APPLICATION FILED: February 18, 2005
PLANNING COMMISION: March 23, 2006
BOARD OF SUPERVISORS: Not Scheduled

County of Fairfax, Virginia

March 9, 2006

STAFF REPORT ADDENDUM

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:	16.27 du/ac
FLOOR AREA RATIO (FAR):	0.69
OPEN SPACE:	190,899 sq. ft. (59 percent)
PLAN MAP:	4-5 du/ac (7.10 acres) 2-3 du/ac (0.35 acres)
SE CATEGORY:	Category 3
PROPOSAL:	Construct an Independent Living Facility for Elderly Residents with 120 new dwelling units as a Condominium with the existing single family detached dwelling unit to remain for a total of 121 dwelling units for the elderly; Public Facilities Manual waiver to allow underground detention in a residential project

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

STAFF RECOMMENDATIONS:

Staff recommends that SE 2005-PR-009 be approved subject to the development conditions contained in Attachment 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 2.

It should be noted that it is not the intent of the 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 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).

BACKGROUND

The January 12, 2006, staff report for this application recommended that SE 2005-PR-009, to allow the construction of an independent living facility, be approved subject to development conditions. The staff report also recommended approval of the Public Facilities Manual waiver to allow underground detention in a residential development subject to development conditions associated with the requested waiver.

Subsequently, the applicant requested deferral of the Planning Commission public hearing. On February 24, 2006, the applicant submitted a revised Special Exception Plat (SE Plat), which is addressed by this staff report addendum. The applicant also submitted a revised statement of justification.

Attachment 1 contains the proposed development conditions for the pending special exception application. Attachment 2 contains the proposed development conditions for the Public Facilities Manual waiver to allow underground detention for a residential development. Attachment 3 contains a reduction of the revised Special Exception Plat submitted by the applicant on February 24, 2006. Attachment 4 includes the revised statement of justification. The revised affidavit is contained in Attachment 5. Attachment 6 contains a copy of the locator map for the application.

DISCUSSION

The plan view layout shown on Sheets 2 and 3 of the revised special exception plat is similar to that shown on SE Plat addressed by the staff report. The building footprint is similar, most of the parking is provided underground, the existing single family detached dwelling is being retained, the open space areas are similar and the same outdoor amenities (a sidewalk around the property, the lawn area, the patio in the rear and a patio in the front) are proposed and the main entrance to the building is in the same location. However, several revisions have been made that reduce the impact of the proposed facility on the adjacent existing residential developments as follows:

- First, the number of dwelling units has been reduced by one, to 121 dwelling units, including the existing single family detached dwelling unit.

- Second, the easternmost entrance from Blake Lane that was located near the single family detached dwelling being retained on the site shown on the SE Plat in the staff report has been deleted.

- Third, the portion of the underground parking garage located under the eastern wing has been shifted toward Blake Lane approximately one half of the building's depth, allowing the height of the building to be reduced along the eastern edge by approximately one story and placing the lowest level of units along the eastern edge of the building at ground level. As a result, the top of the roof of this wing is 51 feet above the finished grade along the eastern face of the building, as compared to 63 feet on the previous special exception plat.

- Fourth, the northeastern corner of the building has been reduced by one story, so it will be lower than the rest of the eastern wing by a story.

- Fifth, the architecture has been changed to be more similar to that of the surrounding area by incorporating more siding, by adding more vertical elements that are topped off by an associated roof element, and by including elements that appear to be entries along the façade to make the project more similar to the townhouse developments in the vicinity.

Special Exception Additional Standards

This application is subject to the Additional Standards found in Sect. 9-306 of the Zoning Ordinance. As noted in the previous staff report, staff concluded that the application as then submitted complied with the applicable Additional Standards among others. The applicable standards were excerpted from the Zoning Ordinance in Appendix 9 of the original staff report. Staff has also concluded that the changes noted above have not adversely affected the compliance of the application with the standards found in Sect. 9-306 as follows:

- Par. 1 addresses an age restriction of 62 years or older for most of the residents, the proposed development conditions reflect the requirements of this paragraph directly.

- Par. 2 requires that the Board find that the proposed development adequately and satisfactorily account for the needs of elderly persons and/or persons with handicaps. The proposed development conditions require that the project include interior fittings (including, but not limited to lever door handles, wide doorways, structural blocking to allow installation of accessible bathrooms, low pile carpet in common areas, accessible bathrooms in common areas) that address the needs of this population. Further; the project provides services, such as but not limited to, on-site security and, meal service, on-site activities; on-site elevators; and a shuttle service to Metrorail, shopping and health care.

- Par. 3 addresses whether or not the proposed development is compatible with the surrounding neighborhood, does not adversely affect the health and safety of persons residing in the neighborhood and is not be detrimental to the public welfare or injurious to property. The staff report addressed the specific elements of compatibility and impacts on the public welfare in the Land Use Analysis by discussing the manner in which the proposed development had been designed to fit into the community, including: 1) design features to break up the mass of the building, 2) setbacks averaging more than 60 feet along Blake Lane, 3) retaining existing vegetation as a buffer along the eastern boundary, 4) retaining existing vegetation that is supplemented by additional on site vegetation along the northern boundary;

5) retaining existing vegetation adjacent to the commercial uses to the west to maintain the existing screening from those uses, 6) placing the majority of the parking underground so as to reduce the amount of paving visible around the site (i. e. increasing the amount of landscaped open space) and 7) utilizing the topography of the site to screen the parking.

The compatibility with the neighborhood has been improved and the impacts on the health and safety of adjacent residents and workers have been lessened by the changes made to the SE Plat addressed by this addendum as follows: 1) Along the eastern boundary the building height has been reduced to 243 feet, 2) the entrance into the site along Blake Lane that has been eliminated is the one closest to the curve in Blake Lane which descends to the stream crossing just east of the application property; 3) the architecture has been altered by incorporating design elements that aid in giving the proposed building an appearance similar to the surrounding townhouse developments, such as siding, stone elements arrayed in a manner similar to a townhouse development and by emphasizing vertical elements that are capped by a roof element, similar to the appearance of an attached dwelling.

- Par. 4 requires that information be provided as to the gross floor area, dwelling unit area, non-dwelling unit area, the floor area ratio (FAR) and the number of dwelling units be provided to aid in the assessing if the proposed use is consistent with the neighborhood. This information has been provided on the SE Plat as follows: 121 units are proposed; of the 224,587 sq. ft. overall gross floor area (GFA) 190,899 sq. ft. is devoted to residential uses (85%) and 33,588 sq. ft. is devoted to non-residential uses or support functions for the independent living facility. This information illustrates that this project does not include such a high proportion of non-residential GFA for other uses typically associated with an independent living facility (see Paragraphs 7 and 8 below) so as to create a facility that would be inconsistent with the neighborhood. This paragraph is evaluated within the context that Par. 6 determines the allowable number of independent dwelling units by applying a multiplier of up to four times the residential density range recommended by the Comprehensive Plan.

- The changes shown on the revised SE Plat do not affect the manner that the proposed project complies with Par. 5 because the project is still within 300 feet of Chain Bridge Road, a major thoroughfare, and is located on a collector street, Blake Lane.

- Par. 6 determines the allowable density for an independent living facility by applying a multiplier of 4 times the residential density range contained in the Comprehensive Plan rather than the zoning of the property. If 15 percent of the proposed dwelling units are provided as affordable dwelling units (ADUs), the high end of the recommended residential density range is utilized to determine the maximum density allowed by the Zoning Ordinance.

The applicants have proposed to provide 15 percent of the units as affordable dwelling units and this commitment is reflected in the proposed development conditions. As illustrated by the calculations provided in the original staff report, up to 145 independent living units would be permitted on this site, resulting in a density of 19.6 du/ac. The revised SE Plat includes 121 independent living units resulting in a density of 16.27 du/ac, which is below the maximum number of independent living units allowed by Par. 6.

- Par. 7 allows an independent living to include assisted living facilities and skilled nursing care for the residents only. This proposal does not include such facilities.

- Par. 8 specifies that the facilities within the development be solely for the use of the residents, employees and guests, not for the general public. In this instance, the additional facilities include common areas that are approximately 15 percent of the project as a whole.

- Par. 9 limits the maximum building height in residential districts to 50 feet. As noted above, the revised SE Plat has reduced the height of the proposed building along the eastern boundary.

- Par. 10 specifies that the required minimum yards are fifty feet where the project abuts land where the residential density is between 0.2 du/ac and 8 du/ac and sets a minimum yard of 30 feet where the project abuts land in all other uses. The revised SE Plat complies with these requirements by providing a minimum yard of 30 feet for the one wing that is closest to Blake Lane (most of the project is set back approximately 60 feet). The land across Blake Lane is planned for residential uses at 8-12 du/ac. Yards in excess of 50 feet are shown along all the other boundaries, which abut land planned at less than 8 du/ac and commercially zoned and planned property to the west. It should be noted that the front yard requirements in the R-2 District vary between 30 feet for a conventional subdivision and 20 feet for a cluster subdivision with affordable dwelling units; the side yard requirement is 15 feet for a conventional subdivision and 8 feet for a cluster subdivision with ADUs: and, the rear yard is 25 feet for both a conventional subdivision and a cluster subdivision with ADUs.

- Par. 11 addresses transitional screening, which shall be provided in accordance with the requirements for a multi-family dwelling. The revised SE Plat has not changed this element of the project; staff's recommendations to approve the requested modifications to this requirement in favor of retaining the existing vegetation along with the supplemental plantings shown on revised SE Plat are carried forward from the previous staff report.

- Par. 12 addresses grandfathering of previously approved projects with independent living units and is not applicable to this application.

CONCLUSIONS AND RECOMMENDATIONS

Conclusions

The changes to the SE Plat do not affect staff's previous recommendation with regard to this application. The proposed development conditions have been revised to reflect the revised SE Plat.

Recommendations

Staff recommends that SE 2005-PR-009 be approved subject to the development conditions contained in Attachment 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 2.

It should be noted that it is not the intent of the 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 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.

ATTACHMENTS

1. Proposed Development Conditions for SE 2004-PR-009
2. Proposed Development Conditions for 2352-WPFM-002-1
3. Reduction of the revised Special Exception Plat
4. Revised Statement of Justification
5. Revised Affidavit
6. Locator Map

ATTACHMENT 1

PROPOSED DEVELOPMENT CONDITIONS
SE-2005-PR-009
Oakton Condominiums for Life

March 9, 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 February 23, 2006 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.

7. Subject to approval by DPWES, the surface parking area and entry drop off area shall be constructed with porous paving materials.

8. 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.

9. 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.

10. The maximum number of independent living units shall not exceed 121, including the existing single family detached dwelling on Parcel 66. 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.

11. The existing single family detached dwelling unit is proposed to be retained at this time and shall be occupied by either persons meeting the age restrictions for an independent living facility or for staff for this facility. 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.

12. 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.

13. 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 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.

14. This facility shall include elevators. The maximum building height and number of stories shall be as shown on the SE Plat for each wing.

15. 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.

16. 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.

17. 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.

18. Fifteen percent (15%) of the total number of dwelling units constructed shall be affordable dwelling units (ADUs) in accordance with Sect. 9-301 (6) and Part 8 of Article 2 of the Zoning Ordinance.

19. 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.

20. 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 six feet in height. A gate may be allowed to provide service and emergency access.

21. 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.

22. 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 .

23. 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.

24. 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.

25. 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."

26. 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.

27. 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 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 tree preservation plan at the time of the first

submission of the site plan. The replacement value shall take into consideration the age and size of the trees and shall be determined by the so-called "Trunk Formula Method" 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. 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. In addition to the replacement obligation, the applicant shall also make a payment to the County equal to the value of any tree shown to be preserved on the SE Plat that is determined by Urban Forestry Management to be dead or dying due to unauthorized construction activities. This payment shall be based on the "Trunk Formula Method" noted above and be paid to a fund established by the County for furtherance of tree preservation objectives.

28. A sign that states "Service Entrance and Access to (insert address of SFD) Only" shall be installed at the center entrance from Blake Lane. Subject to the approval of VDOT, no parking signs shall be installed along the Blake Lane frontage of the property.

29. The applicant shall coordinate with the representatives of the homeowner's associations along Blake Lane between Jermantown Road and Chain Bridge Road to facilitate the procedures pursuant to the Residential Traffic Administration Program (R-TAP) for the installation of traffic calming measures,

cut-through restriction, through truck restriction or other techniques to reduce the impact of traffic on the communities along this portion of Blake Lane. The applicant shall escrow $25,000 for the installation of these measures. Any money remaining from this amount may be used for other traffic improvements within the Providence District.

30. 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.

31. Bio-Retention shall be provided within the areas identified on the SE Plat as determined by DPWES.

32. 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 4th, Labor Day, Thanksgiving, Christmas and New Years Day). The construction hours shall be posted on the property.

33. 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.

34. 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.