 addresses the compatibility of the proposed facility with the surrounding neighborhood, that the health and safety of the persons residing in the neighborhood not be adversely affected and that the facility not be detrimental to the public welfare or injurious to property or improvements in the neighborhood. As noted throughout this report, staff has concluded that this facility will be compatible with the existing neighborhood and not detrimental to the uses in the neighborhood.
- Par. 4 requires that a floor area ratio (FAR) calculation be provided to assist the Board in determining if the project is consistent with the scale of the surrounding neighborhood. The FAR of the proposed project is 0.72. The proposed facility is compatible with the neighborhood as noted in the discussion in the Land Use Analysis.
- Par. 5 requires that such a project be located on land fronting on or with direct access to a collector street or a minor arterial. As noted elsewhere in this report, the application property is within 300 feet of Chain Bridge Road, a principal arterial as defined by the Zoning Ordinance, and is located on Blake Lane, which is a collector street, as defined by the Zoning Ordinance.
- Par. 6 addresses the density limitations and open space requirements for an independent living facility; as noted above in the chart addressing Bulk Standards, the application meets the requirements of this paragraph;

- This project does not propose to include assisted living facilities or skilled nursing care on site, which would be otherwise permitted pursuant to the provisions of Par. 7, provided that these facilities are designed solely for the residents as an accessory use;
- The proposed development conditions state that the facilities in the development shall be solely for the use of residents, employees and invited guests as required by Par. 8;
- As noted in the Bulk Requirements Chart above, the building height meets the limitation of fifty feet outlined in Par. 9;
- Par. 10 addresses the yard requirements for this use, which are satisfied as noted above in the Bulk Standards chart;
- Par. 11 states that, for the purposes of transitional screening as required by the provisions of Article 13, Landscaping, Screening, an independent living facility shall be considered a multi-family dwelling which has been adequately addressed as noted previously;
- Par. 12 addresses the impacts of the revised provisions adopted in 2003 to previously approved projects and is not applicable to this application.

With regard to Sect. 9-304, Standards for All Category 3 Uses:

- Par. 1 addresses public uses and is not applicable to this application.
- Par. 2 addresses the minimum lot size requirements, which as noted in the Bulk Standards Chart above, are satisfied by the application property.
- Par. 3 addresses conformance with the bulk standards in the underlying zoning district. As demonstrated above, the standards contained in Par. 6 of Sect. 9-306 have been satisfied.
- Par. 4 states that the performance standards of Article 14, Performance Standards, are applicable to Category 3 Special Exception uses. These standards will have to be met during future construction activities and during the on-going operation of the proposed independent living facility.
- Par. 5 states that, prior to establishment; all uses are subject to the provisions of Article 17, Site Plans and site plan approval will be required prior to the commencement of development activities on the site.

With regard to the provisions of Sect. 9-006, General Standards, which are applicable to all special exception uses:

- As discussed in the Land Use Analysis section, this proposal satisfies the recommendations of the Comprehensive Plan with regard to multi-family development and for elderly housing and is designed to be compatible with the adjacent development, thereby satisfying the requirement of Par. 1 to be in harmony with the adopted Comprehensive Plan.

- The purpose and intent of the R-2 District is to provide locations for single family detached dwellings at a density of two dwelling units per acre. The provisions of this District also allow approval of an independent living facility with the approval of a special exception. Pursuant to the provisions of Sect. 9-306, the density of this use is determined by the density recommendations of the Comprehensive Plan, rather than by the provisions of the R-2 District. In addition, as noted above, this project satisfies the additional standards for this use and meets the purpose and intent of the Zoning Ordinance with regard to the proposed use.
- Staff has concluded that the proposed independent living facility will not adversely affect the relationship of the facility with the adjacent properties, thereby satisfying Par. 3.
- As noted in the discussion regarding Transportation, the vehicular and pedestrian traffic associated with this facility will not be hazardous nor conflict with neighborhood traffic, as required by the provisions of Par. 4.
- As noted in the discussions regarding the proposed modifications of the transitional screening yard requirements and the waiving of the barrier requirement, staff has concluded that the proposed screening along the periphery of this seven acre site is appropriate as supplemented by the development conditions; therefore, staff has concluded that Par. 5 has been satisfied.
- As noted in the Bulk Standards chart, the amount of open space is in excess of the amount required for this uses pursuant to the provisions of Sect. 9-306, satisfying the requirements of Par. 6.
- Par. 7 addresses utilities and parking at the site. The SE Plat includes 167 parking spaces, which three times the required parking (51 spaces) for the proposed independent living facility. Therefore, more than sufficient parking should be available for this use. Utilities are in place to serve the existing development. Therefore, Par. 7 is considered to be satisfied.
- Par. 8 addresses signage. The SE Plat addressed signage with a note that states that all signage on the site would be required to conform to the provisions of Article 12, Signs.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Staff Conclusions**

SE 2005-PR-009 proposes to develop an independent living facility for elderly residents on approximately 7.5 acres located on Blake Lane near its intersection with Chain Bridge Road. Staff has concluded that this proposal conforms with the recommendations of the Comprehensive Plan with regard to multi-family housing and elderly housing. Staff has also concluded that the design of the building, its location on the property in combination with the proposed landscaping and tree preservation is compatible with the surrounding neighborhood and recommends that the requested

transitional screening yard modification and waiver of the barrier requirement be approved. Staff has concluded that the proposal satisfies the applicable Zoning Ordinance Standards for an independent living facility. Staff has also reviewed a Public Facilities Manual waiver request to allow underground detention as part of this residential development and recommends that it be approved subject to development conditions.

### **Recommendation**

Staff recommends that SE 2005-PR-009 be approved subject to the development conditions contained in Appendix 1.

Staff further recommends that the transitional screening yard requirement be modified along the northern, southern and western boundaries and that the barrier requirement be waived along the eastern and northeastern boundaries in favor of that shown on the Special Exception Plat and referenced in the development conditions.

Staff further recommends that the Board of Supervisors approve the requested Public Facilities Manual waiver request, 2352-WPFM-002-1 to allow underground stormwater detention and treatment in a residential development, subject to the proposed development conditions contained in Attachment A of Appendix 6.

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 recommendations of staff; it does not reflect the position of the Board of Supervisors.

### **APPENDICES**

1. Proposed Development Conditions
2. Affidavit
3. Applicant's Statements
4. Board of Zoning Appeal Resolution regarding S-81-P-051 and SP Plat
5. Environmental Analysis
6. Comments regarding 2352-WPFM-002-1 requesting Underground SWM/BMPs and the Proposed Development Conditions for 2352-WPFM-002-1
7. Comments of Urban Forestry Management
8. Transportation Analysis
9. Selected Excerpts from the Zoning Ordinance
10. Glossary of Terms

**PROPOSED DEVELOPMENT CONDITIONS**

**SE-2005-PR-009  
Oakton Condominiums for Life**

January 12, 2006

If it is the intent of the Board of Supervisors to approve SE 2005-PR-009 in the name of Sunrise Assisted Living Limited Partnership, located at Tax Map No. 47-2 ((1)) 66, 67A, 70A (10300 and 10322 Blake Lane) to permit an independent living facility pursuant to Sect. 9-301(4) 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 "Oakton Condominiums for Life" prepared by BC Consultants and dated February 17, 2005, revised to November 15, 2005 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. Right-of-Way along Blake Lane, generally to thirty (30) feet from centerline and as shown on the Special Exception Plat, shall be dedicated and conveyed in fee simple to the Board of Supervisors. Such dedication shall occur at the time of site plan approval for the property or upon demand by Fairfax County, whichever occurs first.
5. The existing sidewalk along Blake Lane shall be reconstructed as a five foot wide sidewalk. The asphalt pathway around the site shall be a minimum of five feet wide to accommodate wheelchairs.
6. Vehicular access shall be via the private entrances as shown on the Special Exception (SE) Plat. Subject to the approval of DPWES and VDOT, the alternative entrance location for the easternmost entrance may be substituted for the entrance opposite the existing residence.
7. Subject to approval by DPWES, the surface parking area and entry drop off area shall be constructed with porous paving materials.
8. Parking shall be provided as shown on the SE Plat.

9. Written notification shall be provided to all initial purchasers specifying that the Condominium Owners' Association will be responsible for the maintenance of the private roads on the site prior to entering into a contract of sale. This maintenance responsibility shall also be disclosed within the Condominium Owners' Association documents.
10. Prior to site plan approval, the Applicant shall submit a traffic signal warrant analysis for the intersection of Blake Lane and Route 123 to VDOT for its review and approval. The warrant study shall include build out of the subject site. If determined warranted by VDOT, the Applicant shall install the required signal including pedestrian heads prior to the issuance of the first Residential Use Permit for the main building. If the signal is not warranted prior to bond release for this project, an amount not to exceed \$150,000 shall be escrowed for the future installation of the signal.
11. Individual units in the independent living facility shall be occupied only by individuals 62 years of age or older or couples where the husband or wife is 62 years of age or older and or persons with handicaps, as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse and/or caregiver. These restrictions shall also apply to the single family dwelling unit being retained on site and shall be incorporated into the association documents that will govern this property.
12. The existing single family detached dwelling unit is proposed to be retained at this time. This dwelling unit may be demolished in the future and that area of the site turned into landscaped open space without amending this special exception.
13. Each independent living unit shall meet the definition of a dwelling unit per the Zoning Ordinance and shall include a kitchen. The units shall be constructed in accordance with Americans with Disabilities Act (ADA) and Federal Housing Act (FHA) requirements for housing for seniors. All public areas and public doorways shall be wheelchair accessible. All resident units shall be FHA adaptable and have lever hardware, doorways wide enough for wheelchairs, low profile thresholds, an emergency call system, large print unit identification system, non-glare lighting and structural blocking within the unit bathrooms to accommodate ready conversion to an adaptable unit. The initial purchaser shall have the option to include accessible features within the unit such as railings, grab bars, accessible kitchen and bathroom features.
14. The architectural design of the buildings shall be in substantial conformance with the style and character of the building elevations depicted on Sheets 11 through 14 of the SE Plat. The building exterior fenestration shall be a combination of materials which shall include applied stone and/or clay masonry veneers, cementitious siding / shakes / trim, and vinyl or foam trim. The visible pitched roof shall have fiberglass shingles with either fiberglass shingles or standing seam metal roofing at accent areas on the roof or low porch roof areas.

15. This facility shall include elevators. The maximum building height shall be 50 feet as defined in the Zoning Ordinance.
16. A shuttle service for residents shall be provided for trips to, such as but not limited to, shopping, health care visits and to transit facilities (the Vienna/Fairfax Metrorail station). The scheduling and frequency of trips shall be based on resident needs.
17. A common area of a minimum of 16,000 square feet shall be provided which shall include space for social programs and a dining area. All common areas shall be wheelchair accessible through features such as, but not limited, to low pile carpeting, low profile thresholds, lever door hardware, non-glare lighting and emergency call buttons. Bathrooms that serve the common areas shall be fully accessible.
18. On-site services and activities shall include but are not limited to: on-site staff to provide security and concierge services, meal service, on-site activity programs such as fitness and exercise classes, guest speakers, games and crafts. All facilities of the development shall be solely for the use of the residents, employees and invited guests, but not for the general public.
19. The maximum number of independent living units shall not exceed 123, including the existing single family detached dwelling on Parcel 66.
20. Affordable dwelling units (ADUs) shall be provided in accordance with Section 9-301(6) and Part 8 of Article 2 of the Zoning Ordinance.
21. In order to reduce the maximum interior noise to a level of approximately 45 dBA Ldn, the units that face onto Blake Lane shall employ the following acoustical measures:
  - Exterior wall shall have a laboratory Sound Transmission Class (STC) rating of at least 39.
  - Doors and windows shall have a laboratory STC rating of at least 28. Low E insulated glazing will be provided.
  - Measures to seal and caulk between surfaces shall follow methods approved by the American Society for Testing and Materials to minimize sound transmission.

The affected units shall be labeled on the site plan and so noted on the plans submitted with the building permit. These requirements shall not apply to the existing single family dwelling on the property.

22. To reduce noise within the "Front Patio/Service Area" in the front of the building, the fence enclosing this area shall be solid from the ground up and a minimum of six feet in height. A gate may be allowed to provide service and emergency access.
23. A landscape plan shall be submitted as part of the first and all subsequent submissions of the site plan and shall be coordinated with and approved by Urban Forest Management, DPWES. This plan shall be in substantial conformance with the landscape concepts plan as to quantity and quality of plantings, and in substantial conformance with the location of plantings as shown on the Special Exception Plat, sheet 3 and these development conditions.
24. If the four large deciduous trees proposed to be planted on the eastern end of the property and along Blake Lane are within the required sight distance, these trees shall be relocated on-site, not removed as indicated on Sheet 3 of the SE Plat, so as to be outside the sight distance easement as determined by Urban Forest Management and DPWES.
25. Additional landscaping shall be provided along the Blake Lane side of the parking areas and travel aisles so as to screen the lower portion of the vehicles from Blake Lane. This landscaping shall consist of a combination of a low hedge and/or shrubbery to the satisfaction of Urban Forest Management .
26. The limits of clearing and grading along the northern boundary of Parcel 70A shall be adjusted to ensure the survival of the trees located off-site subject to the approval of Urban Forest Management.
27. The limits of clearing and grading along the northeastern boundary of Parcel 66 shall be adjusted to ensure the survival of the white oak trees located in that area of the site (identified as trees 25, 26 and 27) as determined by Urban Forest Management.
28. The applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat subject to the installation of utilities and/or trails as determined necessary by the Director of the Fairfax County Department of Public Works and Environmental Services. If it is determined necessary to install utilities and/or trails within the area to be protected by the limits of clearing and grading as shown on the SE Plat, they shall be located in the least disruptive manner necessary as determined by Urban Forest Management, Fairfax County Department of Public Works and Environmental Services ("DPWES"). A replanting plan shall be developed and implemented by the applicant, subject to the written approval by DPWES, for any areas outside of the permanent utility easement and within the area to be protected by the limits of clearing and grading that must be disturbed."

29. The demolition of existing features and structures on the site shall be conducted in a manner as approved in writing by Urban Forest Management, Fairfax County Department of Public Works and Environmental Services, that does not impact on individual trees and/or groups of trees that are required to be saved and as specified on Sheet 8. Tree protection fencing as required by Urban Forest Management shall be installed prior to commencing any clearing, grading and/or demolition activities on the property.
30. A tree preservation plan shall be submitted as part of the first and all subsequent site submissions as follows.

A. Tree Preservation Plan

The tree preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and shall be subject to the review and approval of the Urban Forest Management, DPWES. The tree preservation plan shall consist of a tree survey that includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches in diameter and greater, and 20 feet to either side of the limits of clearing and grading shown on the SE Plat. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the SE Plat, and those additional areas in which trees can be preserved as a result of final engineering. The condition analysis ratings shall be prepared using methods outlined in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture. Specific tree preservation activities that will maximize the survivability of trees identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, and others as necessary, shall be included in the plan. The use of motorized equipment in the forested portion that is protected by the limits of clearing and grading for each phase of the project shall be limited to hand-operated equipment such as chainsaws, wheel barrows, rakes, and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump grinders, etc. or any accessory or attachment connected to this type of equipment shall not occur unless previously approved by Urban Forestry Management.

B. Protection of Existing Understory Vegetation and Soil Conditions in Tree Preservation Areas

All tree preservation-related work occurring in or adjacent to tree preservation areas shall be accomplished in a manner that minimizes damage to vegetation to be preserved including any woody, herbaceous or vine plant species that occurs in the lower canopy environment, and to the existing top soil and leaf litter layers

that provide nourishment and protection to that vegetation. Any removal of any vegetation or soil disturbance in tree preservation areas including the removal of plant species that may be perceived as noxious or invasive, such as poison ivy, greenbrier, multi-floral rose, etc. shall be subject to the review and approval of Urban Forest Management, DPWES.

The use of motorized equipment in tree preservation areas will be limited to hand-operated equipment such as chainsaws, wheel barrows, rake and shovels. Any work that requires the use of motorized equipment, such as tree transplanting spades, skid loaders, tractors, trucks, stump-grinders, etc., or any accessory or attachment connected to this type of equipment shall not occur unless pre-approved by Urban Forest Management, DPWES.

### C. Root Pruning and Mulching

The applicant shall 1) root prune, 2) mulch, and 3) provide tree protection fencing in the form of four foot high, 14 gauge welded wire attached to 6 foot steel posts driven 18 inches into the ground and placed no further than 10 feet apart, or other forms of tree protection fencing approved by Urban Forest Management, DPWES for all tree preservation areas. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets and demolition plan sheets of the subdivision plan submission. The details for these treatments shall be reviewed and approved by Urban Forest Management, DPWES, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following:

- Root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches.
- Root pruning shall take place prior to any clearing and grading, or demolition of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- Tree protection fence shall be installed immediately after root pruning, and shall be positioned directly in the root pruning trench and backfilled for stability, or just outside the trench within the disturbed area.
- Immediately after the phase II E&S activities are complete, mulch shall be applied at a depth of 4 inches extending 10 feet inside the undisturbed area without the use of motorized equipment.
- Mulch shall consist of hardwood mulch or the approved equal.
- An Urban Forest Management, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

#### D. Tree Preservation Walk-Through

The applicant shall retain the services of a certified arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an Urban Forest Management, DPWES, representative to determine where adjustments to the clearing limits can be made to increase the area of tree preservation and/or to increase the survivability of trees at the edge of the limits of clearing and grading, and such adjustment shall be implemented. Trees that are identified specifically by UFM in writing as dead or dying may be removed as part of the clearing operation. Any tree that is so designated shall be removed using a chain saw and such removal shall be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this shall be done using a stump grinding machine in a manner causing as little disturbance as possible to the adjacent trees and associated understory vegetation and soil conditions.

#### E. Tree Protection Fencing

All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fence. Tree protection fencing (super silt fence) shall be erected at the limits of clearing and grading as shown on the phase I & II erosion and sediment control sheets. Super silt fence to the extent that required trenching for super silt fence does not sever or wound compression roots which can lead to structural failure and/or uprooting of trees.

All tree protection fencing shall be installed prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fence types shall be performed under the supervision of a certified arborist, and accomplished in a manner that does not harm existing vegetation that is to be preserved. Three days prior to the commencement of any clearing, grading, or demolition activities, but subsequent to the installation of the tree protection devices, Urban Forest Management, DPWES and the District Supervisor shall be notified and given the opportunity to inspect the site to assure that all tree protection devices have been correctly installed. If it is determined that the fencing has not been installed correctly, no grading or construction activities shall occur until the fencing is installed correctly, as determined by Urban Forest Management, DPWES.

#### F. Site Monitoring

During any clearing or tree/vegetation/structure removal or transplantation of vegetation on the Application Property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as proffered and as approved by UFM. The Applicant shall retain the services of a certified arborist or landscape architect to monitor all construction work and tree preservation efforts in order to ensure conformance with all tree preservation proffers/conditions, and UFM approvals. The monitoring schedule shall be described and detailed in the landscaping plan, and reviewed and approved by Urban Forest Management, DPWES.”

#### G. Replacement Trees

At any time prior to final bond release, should any of the bonded trees die, be removed or are determined to be dying by Urban Forestry Management due to unauthorized construction activities, those trees shall be replaced with trees of equivalent species and size and the bond monies for said trees shall not be refunded.

#### H. Replacement Value

A professional with experience in plant appraisal, such as a certified arborist or landscape architect, shall be retained to determine the replacement value of trees noted “to be saved” on the tree preservation plan. These trees and their value shall be identified on the landscape plan at the time of the first submission of the subdivision plan. The replacement value shall take into consideration the age and size of the trees and shall be determined according to the methods contained in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture, subject to review and approval by Urban Forest Management, DPWES.

At the time of site plan approval, a cash bond or letter of credit payable to the County of Fairfax shall be posted to ensure preservation and/or replacement of the designated trees that die or are dying due to normal construction activities permitted on the approved plan. The letter of credit shall be equal to fifty percent (50%) of the replacement value of the bonded trees. The cash bond shall consist of thirty-three (33%) of the amount of the letter of credit. In addition to this replacement obligation, a payment equal to the value of any bonded tree that is dead or dying or improperly removed due to unauthorized construction activity shall be paid. This payment shall be determined based on the Trunk Value Method and paid to a fund established for furtherance of tree preservation objectives. At the time of the approval of the final RUP, the applicant shall be

entitled to request a release of any monies remaining in the cash bond and a reduction in the letter of credit to any amount up to twenty percent (20%) of the total amounts originally committed. Any funds remaining in the letter of credit or cash bond will be released two (2) years from the date of release of the conservation escrow, or sooner, if approved by UFM.

If, at the time of final bond release, trees are found to be dead or dying despite adherence to approved construction activities by Urban Forest Management, DPWES, the cash bond or letter of credit shall be used as necessary to plant similar size and species, or species appropriate to the site, in consultation with Urban Forest Management, DPWES, and the developer's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement.

Any funds remaining in the letter of credit or cash bond will be released two years from the date of release of the project's conservation escrow, or sooner, if approved by Urban Forest Management, DPWES.

31. A sign that states "Service Entrance and Access to (insert address of SFD) Only" shall be installed at the center entrance from Blake Lane.
32. All signs shall be in accordance with Article 12 of the Zoning Ordinance. All free-standing signs shall be monument signs and no higher than four feet.
33. Bio-Retention shall be provided within the areas identified on the SE Plat as determined by DPWES.
34. Construction shall only occur between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday and 8:00 a.m. and 5:00 p.m. on Saturday. Construction shall not occur on Sundays and holidays (Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving, Christmas and New Years Day). The construction hours shall be posted on the property.
35. There shall be no parking or staging of construction of vehicles or traffic on the right-of-way of Blake Lane. These limitations shall be posted on the property. All contracts related to construction activities shall include this provision and shall be enforced by the site superintendent. Prior to the commencement of construction on the property, the presidents or other representatives of the homeowners associations for Oakton Manor, Oakton Mains, Oakleigh, Barden Oaks, Oakton Commons and the property owner of 47-2 ((1)) 65A shall be provided with the name, title and phone number of a person to whom complaints regarding construction activities may be directed. Such correspondence shall be sent by US Mail, return receipt requested and copies of the receipts and responses shall be made available to County Staff upon request.

36. Deliveries, including trash pickups, to the site shall be made from the direction of Chain Bridge Road and not from the direction of Jermantown Road. Further, deliveries and trash pick-up shall be restricted to the hours of 6:00 a. m. and 7:30 p. m., weekdays. The applicant and successors and assigns shall inform all delivery companies of this restriction.

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 (30) months after the date of approval unless the use has been established or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

