APPLIC. ON ACCEPTED: January 19, 2007
PLANNING COMMISSION: July 12, 2007
PLANNING COMMISSION DECISION ONLY: July 19, 2007
BOARD OF SUPERVISORS: not scheduled

County of Fairfax, Virginia

July 19, 2007

STAFF REPORT ADDENDUM II

APPLICATION PCA 1998-SU-009-2
RZ 2007-SU-003
SE 2007-SU-002

SULLY DISTRICT

APPLICANT:	Fair Ridge, LLC
PRESENT ZONING:	PDC, HC, WS
REQUESTED ZONING:	R-8, HC, WS
PARCEL(S):	46-3 ((1)) 14C
ACREAGE:	6.94 acres
FAR:	0.96
DENSITY:	28.82 du/ac
OPEN SPACE:	55.1%
PLAN MAP:	Fairfax Center Area; Overlay Level: Office use @ 0.25 FAR with option for independent living facility of up to 200 units
PROPOSAL:	Approval of a PCA to delete the application land area from RZ 1998-SU-009.

N:\Fair Ridge Ind Live RZ 2007-SU-003 SE-002\RZ 2007-SU-003 SE PCA Addendum 2.doc

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

Excellence * Innovation * Stewardship
Integrity * Teamwork* Public Service

Rezone from the PDC District to the R-8 District with concurrent special exception approval to permit development of an independent living facility with 200 units.

STAFF RECOMMENDATIONS:

Staff recommends approval of PCA 1998-SU-009-2.

Staff recommends approval of RZ 2007-SU-003, subject to the execution of proffers consistent with those found in Attachment 1 of this report (dated July 19, 2007).

Staff recommends approval of SE 2007-SU-002, subject to development conditions consistent with those found in Attachment 2 of this report (dated June 27, 2007).

Staff recommends approval of a modification of the transitional screening requirement in favor of that shown on the GDP/SE plat and to allow the use of existing vegetation.

Staff recommends approval of a modification of the barrier requirement to the north, in favor of that proffered.

Staff recommends approval of a modification of Additional Standard #9 of Sect. 9-306, to allow a 19.8 foot setback instead of 30 feet on the east, as shown on the GDP/SE Plat.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290 TTY 711 (Virginia Relay Center)

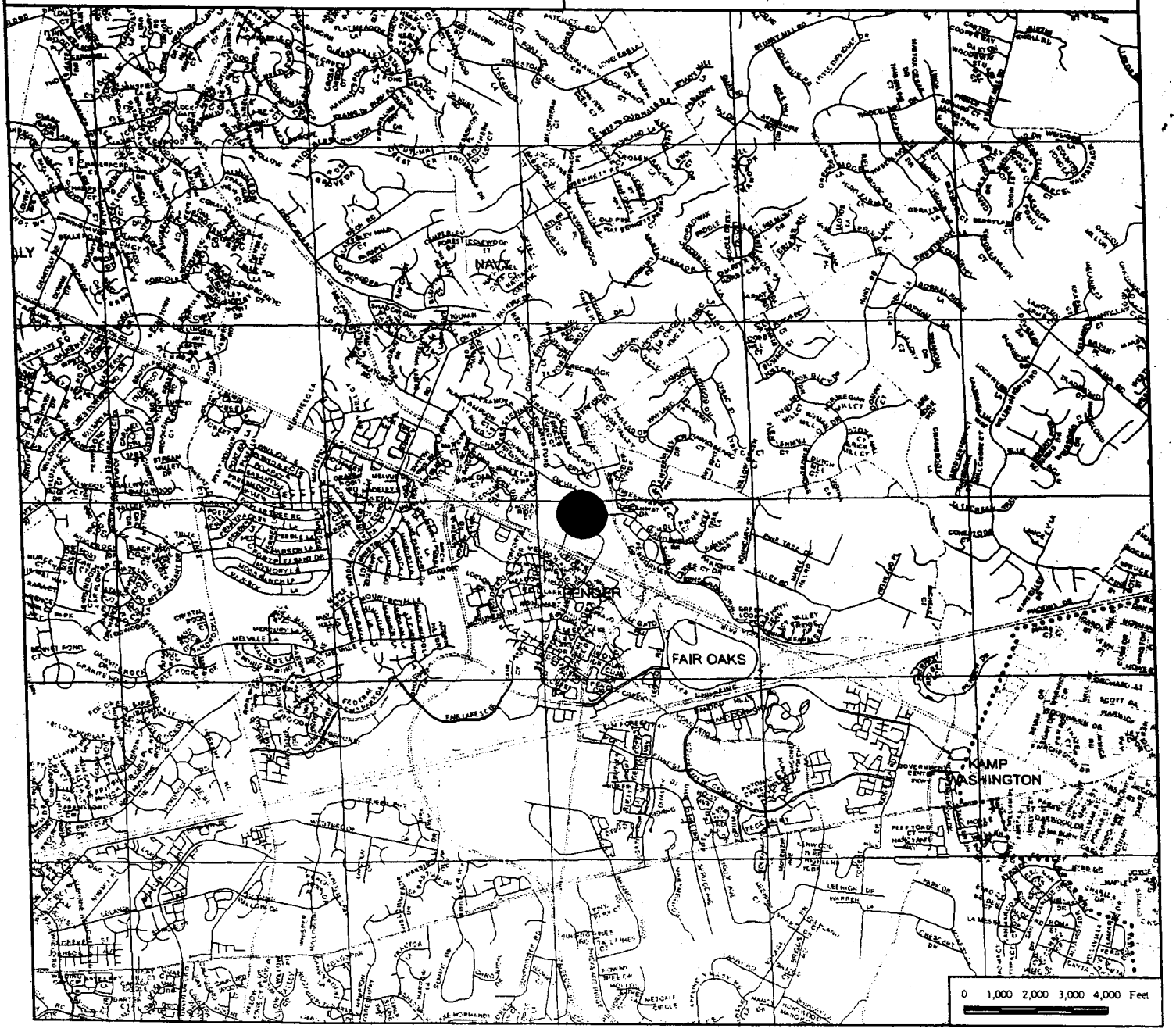
Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice.
For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

Rezoning Application
RZ 2007-SU-003

Applicant: FAIR RIDGE, LLC
Accepted: 01/19/2007
Proposed: RESIDENTIAL
Area: 6.94 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect:
Located: NORTH SIDE OF FAIR RIDGE DRIVE AND SOUTH SIDE OF OX HILL ROAD
Zoning: FROM PDC TO R- 8
Overlay Dist: HC WS
Map Ref Num: 046-3- /01/ /0014C

Special Exception
SE 2007-SU-002

Applicant: FAIR RIDGE, LLC
Accepted: 01/19/2007
Proposed: INDEPENDENT LIVING FACILITY
Area: 6.94 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 03-0604
Art 9 Group and Use: 3-4
Located: NORTH SIDE OF FAIR RIDGE DRIVE AND SOUTH SIDE OF OX HILL ROAD
Zoning: R- 8
Plan Area: 3,
Overlay Dist: WS HC
Map Ref Num: 046-3- /01/ /0014C

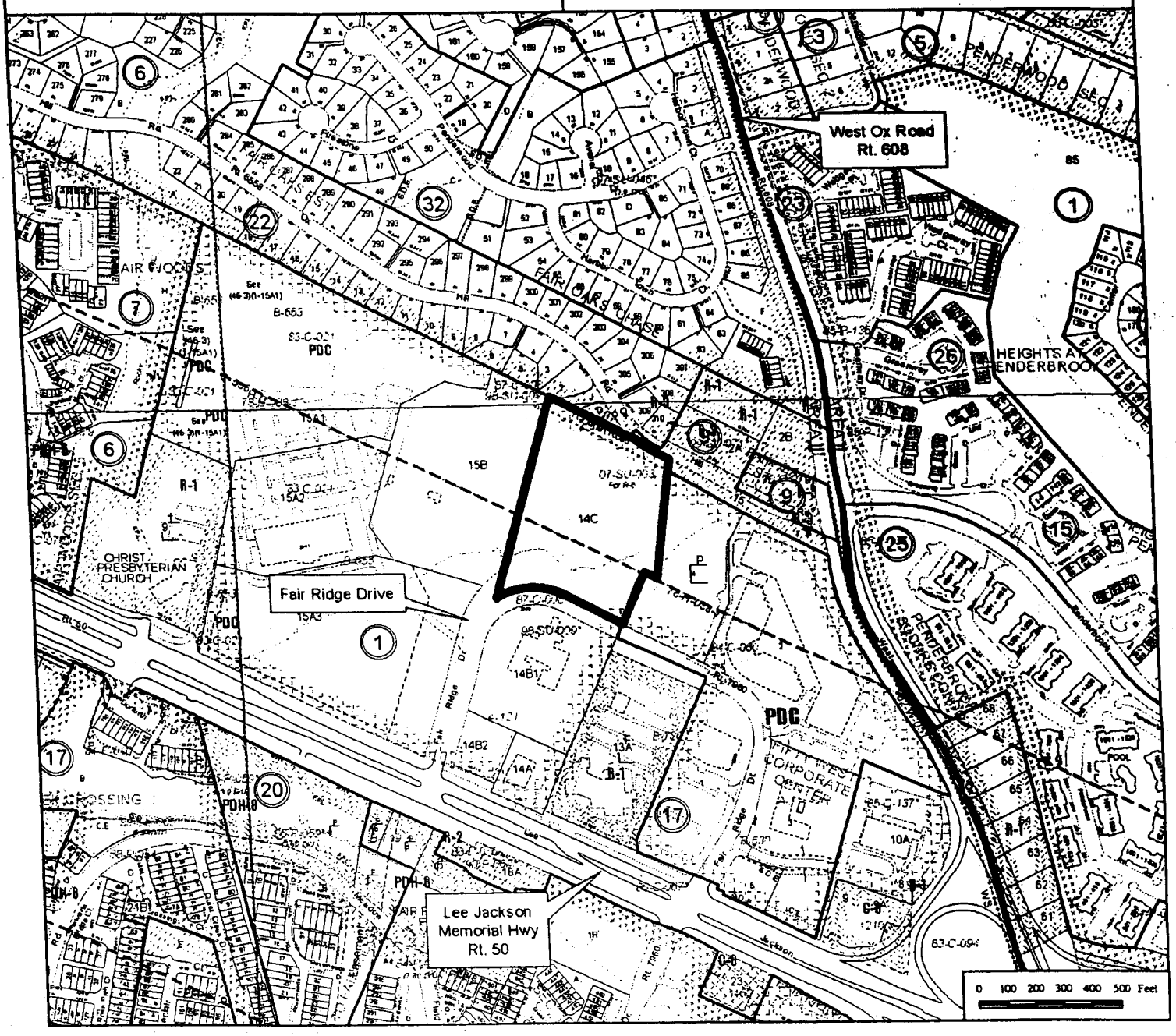


Rezoning Application
RZ 2007-SU-003

Applicant: FAIR RIDGE, LLC
Accepted: 01/19/2007
Proposed: RESIDENTIAL
Area: 6.94 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect:
Located: NORTH SIDE OF FAIR RIDGE DRIVE AND SOUTH SIDE OF OX HILL ROAD
Zoning: FROM PDC TO R- 8
Overlay Dist: HC WS
Map Ref Num: 046-3- /01/ /0014C

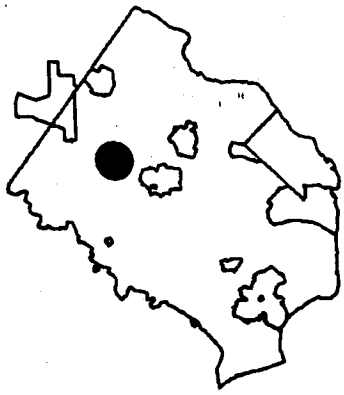
Special Exception
SE 2007-SU-002

Applicant: FAIR RIDGE, LLC
Accepted: 01/19/2007
Proposed: INDEPENDENT LIVING FACILITY
Area: 6.94 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect: 03-0604
Art 9 Group and Use: 3-4
Located: NORTH SIDE OF FAIR RIDGE DRIVE AND SOUTH SIDE OF OX HILL ROAD
Zoning: R- 8
Plan Area: 3,
Overlay Dist: WS HC
Map Ref Num: 046-3- /01/ /0014C

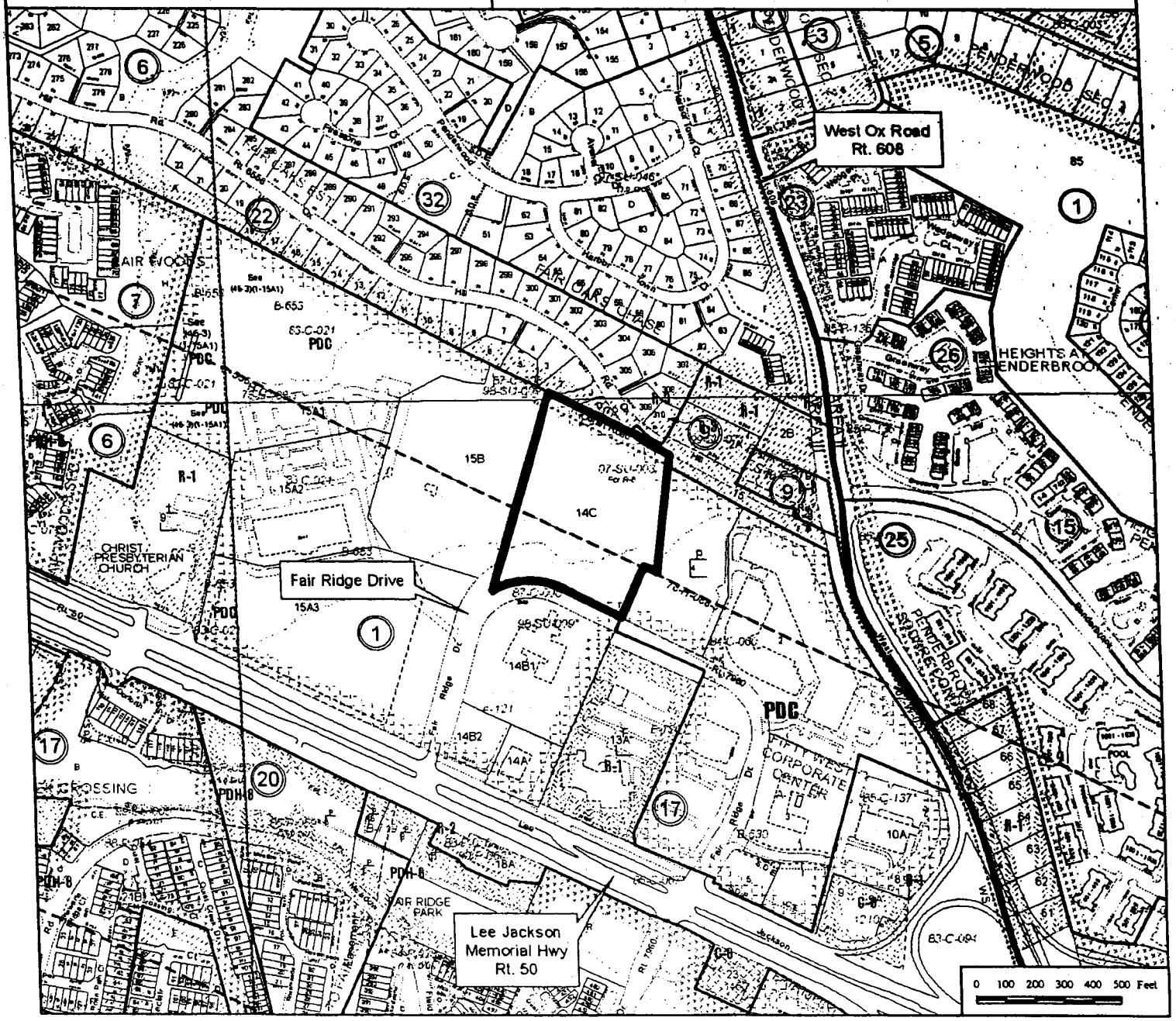


Proffered Condition Amendment

PCA 1998-SU-009-02



Applicant:	FAIR RIDGE, LLC
Accepted:	01/19/2007
Proposed:	AMEND PROFFERS AND CONCEPTUAL DEVELOPMENT PLANS FOR RZ 1998-SU-009 TO DELETE LAND AREA TO BE INCORPORATED WITH RZ 2007-SU-003
Area:	6.94 AC OF LAND; DISTRICT - SULLY
Zoning Dist Sect:	
Located:	NORTH SIDE OF FAIR RIDGE DRIVE AND SOUTH OF OX HILL ROAD
Zoning:	PDC
Overlay Dist:	WS HC
Map Ref Num:	046-3- /01/ /0014C



BACKGROUND

The applicant requests approval of PCA 1998-SU-009 to delete land area from a previously approved application, and concurrent rezoning and special exception applications to permit the development of an independent living facility with 200 units.

In the staff report published June 27, 2007, staff recommended approval of the applications, subject to the execution of draft proffers dated June 25, 2007 (RZ 2007-SU-003) and proposed development conditions dated June 27, 2007 (SE 2007-SU-002).

A public hearing was held on July 12, 2007. A staff report dated July 11, 2007, was delivered at the hearing providing minor revisions to the proffers (then dated July 11). At the hearing, the Planning Commission deferred decision to allow time for final comments from the adjoining homeowners' association.

DISCUSSION

The applicant has submitted revised proffers, now dated July 19, 2007. Revisions, which are shown in black-line in Attachment 1, are minor and include the following:

- Minor modifications for clarity
- Modifications to Proffer #12 to specify the amount of bicycle parking to be provided
- Add Proffer #32 relating to blasting

The proposed development conditions (included in Attachment 2) have not changed and continue to be dated June 27, 2007.

CONCLUSIONS AND RECOMMENDATIONS

Staff Conclusions

The revised proffers do not have a substantial impact on the application or change staff's recommendation.

Staff Recommendations

Staff recommends approval of PCA 1998-SU-009-2.

Staff recommends approval of RZ 2007-SU-003, subject to the execution of proffers consistent with those found in Attachment 1 of this report (dated July 19, 2007).

Staff recommends approval of SE 2007-SU-002, subject to development conditions consistent with those found in Attachment 2 of this report (dated June 27, 2007).

Staff recommends approval of a modification of the transitional screening requirement in favor of that shown on the GDP/SE Plat and to allow the use of existing vegetation.

Staff recommends approval of a modification of the barrier requirement to the north, in favor of that proffered.

Staff recommends approval of a modification of Additional Standard #9 of Sect. 9-306, to allow a 19.8 foot setback instead of 30 feet on the east as shown on the GDP/SE Plat.

It should be noted that it is not the intent of the staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards; and that, should this application be approved, such approval does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to this application.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Supervisors.

ATTACHMENTS

1. Draft Proffers (RZ 2007-SU-003)
2. Proposed Development Conditions (SE 2007-SU-002)

PCA 1998-SU-009
RZ 2007-SU-003
FAIR RIDGE, L.L.C.
PROFFER

July ~~11~~19, 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 ~~16~~18 sheets, prepared by Urban Engineering & Associates, Inc.

b. Development and occupancy of the project may occur in phases.

2. Pursuant to Paragraph 4 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP ~~Plat~~ 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 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 ~~face of~~ 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, foreclose or operation of law, the age restriction covenant 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, 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 ~~width.~~standards. The VEPCO and Park frontage improvements will be done at Applicant's expense so long as ~~it~~they can be done in existing ~~rows~~rights-of-way or subject to the provision (at no cost to the Applicant) of necessary easements from Property Owners ~~at no cost to the Applicant.~~ .

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 ~~and racks~~ for residents shall be provided on-site ~~for both workers and residents.~~ , as well as racks sufficient to hold a minimum of 15 bicycles. Racks shall be inverted-U style or other style 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 Urban Forest Management (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 meting 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 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 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 obligation, the Applicant shall also make a payment equal to the value of any Bonded Tree that is dead or dying or improperly removed due to unauthorized activity. This payment shall be determined based on the Trunk Formula Method and paid to a fund established by the County for

furtherance of tree preservation objectives. Upon release of the bond, the letter(s) of credit and any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

i. All of the open space buffers along the Property's northern and western property lines shall be maintained as undisturbed open space subject to the necessary installation of utilities in the least disruptive manner and the removal of dead, dying or invasive vegetation, as approved by UFM.

LANDSCAPING

14. a. As a part of the site plan submission for the project, a landscaping plan will be submitted to DPWES for review and approval. Such landscaping plan shall conform to the design shown on the GDP, provided, however, that with the specific concurrence of UFM, the Applicant may substitute vegetative materials and alter their location to accommodate engineering considerations. The vegetative density will be as represented on the GDP. The Applicant shall maintain the landscaping in good condition and promptly replace dead landscaping with similar species.

b. A combination of Evergreen, deciduous and ornamental trees a minimum of 6 foot tall at planting shall be planted at the southern perimeter of the 100' buffer area as shown on the GDP.

15. The plaza and clubhouse areas will be designed and constructed in conformance with the concepts depicted on the GDP, provided, however, that, subject to the approval of DPWES, the specific distribution and location of landscaping, walkways, and focal seating areas may be modified to accommodate the design theme for the Property selected by the Applicant, so long as such modifications are in substantial conformance with the GDP, and are provided in the quality and quantity of that shown on the GDP. Plaza/clubhouse areas shall be constructed concurrently with the development of the residential buildings.

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. 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 as shown on Sheet 12 of the GDP. 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.

18. Invasive species, as determined by the Fairfax County Park Authority, shall not be utilized ~~i~~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.

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 cementatious board, with EIFS as an accent material. Roof materials shall consist of asphalt shingles and metal standing seam.

b. All dumpsters ~~will~~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 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 ~~mansands~~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 ~~that are~~ where lighting and/or headlight glare would be visible from the public ~~streets~~street or adjacent residential properties shall be screened with either architectural treatments and/or landscaping to minimize light glare.

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, ~~upon~~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~~ the Fairfax County Park Authority (FCPA), and approved by FCPA. If the 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.

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 are outside of the proffered limits of clearing and grading 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 requires, 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:

(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 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 ten (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]

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: _____

DEVELOPMENT CONDITIONS

SE 2007-SU-002

June 27, 2007

If it is the intent of the Board of Supervisors to approve SE 2007-SU-002 located at Tax Map 46-3 ((1)) 14C, to permit an independent living facility pursuant to Section 3-604 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

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

2. This Special Exception is granted only for the purpose(s), structure(s), and/or use(s) indicated on the Special Exception Plat (SE Plat) approved with this application, as qualified by these development conditions. Other by-right or Special Permit uses may be permitted without amendment to this application, so long as such uses are in substantial conformance with this SE Plat.

3. This Special Exception 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 SE Plat entitled "Fair Ridge Independent Living" consisting of 18 sheets, prepared by Urban Engineering & Assoc., Inc., dated November 2006, as revised through June 21, 2007. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.

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 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.