DEVELOPMENT CONDITIONS

SEA 90-M-003-3

March 25, 2009

If it is the intent of the Board of Supervisors to approve SEA 90-M-003-3, located at 6820 Pacific Lane, Tax Map 71-2 ((8)) A and 93B (herein called the "Hillbrook Campus"), for a private school of general education, nursery school and child care center, pursuant to Sect. 3-204 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions, which supersede all previously approved conditions (conditions carried forward from the previous approval essentially unchanged are marked with an asterisk *):

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land. *

2. This Special Exception Amendment 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 Amendment is subject to the provisions of Article 17, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this special exception shall be in substantial conformance with the approved Special Exception Amendment Plat, consisting of four sheets entitled "MSNV Hillbrook" prepared by Burgess & Niple, and dated November 2007, as revised through December, 2008, 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. If, in the future, the Virginia Department of Transportation (VDOT) should require a cul-de-sac or other public turn-around at the terminus of Pacific Lane, a sufficient amount of land for such cul-de-sac or turn-around shall be dedicated and conveyed to the Board of Supervisors in fee simple. Any such cul-de-sac or turn-around shall be deemed to be in conformance with the SEA Plat, and shall be designed to minimize clearing and grading. If such cul-de-sac or turn-around is required as part of a site plan for the school, it shall be constructed by the school as required by VDOT.

5. If, with any future site plan, the travel aisle between the terminus of Pacific Lane and the parking lot is deemed by Fairfax County or VDOT to be insufficient to meet Public Facility Manual standards, any widening shall be constructed on the side of the travel aisle adjacent to the school building (inbound, right side), and the buffer on the opposite side, adjacent to the neighboring properties to the west, shall not be impacted. *

6. A copy of these Special Exception Amendment conditions shall be posted in a conspicuous place, and made available to the public and all departments of the County of Fairfax during hours of operation. Contact information for the Zoning Enforcement Branch of the Department of Planning and Zoning shall be included in the posting. A summary of the operational provisions of these conditions shall be provided to parents at the beginning of each school year. *

7. Maximum daily enrollment (inclusive of the child care center and the nursery school/private school of general education) shall be limited to 168 children. The children enrolled at the facility, including during the summer session, shall be limited to those aged 18 months through 8th grade.

8. Only students enrolled at the Hillbrook campus shall take classes at the Hillbrook campus.

9. The number of faculty and staff on-site at any one time shall be limited to 24 in Phases 1 and 2; and 25 in Phase 3.

10. The hours of operation shall be limited to 7:00 am to 6:00 pm, Monday through Friday, as further modified by the following conditions, and shall generally follow the standard Fairfax County public school calendar, with a separate summer session of up to eight weeks in duration.

11. The "school day" for the private school of general education/nursery school shall be defined as (and limited to) a period not to exceed seven contiguous hours, set between 8:00 am and 4:30 pm. Classes during the "school day" shall start at least 20 minutes before or at least 10 minutes after the starting bell at Poe Middle School. Classes shall be dismissed at least 10 minutes before or 20 minutes after the dismissal bell at Poe Middle School. A maximum of two morning drop-off times, one dismissal around noon, and two afternoon dismissals shall be permitted (all class start/end times within a 15 minute period shall be considered a single drop-off or dismissal). The President of the Hillbrook/Tall Oaks Civic Association (HTOCA) shall be notified of start and end times via the annual report, or by separate written communication if changes are made during the school year.

12. Child Care before and after the "school day" shall be further limited as follows:

    (a) Children enrolled in Child Care must be enrolled at the Hillbrook Campus of the school of general education/nursery school, or be children of staff members of the Hillbrook Campus.

    (b) Child Care shall be provided only during the regular hours of operation (7:00 am to 6:00 pm).

    (c) The total number of children participating in the child care program shall not exceed 101 per day, including children in child care during the "school day". A maximum of 50 children may be enrolled in child care before the "school day;" a

maximum of 65 children may be enrolled in child care after the "school day." These numbers shall be documented by the school so that they can be enforced by the County.

13. The school facilities shall not be rented to or otherwise utilized by any group other than those serving the educational purposes and needs of children enrolled at the Hillbrook campus, their parents, and Hillbrook staff, but upon agreement with the HTOCA, may be made available for neighborhood use.

14. Meetings of more than 10 people on weeknights after 4:30 pm, shall not exceed 14 per school year and shall be over by 9:30 pm. Additionally, all parking for these meetings shall be accommodated on-site. This condition shall not apply to staff and children already on-site prior to the end of the school day.

15. (a) Weekend activities shall be limited to a maximum of eight times per year to provide an opportunity for events such as open houses, book fairs, fundraisers, elementary school graduations, annual meetings, community events and work parties performing repairs and maintenance on the school. Any such weekend activities shall be restricted to the hours of 10:00 am to 6:00 pm on Saturday and 12:00 noon to 6:00 pm on Sunday. Parking for these weekend activities shall be accommodated on-site or managed as discussed in Condition #19e below.

    (b) Commercial contractors, or groups of volunteers numbering less than 10 individuals, performing property repair, water removal and mowing are not considered to be "weekend activities" as described in this condition, and are not subject to these limitations. Outdoor work performed on weekends by commercial contractors and/or volunteers shall be restricted to Saturdays between the hours of 9:00 am to 5:00 pm. Emergency repairs and custodial services shall not be subject to this limitation. *

16. In addition to the meetings/activities described in Development Conditions #14 and #15 above, a maximum of ten school functions for students and families enrolled at the Hillbrook Campus, including, but not limited to: holiday and annual school events, class programs, assemblies with guest performers, parent-child lunches (not to exceed two classes at any one time), parent volunteer appreciation events (not to exceed 20 parents per event), and parent teacher meetings, may be permitted during each school year (September through August). These activities shall be limited as follows:

    (a) A maximum of seven events may be held during "school day", Monday through Friday;

    (b) A maximum of three events may be held after the "school day" on Monday through Thursday and shall be concluded by 9:30 pm.

Parking for these school functions shall accommodated on-site or managed as discussed in Condition #19e below. *

17. The applicant shall submit a calendar of all planned after hours meetings, weekend activities and school-wide events where parking may occur on public streets (as referenced in Condition #19e) by the beginning of the school year to the President of the HTOCA and the 10 residences on Pacific Lane and Dodson Drive closest to the school. Any changes to the submitted calendar shall be submitted to the HTOCA and 10 residences at least two weeks in advance, except when off-site parking is anticipated, in which case changes shall be submitted at least one month in advance. As a minimum, this calendar and subsequent changes shall include the date of the activity, the type or purpose of the activity and the time frame, and off-site arrangements for parking, if any. *

18. The gate at the site entrance shall remain open during all hours of operation of the school and child care center and shall be closed at all other times, unless otherwise required by VDOT. A large reflective marker, such as an "End of the Road" marker, shall be placed on the guardrail for visibility when the gate is closed. In addition, "no trespassing" signs shall be posted at the school entrance when the gate is closed to discourage loitering and unauthorized activity when the school is closed. The school shall take reasonable steps to enforce the no trespassing signs. *

19. A Transportation Management Plan (TMP) shall be implemented in order to manage school traffic in the Hillbrook/Tall Oaks neighborhood, and to minimize the number of vehicular trips generated by the school during the weekday morning and afternoon peak hours. For the purposes of this condition, morning and afternoon peak hours are considered the peak hours of the use, not the peak hours of traffic on the surrounding street network.

    Peak hours are determined by counting the combined inbound and outbound traffic in 15-minute intervals at the Hillbrook Campus driveway. The morning and afternoon peak hour traffic counts are defined as the highest sum of four consecutive 15-minute counts. (The morning peak hour is generally about a half hour prior to and a half hour after school start time in the morning, the afternoon peak hour is generally about a half hour prior to and a half hour after the mid-day or afternoon dismissal, whichever hour generates the greater trip count.)

    The TMP shall include the following components:

    (a) ***TMP Coordinator***: An individual or school committee shall be designated to develop, implement, and monitor the plan and serve as a liaison with the HTOCA. Written notice of and contact information for the designated TMP Coordinator shall be provided to the HTOCA, the Fairfax County Department of Transportation (FCDOT), and the Mason District Supervisor's Office at least 30 days prior to the beginning of the first school year after approval of

this application, and thereafter annually and any time the coordinator changes.

(b) ***Transportation Procedure Manual***: Prior to the commencement of each school year, written information shall be provided to all parents and staff in the form of a Transportation Procedure Manual that clearly establishes the transportation procedures to be implemented, as well as restrictions on vehicular maneuvers when driving to or from the school. The procedures shall list penalties for traffic infractions or other violations of this manual, and provide for prompt resolution. This information shall also be reviewed verbally with parents at Back to School Night. A copy of the Procedure Manual shall be provided annually to the HTOCA, FCDOT, and the Mason District Supervisor's Office. The Procedure Manual shall include, but not be limited to, all items in the subparagraph below titled "Vehicle Management and Enforcement."

(c) ***Trip Reduction***:

i. *Objectives*: The Trip Reduction requirement is to limit all vehicular trips associated with the school to no more than 160 total trips (inbound and outbound) in the morning peak hour (as defined above) and 105 total trips (inbound and outbound) in the afternoon peak hour (as defined above). A trip is defined as one direction; therefore, a round trip pick up or drop off counts as two trips.

ii. *Monitoring*: At the start of each school year, a notice of school enrollment shall be provided to HTOCA. Beginning the first school year in which daily enrollment exceeds 135 students and continuing in accordance with the following subparagraph for so long as daily enrollment exceeds 135 students, analysis of traffic generated by the site shall be conducted. HTOCA shall be notified in advance of the date on which the traffic count will occur. The scope of this analysis (including date) shall be coordinated with and approved by FCDOT. The date on which initial counts will be taken shall be a typical day in the month of October selected at random by the head of the school and not provided to staff or parents in advance. Copies of the analysis shall be submitted to HTOCA, FCDOT, and the Mason District Supervisor's office within 30 days of completion of traffic counts.

iii. *Trip Reduction Requirement*. The trip reduction requirement is met if the observed trip generation in the morning peak hour and the afternoon peak hour is less than or equal to that listed in this condition. If the data shows conformance with the requirement, retesting shall not be required for a two year period, unless requested by FCDOT. If the trip reduction requirement is not met for any study period, additional measures to reduce peak hour traffic shall be identified and implemented within 30 days of notification of non-conformance if possible, or as soon as possible thereafter. Retesting shall be required in April of the same school year, and shall be continued annually

(in accordance with this condition) until the requirement is met, at which point retesting shall not be required for a two year period, unless requested by FCDOT.

If the requirement is not met for any two consecutive years, further measures to reduce trip generation shall be identified in coordination with FCDOT, and implemented. These may include, but shall not be limited to, a reduction in student enrollment the following school year or mandatory shuttling of students. These further measures may be phased-out only if the trip reduction requirement is met in a follow-up study; however, if in the year following the phase-out, the trip reduction requirements are not met, these further measures (or other measures coordinated with FCDOT) shall be re-implemented until trip reduction requirements are met.

d) ***Vehicle Management and Enforcement***: The following vehicle management procedures shall be implemented and shall be included in the Transportation Procedure Manual:

i. *Ridesharing*: Carpooling and/or shuttling by van or bus shall be utilized as mechanisms to meet the Trip Reduction objectives in this condition, and to minimize daily vehicular trips to the school/child care. Carpooling shall be encouraged by the school and zip code rosters shall be provided to all families to facilitate carpool arrangements.

ii. *Driving Restrictions*: Drivers shall be instructed not to make U-turns on any neighborhood street, not to block driveways or intersections, and not to turn around in residents' driveways. Drivers shall further be reminded to obey posted speed limits and all other traffic laws.

iii. *Enforcement*: The school shall provide HTOCA with contact information and procedures for reporting infractions defined in these conditions. The school shall keep records of all reported infractions, and maintain such records for a period of three years. The school shall have a written procedure for addressing reported infractions and for imposing penalties for repeated infractions. Upon written request by the President of the HTOCA, the school shall provide infraction summary reports to the HTOCA President.

(e) ***Parking Management***: Parking for staff, visitors and volunteers as part of regular school operations shall be accommodated on-site or by shuttle service to an alternate site (by car, van or bus). On-site parking for such events shall not exceed that which can be accommodated by the parking lot. Occasional school events as permitted by Conditions #15 and #16 (weekday, weeknight or weekends) shall not be considered a part of the regular school operations for the purposes of this condition, and for such events parking shall be permitted on the surrounding public streets, limited as follows:

Such events shall not exceed ten occurrences per year; and during such school events for which street parking is permitted, parking by school families on Pacific Lane shall be restricted to the north side of the street and on Dodson Drive to the west side of the street. Such on-street parking shall be in full conformance with all traffic regulations.

20. Any dumpster located on the property shall be enclosed by a solid barrier, as determined by the Department of Public Works and Environmental Service (DPWES). *

21. The number of children using the outdoor play area for recreational use and/or physical education at any one time shall be in conformance with Par. 1 of Sect. 9-309 and Par. 1 of Sect. 9-310 of the Zoning Ordinance, and shall not exceed 100 students at any one time. Students engaged in outdoor educational activities (other than physical education) shall not be subject to this limitation. The playground shall not be used before 9:00 am or after 5:30 pm. Additionally, the playground (including, if constructed, the sport court) shall serve only the school and its families.

22. Beginning with the first school year following approval of this application, the school shall coordinate an annual meeting with the HTOCA to be held on a mutually acceptable date in the spring of each year. On or before this annual meeting, the school will deliver an annual report to HTOCA that provides a summary of reported infractions to the Driving Restrictions outlined in these conditions for the current school year, and provides expected enrollment numbers for the upcoming year. In addition, at least two weeks prior to this annual meeting, the school will submit to HTOCA, for review and comment, any proposed changes to the Transportation Procedure Manual. The HTOCA may, at its discretion, elect to waive the annual meeting upon providing written notice to the school; however, the school must submit the annual report regardless of whether HTOCA elects to waive the annual meeting. Upon written request by HTOCA received 30 days in advance, at least two representatives of the school (one of whom shall be the Board of Trustees president or another officer as the president's designated representative, and the other of whom shall be a Board of Trustees member or the Head of School) shall meet with the HTOCA Board president and another HTOCA Board member at a location and on a date as mutually agreed to discuss topics of mutual interest.

23. The applicant shall allow unannounced on-site inspection by any County health, safety or zoning enforcement official. *

24. The applicant shall annually file with the Mason District Police substation, the HTOCA and the Annandale Fire Department the names and telephone numbers of at least five individuals who can be contacted in case of an emergency or problem with the school after normal school hours. *

25. The applicant shall meet all county requirements regarding the posting of signs and shall coordinate with the HTOCA prior to putting up any permanent signs which can be readily viewed by neighbors. *

26. The applicant shall maintain the existing speed bump located at the entrance of the school so as to continue to slow vehicles entering and exiting the premises. *

27. (a) The limits of clearing and grading as shown on the SEA Plat shall be strictly observed, subject to 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 outside of the limits of clearing and grading as shown on the SEA Plat, they shall be located in the least disruptive manner necessary as determined by Urban Forest Management, DPWES (UFM). A replanting plan shall be developed and implemented, subject to approval by UFM, for any areas outside the limits of clearing and grading that must be disturbed.

    (b) In the area shown on the SEA Plat for "minor grading for optional pervious surface ball field," minor grading may be permitted, so long as it is determined by UFM that such grading will not be detrimental to the existing trees and such grading is done in a manner approved by UFM. The "pervious surface ball field" shall be a natural vegetated surface.

28. A landscape plan shall be submitted concurrent with site plan review and shall provide for the number, sizes and locations of trees and plantings consistent with that shown on the SEA Plat and the additional requirements of these conditions. The landscape plan shall be subject to the review and approval of Urban Forest Management (UFM). Minor modifications may be permitted by UFM to the extent that these do not change the designations of individual trees, or result in significant physical impacts to the areas designated to be left undisturbed.

29. At the time of the first and subsequent site plan submissions, a tree preservation plan shall be submitted. The 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 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 (measured at 4 ½ feet from the base of the trunk or as otherwise allowed in the latest edition of the Guide for Plant Appraisal published by the International Society of Arboriculture), and 20 feet to either side of the limits of clearing and grading shown on the SEA Plat for those areas affected by construction in Phase 2 and the entire site in Phase 3. 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 SEA 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.

30. The services of a certified arborist or landscape architect shall be retained by the applicant, and the limits of clearing and grading shall be marked by said arborist or landscape architect with a continuous line of flagging prior to the walk-through meeting. During the tree-preservation walk-through meeting, the Applicant's certified arborist or landscape architect shall walk the limits of clearing and grading with an UFM, 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 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.

31. All trees shown to be preserved on the tree preservation plan shall be protected by 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 as shown on the demolition, and Phase I & II erosion and sediment control sheets, as may be modified by the "Root Pruning" development condition below.

    All tree protection fencing shall be installed after the tree preservation walk-through meeting but prior to any clearing and grading activities, including the demolition of any existing structures. The installation of all tree protection fencing 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 (3) days prior to the commencement of any clearing, grading or demolition activities, but subsequent to the installation of the tree protection devices, the UFM, 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 the UFM, DPWES.

32. Root pruning shall occur, as needed to comply with the tree preservation requirements of these development conditions. All treatments shall be clearly identified, labeled, and detailed on the erosion and sediment control sheets of the site plan submission. The details for these treatments shall be reviewed

and approved by the UFMD, 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.
- An UFM, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete."

33. During any clearing or tree/vegetation/structure removal on the subject property, a representative of the Applicant shall be present to monitor the process and ensure that the activities are conducted as conditioned and as approved by the UFM. The services of a certified arborist or landscape architect shall be retained by the applicant to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFM approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFM, DPWES."

34. All necessary steps and actions (as determined by UFM) shall be taken by the applicant to ensure the long-term survival, and continuing structural integrity and health of trees designated on the SEA Plat to be preserved, including those located outside the limits of clearing and grading. If any of these trees is found to be dead, dying, diseased, or hazardous (as determined by UFM) at or prior to, the final release of the project bond, and that such was not the result of unapproved construction practices, restoration and remuneration by the applicant shall be provided by:

    a) the removal of the above ground portions of trees;

    b) restoration of understory plants and/or soil conditions damaged during tree removal activities (as determined by UFM); and

    c) restoration of the associated loss in canopy coverage in accordance with the tree cover guidance found in the Public Facilities Manual.

35. All truck deliveries to the school shall be scheduled to occur during operating hours but outside of the designated drop-off and pick-up times of children. All contracts for trash removal shall specify pick up not earlier than 6:00 a.m.

36. The HTOCA President and 10 closest neighbors on Pacific Lane and Dodson Drive shall be advised in writing 30 days prior to commencement of outdoor construction that is scheduled to exceed two weeks in duration. All construction materials and equipment shall be stored on-site. All construction vehicles shall

remain on site, as feasible. Outdoor construction shall only be permitted Monday through Friday from 7:00 a.m. through 5:00 p.m, except that, if construction should fall behind schedule, outdoor construction may be permitted on Saturdays from 8:00 a.m. to 5:00 p.m. as necessary to complete work on schedule, but for no more than 12 Saturdays in any calendar year.

37. If additional time for the establishment of this Special Exception is requested, the HTOCA President shall be concurrently notified in writing by the applicant.

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, at a minimum, the use has been established as evidenced by the issuance of a new Non-residential Use Permit for the increased enrollment of Phase 1, or construction has commenced and been diligently prosecuted. Phase 3 of this special exception shall automatically expire, without notice, sixty (60) months after the date of approval unless, at a minimum, Phase 3 has been established as evidenced by the issuance of a new Non-residential Use Permit for Phase 3, or construction has commenced and been diligently prosecuted. The Board of Supervisors may grant additional time to establish the use or to commence construction (for either the initial establishment or for the establishment of Phase 3) 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.