

FINAL DEVELOPMENT CONDITIONS

FDPA 80-P-073-03-05

July 26, 2007

As part of the Planning Commission's approval of FDPA 80-P-073-03-05, located at 2900 Fairview Park Drive and 2920 Fairview Park Drive, in the southeast quadrant of the intersection of Lee Highway and Interstate 495, on the western side of Fairview Park Drive (49-4 ((1)) 73A (the "Property")), conformance with the following development conditions is required; these conditions supersede all previous conditions for the subject Property only.

1. Development of the Property shall be in substantial conformance with the Final Development Plan Amendment entitled "Fairview Park" prepared by Urban, Ltd. consisting of nineteen sheets, dated March 5, 2007, as revised through June 15, 2007.
2. The proposed landscaping within the FDPA area shall be provided in substantial conformance with the landscape concept plan, as shown on Sheets 7-8 of the FDPA, as to the location, quantity and quality of plantings. Final plant selection, including trees and shrubs, shall be made at the time of final site plan and may include plants other than those shown on the FDPA, subject to approval by Urban Forest Management, UFM.
3. The existing FCWA Easement shall be avoided to facilitate the relocation of the 42" transmission main to accommodate the Capital Beltway HOT Lane project. Following the approval of the final Capital Beltway HOT Lane plans by VDOT, the applicant shall coordinate with FCWA to amend the location of the existing FCWA Easement.
4. All proposed site lighting shall be in accordance with Part 9 of Article 14. The combined height of the light standard and fixtures measured from grade to the top of the fixture, shall not exceed a maximum of twelve (12) feet.
5. Parking lot landscaping shall be provided in accordance with Article 13 of the Zoning Ordinance.
6. As part of the plan, the applicant shall submit a tree preservation plan for the review and approval of UFM which has been prepared by a certified arborist. The tree preservation plan shall consist of a tree survey which includes the location, species, size, crown spread and condition rating percentage of all trees 10 inches or greater in diameter within the area which is 20 feet outside of the proposed limits of clearing and grading. The condition analysis shall be prepared using methods outlined in the latest edition of The Guide for Plant Appraisal. Specific tree preservation activities designed to maximize the survivability of trees designated for preservation shall be provided and implemented. Activities may include, but are not limited to, crown pruning, root pruning, mulching, and fertilization.

All trees shown to be preserved on the tree preservation plan shall be protected during demolition, clearing, grading, and construction by a temporary tree protection fence consisting 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. Tree protection fencing, consistent with that previously described, shall be erected at the limits of clearing and grading, as shown on the Phase I and II erosion and sediment control sheets in all areas.

The tree protection fencing shall be made clearly visible to all construction personnel. The fencing shall be installed prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of tree protection fence shall be performed under supervision of a certified arborist. Prior to the commencement of any clearing, grading, or demolition activities, the project's certified arborist shall verify in writing that the tree protection fence has been properly installed.

A letter of credit, or a cash contribution equal to one half (50%) of the total monetary value of trees to be designated to be preserved and conserved as identified above shall be placed with the County. The Tree Bond letter of credit shall be prepared in a manner acceptable to the County Attorney naming the County as beneficiary to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan, and to ensure the undistributed areas identified on the approved FDPA.

The cash or Tree Bond shall be held by the County as a cash reserve that can be used by the County to ensure the preservation, conservation, replacement, removal and/or treatment of the trees identified in the Tree Preservation Plan and as approved on the FDPA, and for work relating to the protection and management of undistributed areas identified on the approved FDPA.

If the applicant fails to complete any work identified in the approved site plan, then the County may use cash or money from the Tree Bond to accomplish the required work. If the County must use all or part of the cash or Tree Bond to accomplish the outstanding work, then the applicant will replenish the cash or Tree Bond to its full amount. If the applicant fails to replenish the cash or Tree Bond to its full amount, then the cash or Tree Bond may be used by the County to replenish the Tree Preservation Deposit to its full amount.

Any cash or funds remaining in the Tree Bond shall be released along with the project's final bond-release, or sooner, if approved in writing by UFM.

7. The limits of clearing and grading shall be strictly adhered to and shall disturb no more land than shown on the FDPA Plan. Prior to any land disturbing activity, a grading plan which establishes the limits of clearing and grading necessary to construct the improvements shall be submitted to DPWES, including UFM, for review and approval. The extent of clearing and grading of construction shall be the minimum amount feasible as determined by DPWES.

Prior to any land disturbing activities for construction, a pre-construction conference shall be held on-site between DPWES, including UFM, and representatives of the applicant to include the construction site superintendent responsible for the on-site construction activities. The purpose of this meeting shall be to discuss and clarify the limits of clearing and grading, areas of tree preservation, tree protection measures, and the erosion and sedimentation control plan to be implemented during construction. In no event shall any area on the site be left denuded for a period longer than 14 days except for that portion of the site in which work will be continuous beyond 14 days.

8. Stormwater Management (SWM)/Best Management Practices (BMP) shall be provided as depicted on the FDPA, as determined by DPWES.
9. Signage shall be provided in accordance with the provisions of Article 12 of the Zoning Ordinance. Any illumination of the sign shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.
10. Trees shall be retained or a landscaped earthen berm shall be provided to screen the parking garage.*
11. No heavy construction vehicles shall access through adjacent, neighboring, and nearby residential subdivisions when coming or departing from the application Property.*
12. The County Archaeologist shall be notified by the applicant a minimum of ten (10) days prior to any grading or disturbance of the site. The applicant shall permit the County Archaeologist to recover any artifacts that are exposed during construction, with the understanding that this action will not interfere with or delay construction. The applicant reserves the right to retain any artifacts for exhibit in one of its office buildings.*
13. A third party specialist (botanist, horticulturalist or other qualified person, as approved by the Urban Forestry Management Branch) shall be designated by the applicant coordinate the removal of native plant species outside of the tree preservation areas as shown on the FDPA. The third party specialist shall prepare a plan identifying the native plant species to be removed and shall submit the plan to the Urban Forestry Management Branch. The identified plants shall be removed, and all rescued materials shall be donated to a not-for-profit organization, whose purpose is to rescue and preserve native plant species.
14. Outdoor construction activity shall be limited to 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 Saturdays. No outdoor construction activities will be permitted on Sundays or on federal holidays. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish. The applicant shall designate a contact person (the "Contact") whose responsibility shall be to respond to neighborhood concerns, if any, related to construction activity. The

Contact's work phone number and address shall be provided to the President of the Lakeford Community Association prior to the beginning of construction activities on the application Property.

15. Exhaust noise from outdoor generators shall not exceed DNL 95 dBA at the source.
16. Parking garage lighting and materials shall be chosen in order to reduce the amount of light reflected toward any neighboring residential units. The top floor of the garage shall also be designed to block any glare from car headlights.
17. All building materials shall be consistent with existing building materials within Fairview Park, with an emphasis on materials that minimize glare and reflection toward any neighboring residential units.
18. Final building designs shall be submitted to the Planning Commission for comment prior to final Site Plan approval.
19. A \$75,000.00 maximum contribution shall be made by the applicant to be used for sidewalk improvements along the south side of Route 29 between Fairview Park Drive and I-495.
20. Irrespective of notes on the FDPA, surface parking shall be limited to that shown on the FDPA. If additional parking is needed, as determined by the applicant, it shall be placed within the parking garage. If fewer parking spaces are needed, as determined by the applicant, they shall be removed from the surface parking area.
21. Other forms of pervious pavement systems suitable for use in the surface parking areas shall be explored and implemented where possible, as determined by applicant.
22. At least thirty days prior to any site disturbance, the applicant shall coordinate with a Fairfax County Wildlife Biologist to obtain recommendations on measures which may be employed prior to and during initial land disturbance and construction to minimize the impacts to existing wildlife, and shall reasonably strive to implement these measures.

The above conditions reflect the position of the Planning Commission as adopted on Thursday, July 26, 2007.

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.

Planning Commission Meeting
July 26, 2007
Verbatim Excerpt

FDPA 80-P-073-03-05 - 2900 FAIRVIEW PARK DRIVE, LLC

Decision Only During Commission Matters
(Public Hearing held on July 12, 2007)

Commissioner Lawrence: Thank you, Mr. Chairman. Tonight I have two decisions only to do. One of them requires a little bit of explanation. That will be the second one we do. Mr. Chairman, tonight, we have the decision on the Fairview Park Drive FDPA. Commissioners will recall that at the public hearing some concerns were raised and the decision was deferred to work through the concerns. The question of wetlands on the site was raised. Staff has reviewed the matter and finds that the area delineated does not raise any problem. The applicant also has submitted a letter concerning the wetlands which is attached to the staff report addendum distributed yesterday. A neighboring community association also provided testimony listing some requests. As can be seen from the review of the development conditions, most of their issues have been addressed. Indeed, we have added some conditions about construction itself which I think the community will find are to their benefit. However, there were some requests that we could not honor. For example, we believe that reducing the height of the building, while retaining its floor area, will produce a larger impervious footprint on the land. Also the height proposed is that already approved for a building on the site and is well within the Comprehensive Plan guidelines. Nor did we attempt any action on restricting turning movements at the site driveway. We could not find a compelling argument on which to base a request to VDOT for a right-out only restriction. We do not believe there will be any significant impact from unrestricted access and egress. We do think though that we have responded to the most part of what the community requested. As can be seen from the final changes to the development conditions, it took several iterations to get to a mutually acceptable set; however, we and the applicant are both now satisfied. Before introducing the motion on this matter, I'd like to acknowledge the patient work of Mr. Jonathan Papp, the staff coordinator for this case. I want also to thank the Lakeford Community Association and Mr. Morris Simon for their thoughtful and constructive input. Finally, but certainly not least, I want to thank the applicant for their cooperation in getting it all sorted. I'd like specifically to note, just for example, the contribution being made toward the cost of getting a sidewalk connection out along Lee Highway. I believe that the Hitt building in particular will be an exemplar for the concept of "green" in responsible development in Fairfax County. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF FDPA 80-P-073-03-05, SUBJECT TO THE DEVELOPMENT CONDITIONS NOW DATED JULY 26TH, 2007.

Commissioner Lusk: Second.

Chairman Murphy: Seconded by Mr. Lusk. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 80-P-073-03-05, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed?

Commissioners Alcorn and Harsel: Abstain.

Chairman Murphy: Motion carries. Ms. Harsel and Mr. Alcorn abstain; not present for the public hearing.

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(The motion carried by a vote of 8-0-2 with Commissioners Alcorn and Harsel abstaining; Commissioners Flanagan and Koch absent from the meeting.)

LBR