

DEVELOPMENT CONDITIONS

SE 2014-SU-010

October 21, 2014

If it is the intent of the Board of Supervisors to approve SE 2014-SU-010 on Tax Map 34-4 ((1)) 60 for a Medical Care Facility on the subject property pursuant to Sect. 3-104 of the Fairfax County Zoning Ordinance, the 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 amendment plat approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17, Site Plans. Any plan submitted pursuant to the special exception shall be in substantial conformance with the approved Special Exception (SE) Plat entitled "Arbor Terrace of Fairfax Special Exception, prepared by Smith Engineering and ECS LLC Mid Atlantic dated October 25, 2013, as revised through August 5, 2014. Minor modifications to the approved special exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception Amendment and the Non Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
5. Stormwater Management: The stormwater management facilities shown on the SE Plat shall be in conformance with the recently adopted County Stormwater Management Ordinance and shall be reviewed for adequacy by DPWES at the time of site plan review; if any inadequacies are identified, appropriate corrective measures shall be employed to the satisfaction of DPWES, prior to final site plan approval and provided those measures are in substantial conformance with the SE Plat.
6. Chesapeake Bay Preservation Ordinance (CBPO): The removal of invasive plants from the site, including the RPA, will require a RPA Exception request letter prior to site plan approval through the Site Development and Inspections Division.
7. Floodplain: The applicant shall record a floodplain easement (PFM 6-1401.1) based on the approved RPA Plan 005660-RPA-001-1.

8. RPA Encroachment: Prior to site plan approval, representatives for the applicant, Urban Forest Management, the Department of Planning and Zoning, and the Department of Code Compliance shall meet at the property and conduct an inspection of that portion of the property adjacent to Tax Maps 34-4 ((9)) 27 and 28 to determine the extent of the encroachment into the RPA. Within 60 days after the on-site meeting, the applicant shall develop a remediation plan in consultation with DPWES, UFM and DPZ, and agree to remove all encroachments from the RPA. The remediation plan shall include timelines for all actions to be undertaken and a replanting plan for any areas where encroachments are to be removed or mitigated. This condition shall not prevent the Applicant from obtaining all approvals and permits necessary for construction and occupancy of the proposed facilities as long as the remediation plan is being diligently pursued.
9. The gravesite shown on the SE Plat shall be relocated in accordance with all applicable Virginia and Fairfax County laws and regulations.
10. Green Building: The Applicant shall incorporate into the design and implement the green building technology and strategies listed below. The Applicant is not required to achieve green building certification but shall include the following green building elements in the assisted living facility.

The Applicant shall, at the time of site plan review and building plan review, provide a certification statement from a LEED-AP who is also a professional engineer or licensed architect, confirming that the green building elements listed below shall be incorporated into the design and construction of the project.

- Include a LEED®-accredited professional as a member of the design team. The LEED-accredited professional will work with the team to incorporate sustainable design elements and innovative technologies into the project. At the time of site plan submission, the applicant will provide documentation to the Environment and Development Review Branch of DPZ demonstrating compliance with the commitment to engage such a professional.
- Provide preferred parking for carpool or vanpool parking for two parking spaces. The location of the spaces shall be labeled on the site plan and the spaces shall be demarked with a Reserved for Carpool/Vanpool Parking sign. The Applicant shall provide proof of installation and plan location.
- Encourage tree preservation above what is currently required by ordinance and listed in the 10-Year Tree Canopy Calculations on Sheet 9 of the SE Plat.

- Use innovative technologies for the control of water quantity and quality that utilize infiltration practices (where site conditions permit) and the capturing and re-use of rainwater consistent with the new stormwater management regulations. This may include but is not limited to rain barrels that may be used for watering the plants.
- Ensure that all new fixtures and appliances are EPA Water Sense labeled. The Applicant shall install motion sensor faucets and flush valves and ultralow-flow plumbing fixtures that have a maximum water usage as listed below (to be modified with the project-specific fixtures to be included). The Applicant shall provide proof of installation and manufacturers' product data.

Water Closet (gallons per flush, gpf) 1.28

Urinal (gpf) 0.5

Showerheads (gallons per minute, gpm*) 2.0

Lavatory faucets (gpm**) 1.5

Kitchen and janitor sink faucets 2.20

Metering faucets 0.25

* When measured at a flowing water pressure of 80 pounds per square inch (psi).

** When measured at a flowing water pressure of 60 pounds per square inch (psi).

- Ensure that the project will not have any chlorofluorocarbon (CFC) based refrigerants in any of the building systems. The Applicant shall provide manufacturer's specification sheets for any refrigerant installed in the building.
- Prepare a construction waste management plan that consists of hiring a waste removal and diversion company to process all construction waste at a recycling center. The Applicant shall provide a copy of the waste removal contract as proof of compliance.
- Ensure that Low/No VOC paints and primers meeting the GreenSeal standards will be used according to all specifications.
- Ensure that Low/No VOC adhesives conforming with SCAQMD and caulks and sealants conforming to BAAQMD will be used per all specifications.
- Ensure that Green Label certified floor covering will be used.
- Install Energy Star appliances and equipment for all refrigerators,

dishwashers, water heaters, computers, monitors, televisions, vending machines, water coolers, and other appliances and office equipment (if available). The Applicant shall provide proof of installation, installation locations, and manufacturers' product data, including the Energy Star energy guide.

11. Invasive Species Management Plan: An invasive species management plan shall be submitted as part of the first and all subsequent site plan submissions detailing how the invasive and undesirable vegetation will be removed and managed from within the RPA. The detailed invasive species management plan shall include the following information:

- Identify targeted undesirable and invasive plant species to be suppressed and managed.
- Identify targeted area of undesirable and invasive plant management plan, which shall be clearly identified on the landscape or tree preservation plan.
- Recommended government and industry method(s) of management, i.e. hand removal, mechanical equipment, chemical control, other. Identify potential impacts of recommended method(s) on surrounding trees and vegetation not targeted for suppression/management and identify how these trees and vegetation will be protected (for example, if mechanical equipment is proposed in save area, what will be the impacts to trees identified for preservation and how will these impacts be reduced).
- Identify how targeted species will be disposed.
- If chemical control is recommended, treatments shall be performed by or under direct supervision of a Virginia Certified Pesticide Applicator or Registered Technician and under the general supervision of Project Arborist.
- Provide information regarding timing of treatments, (hand removal, mechanical equipment or chemical treatments) when will treatments begin and end during a season and proposed frequency of treatments per season.
- Identify potential areas of reforestation and provide recommendation.
- Monthly monitoring reports provided to UFMD and SDID staff.
- Duration of management program; until Bond release or release of Conservation Deposit or prior to release if targeted plant(s) appear to be eliminated based on documentation provided by Project Arborist and an

inspection by UFMD staff.

12. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The preservation plan and narrative shall be prepared by a Certified Arborist or a Registered Consulting Arborist, and shall be subject to the review and approval of UFMD.

The tree preservation plan shall include a tree inventory that identifies the location, species, critical root zone, size, crown spread and condition analysis percentage rating for all individual trees located within the tree save area living or dead with trunks 10 inches in diameter and greater (measured at 4½ - 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 25 feet outside of the proposed limits of clearing, in the undisturbed area and within 10 feet of the proposed limits of clearing in the area to be disturbed. All trees inventoried shall be tagged in the field so they can be easily identified. If permission is not allowed from the offsite property owner to tag trees, it shall be noted on the tree preservation plan by providing written documentation between the applicant and the offsite property owner. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of disturbance shown on the SE Plat and those additional areas in which trees can be preserved as a result of final engineering. The tree preservation plan and narrative shall include all items specified in PFM 12-0507 and 12-0509. Specific tree preservation activities that will maximize the survivability of any tree identified to be preserved, such as: crown pruning, root pruning, mulching, fertilization, compost tea, Cambistat, radial mulching, notes and details for asphalt removal around trees, and others as necessary, shall be included in the plan.

Tree Preservation Walk-Through: The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist, and shall have the limits of clearing and grading marked 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 Registered Consulting Arborist shall walk the 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. 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. 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.

Limits of Clearing and Grading: The Applicant shall conform strictly to the limits of clearing and grading as shown on the SE Plat, 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, as described herein. 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 SE Plat, they shall be located in the least disruptive manner necessary as determined by the UFMD, DPWES. A replanting plan shall be developed and implemented, subject to approval by the UFMD, DPWES, for any areas protected by the limits of clearing and grading that must be disturbed for such trails or utilities.

Tree Preservation Fencing: 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" 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. 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 UFMD, 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 UFMD, DPWES.

Root Pruning: The Applicant shall root prune, 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 - 24 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 or Registered Consulting Arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

Site Monitoring: During any clearing or tree/vegetation on the Applicant 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 UFMD. The Applicant shall retain the services of a Certified Arborist or Registered Consulting Arborist to monitor all construction and demolition work and tree preservation efforts in order to ensure conformance with all tree preservation development conditions, and UFMD approvals. The monitoring schedule shall be described and detailed in the Landscaping and Tree Preservation Plan, and reviewed and approved by the UFMD.

Native Species Landscaping: All landscaping provided shall be native to the middle Atlantic region to the extent feasible and non-invasive as determined by UFMD. In addition, the quality and quantity of landscaping provided shall be in substantial conformance with the SE Plat.

13. Access Management Plan: Prior to issuance of a Non-residential Use Permit, the applicant shall create an access management plan and submit the plan to the Department of Planning and Zoning and the Fairfax County Department of Planning and Zoning for review. The access management plan shall include the following elements:
 - Employee orientation materials which include provisions requiring that all employees driving to and from the subject property shall not access the property through the adjacent residential neighborhood.
 - All contacts with service providers shall include a provision, to the extent permissible by applicable law, that prohibits service providers from accessing the subject property through the adjacent residential neighborhood.
 - On-site signs shall be posted directing everyone exiting the site to use the northern access point and to turn left onto Downs Drive.
 - A point of contact, including a phone number and email address, for issues related to the access management plan.

The applicant shall also diligently pursue permits to erect signs on Downs

Drive and Chantilly Road prohibiting truck traffic through the adjacent residential neighborhood.

14. All signage on the site, including the monument sign shown on the SE Plat, shall conform to Article 12 of the Zoning Ordinance.
15. Additional right-of-way shall be dedicated along the shared use path/ major paved trail in order to provide the minimum clearance standards per VDOT's Roadway Design Manual or those clearances established per any approved VDOT waivers. This area shall be conveyed in fee simple to the Board of Supervisors at no cost to the County.
16. The Route 50 shared use path/ major paved trail shown on the SE Plat shall be constructed. In the event that the VDOT design waiver request to decrease the Route 50 shared use path/ major paved trail from 10 feet to 8 feet in width in the areas shown on the SE Plat is not approved, the applicant shall construct and maintain the trail as shown on the SE Plat and according to the trail standards in the County Public Facility Manual.
17. The applicant shall commit/ reserve four percent of the total number of beds for low income residents with income levels up to 80 percent of the area median income (AMI).
18. Noise Study: The Applicant commits to meeting the Comprehensive Plan guidance which ensures that no new residential use shall be exposed to transportation generated noise levels in excess of 45 decibels for interior areas and 65 decibels for outdoor recreation areas. The Applicant shall provide an acoustical analysis which evaluates existing traffic noise. If the noise study concludes that the new building will be affected by noise levels that require mitigation, then at the time of site plan submission, the Applicant shall submit a refined acoustical analysis. The refined acoustical analysis will incorporate findings from a building shell analysis based on the building plans to determine the appropriate noise attenuation measures. Such acoustical analysis shall be submitted to Environmental Development Review Branch (EDRB) and DPWES for review. Based on the findings of that report, the Applicant shall show any noise impacted units on the site plan and shall provide the following noise attenuation measures, unless otherwise modified by the findings of the analysis.
 - In order to reduce interior noise to a level of approximately 45 dBA Ldn, dwelling units anticipated by the study to be impacted by traffic noise through windows and walls having levels projected to be greater than 70 dBA Ldn shall employ the following acoustical measures:

Exterior walls shall have a laboratory sound transmission class ("STC") rating of at least 45. Doors and glazing shall have a laboratory STC rating

of at least 37 unless glazing constitutes more than 20% of any façade exposed to noise levels above 70 dBA Ldn. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of up to 45 as dictated by the percent of glass.

All surfaces shall be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials ("ASTM") to minimize sound transmission.

- In order to reduce interior noise to a level of approximately 45 dBA Ldn, dwelling units anticipated by the study to be impacted by highway noise having levels projected to be between 65 and 70 dBA Ldn, shall be constructed with the following acoustical measures:

Exterior walls should have a laboratory STC rating of at least 39. Doors and glazing shall have a laboratory STC rating of at least 28 unless glazing constitutes more than 20% of any façade exposed to noise levels of 65 to 70 dBA Ldn. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a STC rating of up to 39 as dictated by the percent of glass.

All surfaces should be sealed and caulked in accordance with methods approved by the ASTM) to minimize sound transmission.

- The Applicant shall provide noise attenuation measures as determined necessary from the acoustical analysis to ensure that traffic related noise shall not exceed 65 decibels in the outdoor courtyard areas.
19. Except in the case of an emergency, best efforts will be used to ensure no deliveries to the subject property are scheduled between the hours of 10:00 p.m. and 6:00 a.m.

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-six (36) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted for one of the buildings in the proposed development options. 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.