



County of Fairfax, Virginia

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

September 26, 2007

Keith C. Martin
Sack Harris & Martin, P.C.
8270 Greensboro Drive, Suite 810
McLean, Virginia 22102

RE: Rezoning Application RZ 2007-SU-003
(Concurrent with Special Exception Application SE 2007-SU-002)
(Concurrent with Proffered Condition Amendment PCA 1998-SU-009-02)

Dear Mr. Martin:

Enclosed you will find a copy of an Ordinance adopted by the Board of Supervisors at a regular meeting held on September 24, 2007, granting Rezoning Application RZ 2007-SU-003 in the name of Fair Ridge, LLC. The Board's action rezones certain property in the Sully District from the PDC, HC, and WS Districts to the R-8, HC, and WS Districts and permits the development of an independent living facility at a residential density of 28.82 dwelling units per acre (du/ac). The subject property, [Tax Map 46-3 ((1)) 14C], is located on the north side of Fair Ridge Drive and the south side of Ox Hill Road on approximately 6.94 acres of land, and is subject to the proffers dated September 20, 2007.

The Board also:

- Modified the transitional screening requirement in favor of that shown on the GDP/SE Plat and as proffered, and to allow the use of existing vegetation.
- Modified the barrier requirements to the north in favor of that proffered.
- Modified the Additional Standard 9 of Section 9-306 to allow a 19.8 foot setback instead of 30 feet on the eastern boundary, as shown on the GDP/SE Plat.

Sincerely,

Nancy Vehrs
Clerk to the Board of Supervisors
NV/dms
Enclosure

Office of Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035

Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 703-324-3903

Email: clerktothebos@fairfaxcounty.gov

<http://www.fairfaxcounty.gov/bosclerk>

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium in the Government Center at Fairfax, Virginia, on the 24th day of September, 2007, the following ordinance was adopted:

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
PROPOSAL NUMBER RZ 2007-SU-003
(CONCURRENT WITH SE 2007-SU-002 AND PCA 1998-SU-009-02)**

WHEREAS, Fair Ridge, LLC, filed in the proper form an application requesting the zoning of a certain parcel of land herein after described, from the PDC, HC, and WS Districts to the R-8, HC, and WS Districts, and

WHEREAS, at a duly called public hearing the Planning Commission considered the application and the propriety of amending the Zoning Ordinance in accordance therewith, and thereafter did submit to this Board its recommendation, and

WHEREAS, this Board has today held a duly called public hearing and after due consideration of the reports, recommendation, testimony and facts pertinent to the proposed amendment, the Board is of the opinion that the Ordinance should be amended,

NOW, THEREFORE, BE IT ORDAINED, that that certain parcel of land situated in the Sully District, and more particularly described as follows (see attached legal description):

Be, and hereby is, zoned to the R-8, HC, and WS Districts, and said property is subject to the use regulations of said R-8, HC, and WS Districts, and further restricted by the conditions proffered and accepted pursuant to Va. Code Ann., 15.2-2303(a), which conditions are in addition to the Zoning Ordinance regulations applicable to said parcel, and

BE IT FURTHER ENACTED, that the boundaries of the Zoning Map heretofore adopted as a part of the Zoning Ordinance be, and they hereby are, amended in accordance with this enactment, and that said zoning map shall annotate and incorporate by reference the additional conditions governing said parcel.

GIVEN under my hand this 24th day of September, 2007.



Nancy Veirs
Clerk to the Board of Supervisors

**ZAPS USER GENERATED REPORT
ZONING APPLICATION SUMMARY REPORT
APPLICATION NUMBER: RZ 2007-SU-003**

DECISION DATE: 9/24/2007

HEARING BODY: BOS

CRD: NO

MAGISTERIAL DISTRICT: SULLY

APPLICANT NAME FAIR RIDGE, LLC

STAFF COORDINATOR: TSWAGL

ACTION: APPROVE

DECISION SUMMARY:

ON SEPTEMBER 24, 2007, THE BOARD UNANIMOUSLY APPROVED R
Z 2007-SU-003 ON A MOTION BY SUPERVISOR FREY SUBJECT TO
PROFFERS DATED SEPTEMBER 20, 2007□□□□

ZONING INFORMATION

EXISTING ZONING		PROPOSED ZONING		APPROVED ZONING	
<u>DISTRICT</u>	<u>AREA</u>	<u>DISTRICT</u>	<u>AREA</u>	<u>DISTRICT</u>	<u>AREA</u>
PDC	6.94 ACRES	R-8	6.94 ACRES	R-8	6.94 ACRES
TOTAL	6.94 ACRES	TOTAL	6.94 ACRES	TOTAL	6.94 ACRES

TAX MAP NUMBERS

046-3- /01/ /0014-C

APPROVED ZONING DISTRICT DATA

ZONING DISTRICT: R-8

APPROVED RESIDENTIAL DEVELOPMENT**APPROVED NON-RESIDENTIAL DEVELOPMENT**

LAND USE	<u>DWELLING</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>NO.</u>	<u>FLOOR AREA</u>	<u>UNIT OF</u>	<u>LAND</u>	<u>UNIT OF</u>	<u>FAR</u>
	<u>UNITS</u>	<u>AREA</u>	<u>MEASURE</u>	<u>OF</u>		<u>MEASURE</u>	<u>AREA</u>	<u>MEASURE</u>	
INDLIVFAC	200	6.94	ACRES	ADU'S					
TOTAL	200	6.94	ACRES	0					

WAIVERS/MODIFICATIONS**APPROVED WAIVERS/MODIFICATIONS**

MODIFY ADDITIONAL STANDARD 9

MODIFY BARRIER REQUIREMENT

MODIFY TRANSITIONAL SCREENING REQUIREMENT

SUPPLEMENTAL MOTIONS

SUPPLEMENTAL MOTIONS APPROVED

PROFFER INFORMATION

PROFFER STATEMENT DATE: 09-20-2007

<u>ITEM</u>	<u>DUE DATE</u>	<u>TRIGGER NO.</u>	<u>TRIGGER EVENT</u>	<u>CONTRIB AMT</u>	<u>EXPIRATION DATE</u>
ARCHITECTURE / BUILDING MATERIALS	01-01-0001	0	N/A	\$	01-01-0001
BEST MANAGEMENT PRACTICES (BMP)	01-01-0001	0	N/A	\$	01-01-0001
BICYCLE RELATED FACILITIES	01-01-0001	0	N/A	\$	01-01-0001
BLASTING	01-01-0001	0	N/A	\$	01-01-0001
BUFFER	01-01-0001	0	N/A	\$	01-01-0001
BUS STOP / SHELTER / MAINTENANCE	01-01-0001	0	SITE PLAN	\$5,000	01-01-0001
DENSITY / DWELLING UNITS PER ACRE (01-01-0001	0	N/A	\$	01-01-0001
DESIGN AMENITIES	01-01-0001	0	N/A	\$	01-01-0001
DUMPSTER SCREENING / LOCATION	01-01-0001	0	N/A	\$	01-01-0001
FENCE	01-01-0001	0	N/A	\$	01-01-0001
HEIGHT - BUILDING / STRUCTURE	01-01-0001	0	N/A	\$	01-01-0001
HOUSING AGE RESTRICTIONS	01-01-0001	0	N/A	\$	01-01-0001
LANDSCAPE PLAN REQUIRED	01-01-0001	0	N/A	\$	01-01-0001
LANDSCAPING - OFF-SITE	01-01-0001	0	N/A	\$	01-01-0001
LIGHTING / GLARE	01-01-0001	0	N/A	\$	01-01-0001
LIMITS OF CLEARING AND GRADING	01-01-0001	0	N/A	\$	01-01-0001
LOW IMPACT DESIGN (LID) / RAINGARDE	01-01-0001	0	SITE PLAN	\$	01-01-0001
MINOR MODIFICATION	01-01-0001	0	N/A	\$	01-01-0001
OFF-SITE CONTRIBUTION - RECREATION	01-01-0001	1	RUP	\$106,000	01-01-0001
OFF-SITE IMPROVEMENT - RECREATION	01-01-0001	1	RUP	\$106,000	01-01-0001
OTHER - ENVIRONMENT	01-01-0001	0	N/A	\$	01-01-0001
OTHER - LAND USE	01-01-0001	0	N/A	\$	01-01-0001
PARKING	01-01-0001	0	N/A	\$	01-01-0001
PARKING GARAGES	01-01-0001	0	N/A	\$	01-01-0001
PEDESTRIAN IMPROVEMENTS (CROSSW	01-01-0001	0	N/A	\$	01-01-0001
PHASING - LAND USE	01-01-0001	0	N/A	\$	01-01-0001
PROFFERED PLANS	01-01-0001	0	N/A	\$	01-01-0001
ROAD FUNDS	01-01-0001	0	N/A	\$	01-01-0001
SANITARY SEWER	01-01-0001	0	N/A	\$	01-01-0001
SCREEN MECHANICAL EQUIPMENT	01-01-0001	0	N/A	\$	01-01-0001
SHUTTLE BUS	01-01-0001	1	RUP	\$	01-01-0001
SIDEWALK / TRAIL	01-01-0001	0	SITE PLAN	\$5,000	01-01-0001
SIGHT DISTANCE	01-01-0001	0	SITE PLAN	\$	01-01-0001
SIGNAGE	01-01-0001	0	N/A	\$	01-01-0001
TREE PRESERVATION / SURVEY	01-01-0001	0	N/A	\$	01-01-0001
TREE SAVE FENCING	01-01-0001	0	N/A	\$	01-01-0001
URBAN FORESTRY REVIEW	01-01-0001	0	SITE PLAN	\$	01-01-0001
USE RESTRICTIONS	01-01-0001	0	N/A	\$	01-01-0001
	01-01-0001	0	N/A	\$	01-01-0001
ARCHEOLOGY	01-01-0001	0	N/A	\$	01-01-0001



PLEASE TYPE
OR PRINT IN BLACK INK

COMMONWEALTH OF VIRGINIA
COUNTY OF FAIRFAX
APPLICATION FOR ZONING MAP AMENDMENT

APPLICATION NO. RZ 2007-SU-003 (concurrent with SE 2007-SU-002)
(Assigned by Staff)

PETITION

TO: THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, VIRGINIA
I (We), Fair Ridge, LLC, the applicant(s)
petition you to adopt an ordinance amending the Zoning Map of Fairfax County, Virginia,
reclassifying from the PDC, HC District to the R-8, HC
District the property described below and outlined in red on the Zoning Section Sheet
accompanying and made a part of this application.

PROPERTY DESCRIPTION

1. LEGAL DESCRIPTION:

Lot(s)	Block(s)	Subdivision	Deed Book	Page No.

2. TAX MAP DESCRIPTION:

46-3	1		14C	6.94 acres
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Map No.	Double Circle No.	Single Circle No.	Parcel(s)/Lot(s) No.	Total Area(Ac. or Sq. Ft.)

3. POSTAL ADDRESS OF PROPERTY: (if any)

None

4. ADVERTISING DESCRIPTION: (Ex. South of Rt. 236, 1000 feet west of Rt. 274)

North side of Fair Ridge Drive approximately 500 feet north of Route 50.

5. PRESENT USE: Vacant

6. PROPOSED USE: Independent Living

7. SUPERVISOR DISTRICT: Sully

The name(s) and address(es) of owner(s) of record shall be provided on the affidavit form attached and made part of this application

The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter on the subject property as necessary to process the application.

Keith C. Martin, Agent

Type or Print Name of Applicant or Agent

Signature of Applicant or Agent

Sack Harris & Martin, P.C., 8270 Greensboro Drive, Suite 810, McLean, VA 22102

Address

703-883-0102

Telephone No.

None

Work

Please provide name and telephone number of contact person if different from above.

RZ 2006-0343 and 11/2/07

DO NOT WRITE IN THIS SPACE

Date application received: _____ Application Fee Paid: \$10115

Date application accepted: 1-19-07 Virginia Form RZ (10/89)

Notify

9/24 BOS 3:00 p.m.

**RZ 2007-SU-003
FAIR RIDGE, L.L.C.
PROFFER**

September 20, 2007

Pursuant to §15.2-2303(A) of the Code of Virginia (1950 as amended) and §18-203 of the Zoning Ordinance of Fairfax County (1978 as amended) the property owner, and Applicant, Fair Ridge, LLC, for itself and its successors and assigns, (hereinafter referred to as the "Applicant") proffer that the development of the parcel under consideration identified on the Fairfax County Tax Maps as Tax Map Reference 46-3((1))14C (hereinafter referred to as the "Property"), will be in accordance with the following conditions, if and only if, the application, known as RZ 2007-SU-003 is granted rezoning the Property to the R-8 District. These Proffered Development Conditions, if accepted by the Board of Supervisors, shall supersede all previous proffered development conditions. The Proffered Development Conditions are as follows:

DEVELOPMENT PLAN

1. a. The Property shall be developed in substantial conformance with the amended Generalized Development Plan (GDP) dated June 21, 2007, consisting of 18 sheets, prepared by Urban Engineering & Associates, Inc.
 - b. Development and occupancy of the project may occur in phases.
 - c. The height of the northwest corner of Building B, as shown on Attachment 2 dated September 10, 2007, shall not exceed 57 feet in height. .
 - d. The six parking spaces at the northeast corner of the property shall be deleted as shown on Attachment 2, and replaced with landscaping, including evergreens, as approved by the Urban Forest Management (UFM).

2. Pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the GDP, including adding balconies, terraces and on-grade patios without required approval of a Proffered Condition

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Amendment (PCA) provided such changes are in substantial conformance with the GDP as determined by the Zoning Administrator, agents or assigns and neither increase the total gross square footage, increase the height of the buildings, decrease the amount of required parking beyond that referenced in Proffer 5, decrease the amount of open space, nor decrease the distance from the buildings to the closest property line. Any such modifications shall not impact the limits of clearing and grading and buffers shown on GDP.

3. a. The maximum number of independent living units shall be 200.
b. Applicant reserves the right to reduce the number of units due to building construction type and size of units without the need for a Proffered Condition Amendment. The exact number of units in each building may shift as long as other restrictions of these proffers are met.

4. a. The independent living units shall be occupied by at least one person sixty-two (62) years of age or older ("Independent Adult"). All other residents must reside with an Independent Adult, and be a spouse, a cohabitant, an occupant's child eighteen (18) years of age or older, or provide physical or economic support to the Independent Adult. Notwithstanding this limitation: (1) a person hired to provide live-in, long term or terminal health care to an Independent Adult for compensation may also occupy a dwelling during any time such person is actually providing such care; or (2) if, after occupying a dwelling unit, the Independent Adult, who is the owner and occupant, is compelled by law or court order to take custody of a child under eighteen (18) years of age, the Independent Adult and any such child shall be allowed to continue to occupy the dwelling unit.

b. Guests under the age of 62 are permitted for periods of time not to exceed sixty (60) days total for each such guest in any calendar year.

c. If title to any unit shall become vested in any person under the age of 62 by reason of descent, distribution, foreclosure or operation of law, the age restriction covenant

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shall not result in a forfeiture or reversion of title, but rather, such person thus taking title shall not be permitted to reside in such lot or unit until he shall have attained the age of 62 or otherwise satisfies the requirements as set forth herein. Notwithstanding, a surviving spouse, or a surviving spouse with one or more dependants who do not meet the age restrictions, shall be allowed to occupy a dwelling unit consistent with the Federal Fair Housing Act and the Virginia Fair Housing Law, as may be amended.

5. The Applicant shall provide parking in accordance with parking standards and provisions of Article 11 of the Fairfax County Zoning Ordinance for all uses developed on the Property. The Applicant reserves the right to reduce the number of parking spaces shown on the GDP to a minimum of 240 spaces without the need for a Proffer Condition Amendment, so long as the number of spaces provided meets the minimum required by Article 11.

TRANSPORTATION

6. Applicant shall contribute to the Fairfax Center Area Road Fund in accordance with the Procedural Guidelines adopted by the Board of Supervisors on November 22, 1982 as amended.

7. Where the internal pedestrian system crosses the travelways of the parking lots, crosswalks shall be provided. These shall be either textured pavement treatments, or special pavers or raised crosswalks which clearly mark the pedestrian pathways. Pedestrian crossings shall be provided to the satisfaction of DPWES.

8. Prior to the issuance of the first Residential Use Permit (RUP), the Applicant shall make available on demand to all residents use of a shuttle service between the hours of 8 a.m. and 7 p.m. seven days a week, from the Property to transit facilities, medical facilities and shopping centers including but not limited to Inova Fair Oaks Hospital, Fair Oaks Mall,

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Penderbrook Golf Course Pender Village Center, Vienna Metro and other facilities within a two mile radius.

9. Prior to Site Plan approval applicant shall escrow \$5,000 for improvements to the existing bus stop on the north side of Route 50 between the Fair Ridge Drive intersections. Applicant shall rebuild sidewalks where necessary along the Property's Fair Ridge Drive frontage and in front of the VEPCO site, TM 46-3((1))15B, and the park, TM 46-3((1))4, to conform to current ADA standards. The VEPCO and Park frontage improvements will be done at Applicant's expense so long as they can be done in existing rights-of-way or subject to the provision (at no cost to the Applicant) of necessary easements from Property Owners.

10. At the time of site plan approval, it shall be demonstrated that the proposed entrances meet sight line standards. Applicant shall trim tree limbs, where necessary to achieve adequate sight distance.

ENVIRONMENT

11. a. All stormwater management facilities constructed on the Property and/or associated with the development shall be Best Management Practices (BMP) facilities in accordance with the requirements of the Water Supply Protection Overlay District (WSPOD), as determined by DPWES. In addition, these facilities shall be designed to provide storage capacity of a minimum of five (5%) percent in excess of the design storm requirements required by the Public Facilities Manual, all as determined by DPWES.

b. During initial Site Plan submission, the Applicant shall coordinate with DPWES to determine appropriate types and locations for LID techniques/BMP facilities, and shall implement such recommendations. Innovative BMP facilities shall be installed throughout the site to include but not be limited to porous pavers and grasscrete travel way for fire access in the courtyards as approved by DPWES.

12. Secure bike parking for residents shall be provided on-site, as well as racks sufficient to hold a minimum of 15 bicycles. Racks shall be inverted-U style or other style

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approved by FC DOT, and shall be located in the garages or other location which is protected from the weather.

13. a. The Applicant shall conform strictly to the limits of clearing and grading as shown on the GDP, subject to allowances specified in these proffered conditions and for the installation of utilities and/or trails as determined necessary by the Director of DPWES. If it is determined necessary to install utilities and/or trails in areas protected by the limits of clearing and grading as shown on the GDP, they shall be located in the in a manner that minimizes disruption as determined by UFM. A replanting plan shall be developed and implemented, subject to approval by UFM for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

b. All tree preservation-related work occurring in or adjacent to the limits of clearing and grading 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. Removal of any vegetation, if any, or soil disturbance within the limits of clearing and grading, 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 within the limits of clearing and grading to the review and approval of UFM. The use of equipment within the limits of clearing and grading will be limited to hand-operated equipment such as chainsaw, wheel barrows, rake and shovels. Any work that requires the use of equipment, such as 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 UFM.

c. The Applicant shall retain the services of an arborist or landscape architect, and shall have the limits of clearing and grading marked with a continuous line of flagging prior to the walk-through meeting with UFM to be held prior to any clearing and grading. During the walk-through meeting, the Applicant's certified arborist or landscape architect shall walk such limits of clearing and grading with an UFM 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; provided, however, that no adjustment shall be required that

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would either affect the location of buildings or any retaining walls in excess of two feet in height. 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 associate 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 adjacent trees and associated understory vegetation and soil conditions.

d. The limits of clearing and grading shall be protected by a tree protection fence. Tree protection fencing in the form of four (4) foot high, fourteen (14) gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no further than ten (10) feet apart or, 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, shall be erected at the limits of clearing and grading adjacent to the tree preservation areas as shown on the phase I and II erosion sediment control sheets. All tree protection fencing shall be installed after the walk-through meeting described above but prior to any clearing and grading activities. The installation of all tree protection fencing shall be performed under the supervision of an arborist or landscape architect and UFM, and accomplished in a manner that does not harm existing vegetation that is to be preserved. At least ten (10) days prior to the commencement of any clearing or grading activities adjacent to the tree preservation areas, but subsequent to the installation of the tree protection devices, UFM, and DPWES shall be notified and given the opportunity to inspect the site to ensure 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 UFM.

e. The Applicant shall root prune, as needed to comply with the tree preservation requirements of these proffers. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the respective public improvement/site plan submission. The details for these treatments shall be reviewed and approved by UFM, accomplished in a manner that protects affected and adjacent vegetation to be preserved, and may include, but not be limited to the following: (1) root pruning shall be done with a trencher or vibratory plow to a depth of 18 inches; (2) root pruning shall take place prior to any clearing and

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grading; (3) root pruning shall be conducted with the supervision of an arborist; and (4) a UFM representative shall be informed when all root pruning and tree protection fence installation is complete.

f. During any clearing or tree/vegetation removal in the areas adjacent to the tree preservation areas, 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 and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation proffers and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by UFM. The Sully District Supervisor shall be notified of the name and contact information of the Applicant's representative responsible for site monitoring at the tree preservation walk-through meeting described in Par. C. above.

g. The Applicant shall retain an arborist with experience in plant appraisal, to determine the replacement value of all trees 6 inches in diameter or greater located on the Property that are shown 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 respective public improvement/site plan(s). The replacement value shall take into consideration the age, size and condition of these trees and shall be determined by the so-called "Trunk Formula Method" contained in the latest edition of the Guide for Plan Appraisal published by the International Society of Arboriculture, subject to review and approval by UFM.

h. At the time of the respective public improvement/site plan approvals, the Applicant shall post both a cash bond and a letter of credit payable to the County of Fairfax to ensure preservation and/or replacement of the trees for which a tree value has been determined in accordance with Proffer 6.G above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit shall be equal to 50% of the replacement value of the Bonded Trees. The cash bond shall consist of 33% of the amount of the letter of credit. At any time prior to final bond release, should any bonded Trees die, be removed, or are determined to be dying by UFM due to unauthorized construction activities, the Applicant shall replace such trees at its expense. The replacement trees shall be of equivalent size, species and/or canopy cover as approved by UFM. In addition to this replacement

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16. Any landscaping shown the GDP to be provided in an existing or proposed utility easement shall be reviewed by UFM prior to approval of the site plan and shall be planted prior to the issuance of the first RUP. All vegetation provided in such easement shall be specifically chosen for viability (ultimate size, etc.) in the easement, as recommended by UFM.

17. a. Subject to receiving necessary permissions and/or easements from off-site owners, the Applicant shall plant supplemental landscaping in the triangular shaped area south of Ox Hill Road adjacent to the northwest corner of the property (Tax Map 46-3((9))G) as shown on Sheet 12 of the GDP and Attachment 1. The Applicant shall diligently pursue permissions and/or easements upon site plan submission and will demonstrate efforts to DPWES if the Applicant is unable to acquire such. The purpose of the additional plantings shall be to provide infill screening in the existing wooded lot. Existing dead undergrowth and low lying weeds will be cleared. New infill plantings shall be installed under the supervision of the UFM and in cooperation with the Fair Oaks Estates Homeowners Association. The infill shall consist of evergreen trees and shrubs that will provide additional screening. Flowering evergreens and shrubs shall be planted along the perimeter of the lot facing Ox Hill Road. Prior to planting, the Applicant shall provide each lot owner with a proposed planting plan for review and approval.

b. Subject to receiving necessary permissions and/or easements, additional screening shall be provided by issuance of the first NON-RUP on the southern perimeter of Tax Map 46-3((9))2, 3 and 5 as shown on Attachment 1 dated September 10, 2007, in order to provide additional screening between the lots and the proposed development. Such landscaping shall consist of evergreen trees and shrubs including a mix of pines, holly or other plants that grow with a low stem to provide ground level screening. Prior to planting, the Applicant shall provide each lot owner with a proposed planting plan for review and approval.

c. In the event the owners of Tax Map 46-3((9))G, 2, 3 and 5 refuse to grant permission to plant on their properties, the Applicant shall demonstrate to DPWES in writing diligent efforts seeking permission and that they were unsuccessful and relieved of their obligation to plant.

d. Additional landscaping shall be installed in the existing tree save area in the area outlined on Attachment 1, as shown on the Attachment and as approved by UFM.

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Existing dead undergrowth and low lying weeds may be cleared. New infill plantings shall be installed under the supervision of UFM and in cooperation with the Fair Oaks Estates Homeowners Association. The infill shall consist of evergreen trees and shrubs that will provide additional screening. Prior to planting, the Applicant shall provide the Fair Oaks Estates Homeowners Association with a proposed planting plan for review and approval.

e.1 All supplemental planting-related work occurring in or adjacent to tree preservation areas references in 17a, b, and d above 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 the UFM, DPWES.

e.2 The use of motorized equipment in supplemental planting 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 UFM, DPWES.

18. Invasive species, as determined by the Fairfax County Park Authority, shall not be utilized in the seed mixes or landscaping provided on the site. Green Ash (*Fraxinus Americana*) shall not be utilized on the site.

SIGNAGE AND OTHER DESIGN DETAILS

19. A free-standing monument entrance sign with landscaping may be permitted in conformance with the standards set forth in Article 12 of the Ordinance.

20. No truck deliveries, including trash removal, shall be permitted within the project between 11:00 p.m. and 6:00 a.m. daily.

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21. a. The architecture of the proposed 4 story plus loft buildings shall be in substantial conformance with the architectural elevations shown on the GDP. All of the proposed buildings shall have similar architectural treatment and materials on all four sides. The building materials shall consist of brick, and cementitious board, with EIFS as an accent material. Roof materials shall consist of asphalt shingles and metal standing seam.

b. All dumpsters shall be fully screened.

22. No temporary signs (including "Popsicle" style paper or cardboard signs) which are prohibited by Article 12 of the Zoning Ordinance, and no signs which are prohibited by Chapter 7 of Title 33.1 or Chapter 8 of Title 46.2 of the Code or Virginia shall be placed on or off-site by the Applicant or at the Applicant's direction to assist in the initial sale or rental of space on the Property. Furthermore, the Applicant shall direct its agents and employees involved in marketing and sale and/or rental of residential units on the Property to adhere to this proffer.

23. Site amenities (street furniture, lighting, bicycle racks and trash receptacles) as shown on the GDP shall be installed throughout the site in public areas.

24. All on-site lighting shall comply with Article 14.

a. Parking Lot light fixtures in the rear parking area behind the buildings shall have full cut-off fixtures.

b. Balconies on the rear and side of the building facing Ox Hill Road shall have full cut-off fixtures.

25. a. Rooftop equipment on buildings shall be screened by a parapet and/or mansard roof lines or roof wells where units would be visible from off-site.

b. Typical building mechanical equipment shall be placed on building rooftops.

c. All openings on the parking garages where lighting and/or headlight glare would be visible from the public street or adjacent residential properties shall be screened with either architectural treatments and/or landscaping to minimize light glare.

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26. At the time of first site plan submission, the Applicant shall conduct a sanitary sewer capacity analysis study for the collector lines (12 inches) that serve the Property to determine their adequacy to handle the anticipated sewage from the proposed development. The Applicant shall make any sewer improvements determined necessary by DPWES based upon the results of the study.

27. Facilities in the development shall be solely for the use of residents, employees and invited guests.

28. A six foot tall solid wooden fence with brick piers every 40 feet shall be constructed, no later than completion of site clearing and grading, along the southern edge of the VEPCO easement at the northern side of the Property as well as along the Property's Western property line running from the VEPCO easement southward 160 feet.

AFFORDABLE DWELLING UNITS

29. The Applicant shall comply with the provisions of Article 9-306 paragraph 6 by providing fifteen (15) percent of the total number of units as affordable dwelling units.

PARK AUTHORITY

30. Prior to the issuance of the first RUP the Applicant shall construct improvements with a value of \$106,000 within adjacent Fair Oaks Park as coordinated with the Fair Oaks Estates HOA and approved by Fairfax County Park Authority (FCPA) if total value of the improvements does not reach \$106,000 the additional funds will be donated to FCPA. The \$106,000 shall escalate on an annual basis beginning one year after zoning approval and be adjusted effective January 1st of each year thereafter, based on the Consumer Price Index (CPI) as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area with 1988 as the base year for these calculations.

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31. The Applicant shall conduct a disturbance assessment on the northern, wooded half of the Property to determine if a Phase I archaeological survey is warranted. If deemed warranted by the Park Authority's Cultural Resource Management and Protection Sections (CRMPS) then the Phase I survey shall be conducted using a scope of work provided by the CRMPS. If any archaeological resources are found in the Phase I survey and it is deemed appropriate by CRMPS, Phase II assessment shall be done. If any sites are determined to be significant by CRMPS, then either they will be left undisturbed or Phase III data recoveries should be performed in accordance with a scope provided by CRMPS. Complete restoration of any areas disturbed which area outside of the proffered units by clearing shall be provided pursuant to proffer 13 herein. Any Phase III scopes will provide for public interpretation of the results. Draft and final archeological reports produced as a result of Phase I, II and/or III studies should be submitted for approval to CRMPS.

BLASTING

32. If blasting is required, and before any blasting occurs on the Application Property, the Applicant or its successors will insure that blasting is done per Fairfax Fire Marshal requirements and all safety recommendations of the Fire Marshal, including, without limitation, the use of blasting mats, shall be implemented. In addition, the Applicant or its successors shall perform the following:

(a) A professional consultant shall be retained to perform a pre-blast survey of each house or residential building located within one hundred fifty (150) feet and any well located within two hundred fifty (250) feet of the property boundary; written confirmation that the pre-blast survey has been done will be given to DPWES and copies of the survey shall be provided to Fairfax County upon request prior to any blasting being done on-site.

(b) The consultant shall be required to request access by way of certified mail to the last known address of the owner(s) of any house, buildings, swimming pools or wells that are located within the aforesaid ranges if permitted by owner, to determine the pre-blast conditions of these structures. The consultant will be required to give a minimum of fourteen (14) days

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notice of the scheduling of the pre-blast survey. All owners of structures entitled to pre-blast inspection shall be provided with the name, address, and phone number of the blasting contractor's insurance carrier.

(c) The consultant shall be required to place seismographic instruments prior to blasting to monitor the shock waves. Seismographic monitoring records shall be provided to County agencies upon their request.

(d) All residences within 150 feet of the property boundary shall be notified in writing 10 days prior to blasting, no blasting shall occur until such notice has been given.

(e) Upon receipt of a claim of actual damage resulting from said blasting, the consultant shall respond within five (5) days by meeting at the site of the alleged damage to confer with the property owner. Any verified claims for damage due to blasting shall be expeditiously resolved.

(f) Blasting subcontractors shall be required to maintain necessary liability insurance to cover the costs of repairing any damages to structures that are directly attributable to the blasting activity.

(g) The consultant shall be required to provide an analysis of the potential for gas migration from the site to the Fire Marshal for review and approval prior to blasting, and appropriate mitigation or notification as determined by the Fire Marshal shall be implemented.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

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APPLICANT/TITLE OWNER:

Fair Ridge, L.L.C., a Virginia limited liability
company

By: Atlantic Realty Companies, Inc., Manager

By: 
Name: David A. Ross
Title: President