

**ADOPTED DEVELOPMENT CONDITIONS**  
**SE-2005-PR-009**  
**Oakton Condominiums for Life**

June 26, 2006

The Board of Supervisors approved SE 2005-PR-009 in the name of Sunrise Assisted Living Limited Partnership (the "Applicant"), 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 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 June 15, 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 as shown on the SE Plat. In addition, the color of the on-site site sidewalk and pedestrian crossing areas shall contrast the primary parking area color.

8. If units are sold, 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 and the stormwater management facilities on the site prior to entering into a contract of sale. These maintenance responsibilities 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 design and 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. If the signal is not warranted and installed within three (3) years after final bond release, the escrowed sum may be used for other transportation projects within the Providence District as directed by the Fairfax County Department of Transportation in consultation with the District Supervisor.
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: (1) individuals 62 years of age or older or couples where the husband or wife is 62 years of age or older or (2) persons with disabilities, as defined in the Federal Fair Housing Act Amendments of 1988, who are eighteen (18) years of age or older and with a spouse. Anyone who qualifies to reside in the independent living facility under the restrictions described above may have a live-in caregiver(s). 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. The units may be for sale units or rental units.
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 set for in Condition Number 10 above or staff of the independent living 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, emergency call system wiring, large print unit identification system, non-glare lighting and structural blocking within the unit bathrooms to

- accommodate ready conversion to an accessible unit. The initial purchaser and/or resident 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 cementitious trim. The visible pitched roof shall have either fiberglass shingles or standing seam metal roofing at accent areas on the roof or low porch roof areas. As shown on the Northeast Corner Perspective and the East Elevation contained on Sheet 11, the elevation of the slab on top of the third floor at the northeast corner of the proposed building is to be no more than 429 feet above sea level with northern and eastern faces of the fourth floor in that corner of the building set back from the corresponding faces of the third floor as shown in the Northeast Corner Perspective. A railing may be placed at the outside edge of the setback.
  14. The lighting for the property shall be residential in character and shall include coach style pole mounted light fixtures as shown on page 17 of the SE Plat.
  15. This facility shall include elevators. The maximum building height and number of stories shall be as shown on the SE Plat for each wing.
  16. A shuttle service for residents shall be provided for trips to, such as but not limited to, shopping, health care visits, social events and to transit facilities (the Vienna/Fairfax Metrorail station). Employees may use the shuttle for transit facility shuttle services. The scheduling and frequency of trips shall be based on resident and employee needs and as required to meet the TDM goals outlined below.
  17. A common area of a minimum of 13,000 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 and non-glare lighting. 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. 15.7 percent of the total number of dwelling units constructed shall be affordable dwelling units (ADUs) (i.e. 121 total units would result in 19 ADU's) in accordance with Sect. 9-301 (6) and Part 8 of Article 2 of the Zoning Ordinance.

20. 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.

21. 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.
22. The dumpster shall be enclosed and screened by screening material that is the same as and/or be compatible with the primary structure as determined by DPWES.
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. 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 in addition to the landscaping shown on the SE Landscape Plan (sheet 3) to the satisfaction of Urban Forest Management. Street trees along Blake Lane shall be planted at the earliest possible date as determined by UFM based on the completion of site work, utility infrastructure and accepted horticultural practices.
25. 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.

26. 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.
27. 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.
28. 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.
29. 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 a 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. Trenching for the super silt fence shall 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 these 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.

30. Prior to site plan approval, a contribution of \$5,000 shall be made to the Fairfax County Tree Preservation and Planting Fund.
31. The Applicant shall diligently pursue traffic calming measures for portions of Blake Lane between Jermantown Road and Route 123. The Applicant shall coordinate with the representatives of the homeowner's associations along Blake Lane between Jermantown Road and Chain Bridge Road, the Providence District Supervisor and the Fairfax County Department of Transportation to facilitate 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. In addition, the Applicant shall independently be responsible for all administration costs associated with application procedure requirements. Any money remaining from this amount shall be used for other traffic improvements within the Providence District.
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. A sign that states "Service Entrance to Oakton Condominiums for Life **and** Residential Access for 10300 Blake Lane" shall be installed at the eastern entrance across from Barden Oaks Court. This sign shall be monument style.
34. Subject to the approval of VDOT, no parking signs shall be installed along the Blake Lane frontage of the property.
35. Bio-Retention shall be provided within the areas identified on the SE Plat as determined by DPWES.
36. 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. Excavation activities shall be prohibited prior to 8:00 a.m. Monday through Saturday.
37. During site construction, the perimeter of the property shall be fenced. This fencing shall be maintained in good condition throughout the entire construction process.
38. There shall be no parking or staging of construction of vehicles or traffic within 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.
39. Prior to the commencement of construction on the property, the Providence District Supervisor, the presidents of the homeowners associations or their designee for Oakton Manor, Oakton Mains, Oakleigh, Barden Oaks, Oakton Commons, Oakton Station, the property owner of 47-2-((1))-22 and the property owner of 47-2 ((1)) 65A shall be provided with the name, title and phone number of a person to whom comments and/or 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. A sign with this information shall be posted on-site prior to the commencement of construction and shall be updated and shall be retained on the site through all construction activities. A response to the comments/complaints made shall be provided within 3 business days of receipt. If the comment is of an emergency nature it shall be addressed within the next business day.=\_
40. A copy of the initial site plan submission shall be provided to each of the parties noted in Condition Number 38 above for comment on the landscaping proposed to be provided on-site. Copies of subsequent submissions of the site plan or portions thereof requested by any of the above noted parties shall also be provided. Evidence of the delivery of the initial site plan submission to each of

the parties noted in Condition Number 38 satisfactory to the Department of Public Works and Environmental Service shall be provided to verify that the deliveries were made.

41. 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 7:00 a. m. and 7:00 p.m., weekdays. The applicant and successors and assigns shall inform all delivery companies of this restriction.
42. On-site litter shall be picked up daily after the construction period. Construction debris and litter shall be removed daily along Blake Lane from Jermantown Road to Chain Bridge Road. A representative of the Applicant shall inspect the site and Blake Lane daily to ensure fulfillment of this requirement.
43. Outdoor events at the independent living facility shall end prior to 10:00 p.m.
44. Prior to bond release, the stormwater management facility at Barden Oaks herein called the "Barden Oaks Pond", Tax Map Number 47-2-((36))-A, shall be inspected by the applicant, the Barden Oaks HOA and the Department of Public Works and Environmental Services to determine whether or not runoff from the construction site or construction debris has adversely affected the functioning of the Barden Oaks Pond from its pre-development condition. The applicant shall inform the Providence District of the date and time of the inspection to allow that office to attend the inspection at their option. To provide an accurate documentation of the pre-development condition, the Applicant or its agent shall be provided access to the pond for the purpose of conducting necessary inspections. Should the Applicant be denied access for any reason to the Barden Oaks Pond, the Applicant shall have no further obligation under this condition. Prior to site plan approval the Applicant shall provide written and/or photographic documentation of the condition of the Barden Oaks Pond which documentation shall be reviewed and approved by DPWES. Should the Applicant's construction activity be determined to be a proximate cause of any degradation of the pond from its documented pre-development condition by DPWES, the Applicant shall be responsible for repairing the pond to the pre-development condition as requirement by DPWES.
45. During periods of excavation and land disturbing activity, the portions of Blake Lane that are proximate to the construction site shall be washed daily. Following the completion of land disturbing activities, Blake Lane shall be washed as warranted.
46. During the time of site construction, on-site dust suppression measures shall be implemented as determined by DPWES, which may include but are not limited to watering procedures to suppress dust on disturbed areas.

- 47. To ensure off-site properties are not impacted by silt of associated run-off, the Applicant shall design and implement siltation control mechanisms that shall include “super silt” fencing or similar procedures as determined by DPWES. The functioning and integrity of all erosion and sedimentation controls (E&S controls) required by DPWES shall be inspected, by the Applicant or their designated representative, no later than the next business day following each storm event during the period of construction on-site. If the E&S controls have been damaged or breached, the E&S controls shall be repaired in accordance with the requirements of the Fairfax County Public Facilities Manual.
- 48. TDM strategies, as detailed below, shall be utilized by the Applicant to reduce trips during peak a.m. and p.m. hours. The TDM strategies shall be utilized to reduce the peak hour trips by a minimum of 10%, based on the trip generation rates/equations applicable to such uses from the submitted traffic study for the Oakton Condos for Life Project, as derived from the Institute of Transportation Engineers, Trip Generation, 7<sup>th</sup> Edition an outlined below:

Table 1 - Maximum Trip Thresholds

	AM Peak Hour Trips After Reduction (10% Reduction from the projected 22 trips per ITE)	PM Peak Hour Trips After Reduction (10% Reduction from the projected 35 trips per ITE)
Oakton Condos for Life	20 Maximum AM Peak Trips	32 Maximum PM Peak Trips

- a. Residents and employees shall be advised of all TDM strategies. Transportation coordination duties shall be carried out by a designated property manager(s) or transportation management coordinator(s) (“TMC”). The TMC position may be a part of other duties assigned to the individuals(s). The TDM strategies may include but are not limited to the following:
  - A. Designate an individual to act as the TMC for the property whose responsibility will be to implement the TDM strategies with on-going coordination with the Fairfax County Department of Transportation (FCDOT). The TMC shall also be responsible for coordination and communication with any subsequent common association;
  - B. In a common area, provide a car pooling, display board to consolidate vehicular trips to such destinations as the grocery store, dinner or social outings. The TMC and/or facility concierge may also provide sign up lists to facilitate car pooling.
  - C. The provision of shuttle service for trips to include but not be limited to local shopping, health care visits, social events and mass transit locations, including peak hour service to/from Vienna Metro Station

which will service both tenants and employees as outlined in Condition Number 16..

- D. Offering semi-annual Fairfax County training for seniors, including programs such as 'Seniors on the Go', Travel Training, and pedestrian services training subject to FCDOT scheduling and consent;
  - E. Dissemination of information regarding Metrorail, Metrobus, ride-sharing and other relevant transit options in sale/leasing packages and to employees;
  - F. Provide Metro maps, schedules and forms, ride-sharing and other relevant transit option information to residents, tenants and employees through either a common website or a newsletter to be published at least twice a year;
  - G. Scheduling, when practical, employee arrivals, departures and deliveries outside of peak hours;
  - H. Provide a pedestrian-friendly sidewalk system to encourage pedestrian circulation;
  - I. Provide Smart Trip cards (or similar transit fare cards) in the amount of twenty-five dollars (\$25) to all new residents of the project upon execution of their initial lease or at closing, as applicable;
  - J. Provide subsidy for Metro Check in the amount of one hundred and five dollars (\$105) per month to all full time employees of the project and a proportional subsidy for part time employees; and
  - K. Pharmacy delivery services shall be coordinated and encouraged by the TMC for tenants.
- b. Schedule for Follow Up Surveys: Twelve (12) months following complete build-out of the property, the effectiveness of the TDM strategies shall be evaluated using surveys prepared by the TMC in cooperation with FCDOT and actual traffic counts. The Applicant shall submit to FCDOT the result of the surveys and counts in order to determine travel characteristics and whether the required reduction in trips has been achieved. If the TDM surveys show that the trip reduction objective is being met, then the Applicant shall proceed with the TDM strategies as implemented and shall provide continuing surveys on an annual basis. In the event such objective has not been met, the Applicant shall meet with FCDOT to review the strategies in place and to develop modifications to the TDM strategies, or adopt additional TDM strategies that will facilitate meeting the trip reduction objective and shall

proceed to conduct surveys and traffic counts every year until the reduction objective is met.

- c. The following items outline the TDM enforcement components, definitions and potential sequent of schedule:
  - A. Maximum Trip Threshold. Notwithstanding the Maximum Trips listed above, in the event that the buildings actually constructed by the Applicant have less than the maximum number of dwelling units, then the Maximum Trips shall remain as listed above during the requisite peak hour, unless modified by FCDOT.
  - B. Traffic Count Measurement Dates Defined. For purposes of this Condition, Trip Counts shall be measured on three consecutive days which shall be referred to as "Trip Count Measurement Dates." The first Trip Count Measurement Date shall be not less than sixty (60) nor more than one hundred fifty (150) days following the site build-out.
  - C. Buildout Defined. For purposes of this condition, the "Build-out" of the Proposed Development, shall be deemed to occur on the first anniversary of the date as of which initial RUPs have been issued for 85% of the residential units.
  - D. Peak-hour Defined. For purposes of this condition, the relevant weekday AM or PM "peak hour" shall be that 60-minute period during which the highest volume of mainline through volumes occurs between, respectively, 6:00 and 9:00 AM and 4:00 to 7:00 PM, as determined by mechanical and/or manual traffic counts conducted by a qualified traffic engineering firm conducted on Blake Lane. To determine the peak hour, such counts shall be collected beginning on a Monday at 2400 hours and continuing to the following Thursday at 2400 hours at a time of year that reflects typical travel demand conditions (for example, September to November, or January to June, not during a holiday season, a week containing a federal holiday or when public schools are not in session). The relevant peak hour shall be defined in conjunction with each of the Trip Counts required pursuant to this condition. The methodology for determining the peak hour may be modified, in agreement with the Applicant and FCDOT in order to respond to technological and/or other improvements in trip counting.
  - E. Methods. Trip counts shall include counts of vehicles entering and exiting the site. The average number of AM and PM peak hour trips shall be computed by summing the number of applicable trips

entering and exiting the site on each of the three days counts are taken and dividing that sum by three.

- F. TDM Start Time. The Applicant shall notify FCDOT in writing no later than three months after the issuance of the first RUP for the site the name and contract information for the TMC, to coordinate implementation of the TDM plan. Following the initial appointment of the TMC, the Applicant shall continuously employ, or cause to be employed, a TMC for the proposed development.
- G. Evaluation Reports of Trip Counts. Within sixty (60) days after the completion of the Trip Counts, the Applicant shall compile the results and provide a written report to FCDOT. The results of the Trip Counts shall be compared to the Maximum Trips applicable to the period following the stabilization to determine whether actual trips are equal to, less than or greater than the Maximum Trips specified in Table 1. In the event the trips generated are equal to or less than the Maximum Trips applicable specified in Table 1, then the Applicant shall continue to administer the TDM Plan in the ordinary course, in accordance with the provisions of paragraphs A through K under sub-paragraph a above.
- H. Enforcement. If the Applicant fails to timely submit the Trip Count evaluation report to FCDOT as required by this Condition, Fairfax County may thereafter issue the Applicant a written notice stating that the Applicant has violated the terms of the Special Exception conditions and provide the Applicant sixty (60) days within which to cure such violation (i.e. submit written traffic count summary report). If after such sixty (60) day period the Applicant has not submitted the delinquent report, then the Applicant shall be subject to a penalty of \$200 per day payable to Fairfax County to be used for transit or transportation related improvements in the vicinity of the Property until such time as the report is submitted to FCDOT.
49. Prior to site plan approval, a contribution of \$10,000 shall be made to the Oakton Library. Documentation of this payment shall be provided prior to site plan approval.
50. Prior to site plan approval, a contribution of \$5,000 shall be made to the Nottoway Nights Concert Series.

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.