



County of Fairfax, Virginia

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

RECEIVED
Department of Planning & Zoning

MAR 29 2016

Zoning Evaluation Division

February 3, 2016

David Houston
Blank Rome LLP
Watergate
600 New Hampshire Avenue NW
Washington, DC 20037

Re: Special Exception Application SE 2015-HM-013

Dear Mr. Houston:

At a regular meeting of the Board of Supervisors held on February 2, 2016, the Board approved Special Exception Application SE 2015-HM-013 in the name of Singh Properties II, LLC. The subject property is located at 10819 Leesburg Pike, on approximately 23.81 acres of land, zoned in the R-1 District in the Hunter Mill District [Tax Map 12-3 ((1)) 4]. The Board's action permits a medical care facility, pursuant to Sections 3-104 and 9-308 of the Fairfax County Zoning Ordinance, 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 approved with the application, as qualified by these development conditions.
3. This Special Exception is subject to the provisions of Article 17 of the Zoning Ordinance, Site Plans, as may be determined by the Director, Department of Public Works and Environmental Services (DPWES). Any site plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat titled "Waltonwood Reston" prepared by Bowman Consulting, dated March 2015, as revised through August 24, 2015 (SE Plat), 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.

Office of the Clerk to the Board of Supervisors
12000 Government Center Parkway, Suite 533
Fairfax, Virginia 22035
Phone: 703-324-3151 ♦ Fax: 703-324-3926 ♦ TTY: 711
Email: clerktothebos@fairfaxcounty.gov
<http://www.fairfaxcounty.gov/bosclerk>

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4. There shall be a maximum of 46 employees per shift and a maximum of 155 residents. The number of employees may be increased if the minimum parking requirements for a medical care facility in Article 11 of the Zoning Ordinance are met, and subject to approval of a parking tabulation by the Department of Public Works and Environmental Services. However, there shall be no increase permitted to the proposed 113 parking spaces. Notwithstanding the notes on the Special Exception Plat, parking shall not be expanded outside of the areas shown for parking and modifications shall not reduce open space. All parking shall be in conformance with Article 11 of the Zoning Ordinance and the Public Facilities Manual.
5. The Applicant shall maintain at least four percent of the beds for residents who are eligible for the Virginia Department for Aging and Rehabilitative Services' Auxiliary Grant Program. If an assisted living resident in an affordable unit moves to the memory care program, the resident shall be entitled to maintain an affordable unit.
6. The Applicant shall continue to coordinate with the Virginia Department of Transportation (VDOT) regarding future improvements to Leesburg Pike as part of Project 0007-019-128, P102, R202, C502, and shall dedicate right-of-way and easements upon demand by VDOT or the County, provided there are no adverse impacts to site improvements, including structures, parking or travel lanes. Right-of-way shall be conveyed at no cost to Fairfax County and in fee simple, without encumbrances, to the Board of Supervisors in a form acceptable to the County Attorney. Density and intensity credit shall be reserved as may be permitted by the provisions of Sect. 2-308 (4) of the Zoning Ordinance for all eligible dedications described herein.
7. As part of the construction of the facility and prior to approval of a Non-Residential Use Permit (Non-RUP), the Applicant shall construct the frontage improvements, including the right turn lane and taper as depicted on the Special Exception Plat, subject to approval by the Virginia Department of Transportation.
8. Prior to site plan approval, the Applicant shall grant a 20-foot wide public access easement to the Fairfax County Park Authority (FCPA) for the minor trail that extends behind the proposed facility in a location as generally shown on the Countywide Trails Plan Map. The location of the easement shall be approved by the FCPA. In lieu of constructing the paved trail, the Applicant shall place in escrow, prior to site plan approval, the funds necessary for construction by FCPA of the 6-foot wide asphalt trail on the subject property or for construction of other trails and/or associated recreational purposes within the vicinity.
9. Prior to site plan approval, the Applicant shall place in escrow the funds necessary for construction of a 10-foot wide asphalt trail along Leesburg Pike, minus the cost of the interim trail constructed pursuant to condition 10, for use by VDOT towards the cost of the permanent improvements.

10. Prior to approval of a Non-Residential Use Permit (Non-RUP), the Applicant shall construct an interim 5-foot wide asphalt trail along Leesburg Pike, as reviewed and approved by VDOT and DPWES, which shall be maintained by the Applicant, unless accepted for maintenance by VDOT. The trail shall be located within the VDOT right-of-way to the extent possible, and within a public access easement if located on the Applicant's property.
11. If VDOT constructs the permanent asphalt trail along Leesburg Pike in conjunction with future roadway improvements, the Applicant shall be responsible for removing the portions of the interim trail described in condition 10 on the subject property and for restoring the affected area with grass or landscaping, and vacating the public access easement.
12. Trash and/or recycling collection, and food and linen delivery hours shall be limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Friday, unless unusual circumstances, such as emergencies, atypical weather or traffic conditions require collection outside of these days and times. No weekend pickups shall be allowed.
13. Stormwater Management:
 - A. The Applicant shall install stormwater management facilities in substantial conformance with the Special Exception Plat and in accordance with the Fairfax County Stormwater Management Ordinance and the Public Facilities Manual. In accordance with the Energy Balance Equation, the facilities shall be designed to detain the 25-year storm and release the captured stormwater at the 10-year pre-development flow rate, in addition to the standard detention requirements for the 2-year and 10-year storms.
 - B. The Applicant shall implement BMP devices in the three areas generally identified on the Plat as "Potential L.I.D. Filter." These additional BMPs, in conjunction with the manufactured treatment devices as part of the detention facilities, shall be designed to achieve a total phosphorus load reduction of a minimum of 2.29 pounds/year, to exceed the minimum required reduction of 1.6 pounds/year (or approximately 43 percent greater removal than what is required by the Stormwater Management Ordinance), of which final calculation is to be determined at the time of final site plan.
 - C. The Applicant shall provide the outfall velocity dissipation basins shown on the Special Exception Plat to reduce the velocity of the runoff from the Leesburg Pike outfall located north of the parking lot.
14. The "gatehouse structures" shown as part of the entry feature shall be designed to not allow entry, and with no function or use other than as architectural features as part of the wall.

15. All signage and flags shall conform to Article 12 of the Zoning Ordinance. The entry signage may be located on either side of the entrance.
 - i.
16. All lighting shall conform to Article 14 of the Zoning Ordinance.
17. The Applicant shall provide landscaping in substantial conformance with the Special Exception Plat. The exact number, species, location and spacing of trees and other plant material shall be determined at the time of site plan review and shall be subject to review and approval of the Urban Forest Management Division (UFMD), DPWES. In addition, the Applicant shall install a seven-foot tall solid fence along the rear of the loading area and supplemental evergreen landscaping as generally shown on Attachment 2, and as approved by the Urban Forest Management Division.
18. 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, DPWES.

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 to be preserved, as well as all on and off-site trees, living or dead with trunks 12 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) located within 25 feet of the limits of clearing and grading in the protected area and within 10 feet of the limits of clearing and grading in the area to be disturbed as depicted in Plate 1A-12 of the Public Facilities Manual. The tree preservation plan shall provide for the preservation of trees in areas shown outside of the limits of clearing and grading shown on the Special Exception Plat and in 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, and others as necessary, shall be included in the plan.

19. 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 landscape architect shall walk the limits of clearing and grading with an UFMD, 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. If a stump must be removed, this shall be done using a stump-grinding machine or other appropriate machinery in a manner causing as little disturbance as possible to adjacent trees and associated understory vegetation and soil conditions.

20. Limits of Clearing and Grading: The Applicant shall conform substantially to the limits of clearing and grading as shown on the SE Plat, subject to allowances specified in these 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, taking into account planting restrictions imposed by utility easement agreements.
21. Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by tree protection fencing. Tree protection fencing shall be erected at the limits of clearing and grading as shown on the demolition, and Phase I and II Erosion and Sediment Control sheets of the site plan. Tree protection fencing shall consist of either: (a) 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 (b) 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.

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 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.

22. Prior to site plan approval, the Applicant shall contribute \$10,000 to the Capital Project titled "Traffic Light Signals – FRD Proffers in Fund 300-C30070, Public Safety Construction" for use in the installation of preemptive signal devices on traffic signals within the Hunter Mill District as determined by the Fire and Rescue

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Department. The Applicant shall have no responsibility for the installation or maintenance of the devices.

23. A noise study, including any necessary mitigation measures shall be approved by the Environment and Development Review Branch (EDRB) of the Department of Planning and Zoning and DPWES prior to site plan approval to demonstrate that interior noise will not exceed a level of approximately DNL 45 dBA.
24. The existing well(s) and septic system shall be abandoned in accordance with Fairfax County Health Department regulations and permits prior to approval of a demolition permit for the existing structures and any land disturbance.
25. The Applicant shall, upon demand, grant one sanitary sewer easement to the County in a form approved by the County Attorney's Office in conformance with a plat showing such easement that has been approved by the Fairfax County Department of Public Works and Environmental Services (DPWES) to serve residential properties abutting to the west of the application property, subject to approval by DPWES. The easement shall be at no cost to the Applicant and shall not, in the opinion of DPWES, be located in such a manner as to adversely impact the proposed development approved in this application. The Applicant shall not be responsible for the preparation and processing of the plat and deed of easement, the design and construction of the abutting residential properties' sewer line, nor for application(s), permit(s) or other governmental approvals related to such easement, sewer line, or its impacts to any Resource Protection Area (RPA).
26. All units shall conform to the definition of an Assisted Living Facility pursuant to Article 20 of the Zoning Ordinance, and may include kitchen facilities limited to a sink, refrigerator and/or microwave.
27. The architectural design of the proposed facility shall generally conform to the character and quality of the illustrative elevation included as Attachment 1 to these conditions. The building materials shall be predominantly brick and masonry stone.
28. After construction, the proposed building will obtain an ENERGYSTAR qualified senior care facility rating. In addition to the commitment to ENERGYSTAR, the following green building technology and strategies will be incorporated into the building, and proof of each shall be demonstrated to the Environment and Development Review Branch (EDRB) of the Department of Planning and Zoning, prior to final bond release. Additionally, the ENERGYSTAR senior care facility rating will be reported to the EDRB prior to final bond release.
 - A. A LEED-accredited professional will be included 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, documentation will be provided to the EDRB demonstrating compliance with the commitment to engage such a professional.

- B. The Applicant shall install ultralow-flow plumbing fixtures throughout the building with the maximum water usage as listed below. In addition, motion sensor faucets and flush valves shall be installed in public area restrooms. Proof of installation and manufacturers' product data shall be provided to the EDRB.

Water Closet (gallons per flush, gpf) = 1.28

Urinal (gpf) = 0.5

Showerheads (gallons per minute, gpm) = 2.0 (when measured at a flowing pressure of 80 pounds per square inch, psi)

Lavatory faucets (gpm) = 1.5 (when measured at a flowing water pressure of 60 psi)

Kitchen and janitor sink faucets (gpm) = 2.20

Metering faucets (gpm) = 0.25

- C. A recycling area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both residents and employees shall be provided. There shall be a dedicated area on the subject property for the storage of the recycled materials. The Applicant shall provide proof of installation, installation locations, and a copy of the Applicant's hauling contract to the EDRB.
- D. Carbon dioxide (CO₂) monitors with demand control mechanical ventilation shall be installed. CO₂ monitors shall be located in all occupied spaces with a design occupancy of 25 or more people per 1,000 square feet. Monitors shall be located between 3 and 6 feet above the floor. All monitoring equipment shall be configured to generate increased ventilation to restore proper ventilation levels per ASHRAE62.1-2013, or its equivalent. Proof of installation, the manufacturers' product data and installation locations shall be provided to the EDRB.
- E. LED or compact fluorescent lamps shall be incorporated in all interior building lighting fixtures. The Applicant shall provide proof of installation and manufacturer's product data to the EDRB.
- F. Energy Star appliances and equipment shall be installed for all refrigerators, dishwashers, water heaters, computers, monitors, televisions, vending machines, water coolers, and other appliances and office equipment (if available). Proof of installation, installation locations and manufacturers' product data, including the Energy Star energy guide, shall be provided to the EDRB.
- G. The Applicant shall have 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 to the EDRB.

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- H. The Applicant shall use low-emitting materials for all adhesives, sealants, paints, coatings, flooring systems, composite wood, and agrifiber products, as well as furniture and furnishings if available. Low-emitting is defined as having a VOC content according to the following table.

<u>Application</u>	<u>VOC Limit g/L less water</u>
Carpet adhesive	50
Rubber floor adhesive	60
Ceramic tile adhesive	65
Anti-corrosive/anti-rust paint	250
Clear wood finishes	350

The Applicant shall provide proof of installation and the manufacturers' product data to the EDRB.

- I. The Applicant shall install carpet and carpet padding that shall meet the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program. The Applicant shall provide proof of installation and the manufacturers' product data to the EDRB.
- J. The Applicant shall not use any particle board, medium density fiberboard (MDF), plywood, wheatboard, strawboard, or panel substrates on the interior of the building which contain urea formaldehyde resins. The Applicant shall provide proof of installation and the manufacturers' product data to the EDRB.
- K. Prior to the approval of a Non-RUP, the Applicant, in consultation with the Fairfax County Department of Transportation (FCDOT), shall install bicycle racks within 50 feet of the main and employee entrances. The type, location and number of bicycle racks shall be determined at that time. The Applicant shall provide proof of installation and location to FCDOT.
- L. Preferred parking shall be reserved for hybrid or electric vehicles. The Applicant shall provide proof to the EDRB that one or more spaces have been reserved.
- M. Facilities for the re-use of rainwater for irrigation shall be installed. The Applicant shall provide proof of installation to the EDRB.
- N. Exterior and interior light pollution reduction strategies shall be incorporated, and shall include, but not be limited to, fully shielded and downward-pointed LED site lighting, motion activated common room occupancy sensors (but not inside the residential dwelling units) and night lighting. The Applicant shall provide proof of installation to the EDRB.
- O. The Applicant shall install a roofing membrane with a Solar Reflectance Index (SRI) appropriate to the slope of the roof (i.e., for a low-sloped roof (less than

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or equal to 2:12) equal to or greater than 78 for a minimum of 75 percent of the total roof area, and for a high-sloped roof (greater than 2:12) equal to or greater than 29). The Applicant shall provide proof of installation, roof area calculations and manufacturers' product data to the EDRB.

P. The Applicant shall provide natural lighting through the use of windows and/or skylights to a minimum of 75 percent of the spaces. Areas excluded are mechanical rooms, storage and interior staff areas designed to provide designated services to the residents of the community. The Applicant shall provide proof of installation, locations on the architectural plans and calculations demonstrating that the minimum of 75 percent of the spaces as described above has been provided.

29. The Applicant shall offer employees the option of shuttle bus service, at no charge, to and from nearby public bus stop(s) and/or Metro station(s) for their scheduled work shifts. The Applicant shall determine the pick-up/drop-off locations for the shuttle bus based on the public transportation assistance desires of the employees and the availability of legal parking or idling locations for the shuttle bus. The planned locations for the shuttle bus service shall be identified prior to issuance of a Non-Residential Use Permit, and shall be re-evaluated by the Applicant, at a minimum, on a yearly basis.

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 Board also:

- Approved modifications of the transitional screening and barrier requirements of Sect. 13-303 and 304 of the Zoning Ordinance, in favor of the landscaping and barriers shown on the Special Exception Plat.
- Approved a waiver of the service drive requirement of Sect. 17-201 of the Zoning Ordinance along Leesburg Pike.
- Approved an increase in the wall height above seven feet pursuant to Sect. 10-104(3)(H) of the Zoning Ordinance to permit the walls as shown on the Special Exception Plat.

Sincerely,



Catherine A. Chianese
Clerk to the Board of Supervisors

SE 2015-HM-013

February 3, 2016

cc: Chairman Sharon Bulova

Supervisor Catherine Hudgins, Hunter Mill District

Tim Shirocky, Acting Director, Real Estate Division, Dept. of Tax Administration

Barbara C. Berlin, Director, Zoning Evaluation Division, DPZ

Diane Johnson-Quinn, Deputy Zoning Administrator, Dept. of Planning and Zoning

Thomas Conry, Dept. Manager, GIS, Mapping/Overlay

Michael Davis, Section Chief, Transportation Planning Division

Donald Stephens, Transportation Planning Division

Ken Williams, Plans & Document Control, ESRD, DPWES

Department of Highways-VDOT

Sandy Stallman, Park Planning Branch Manager, FCPA

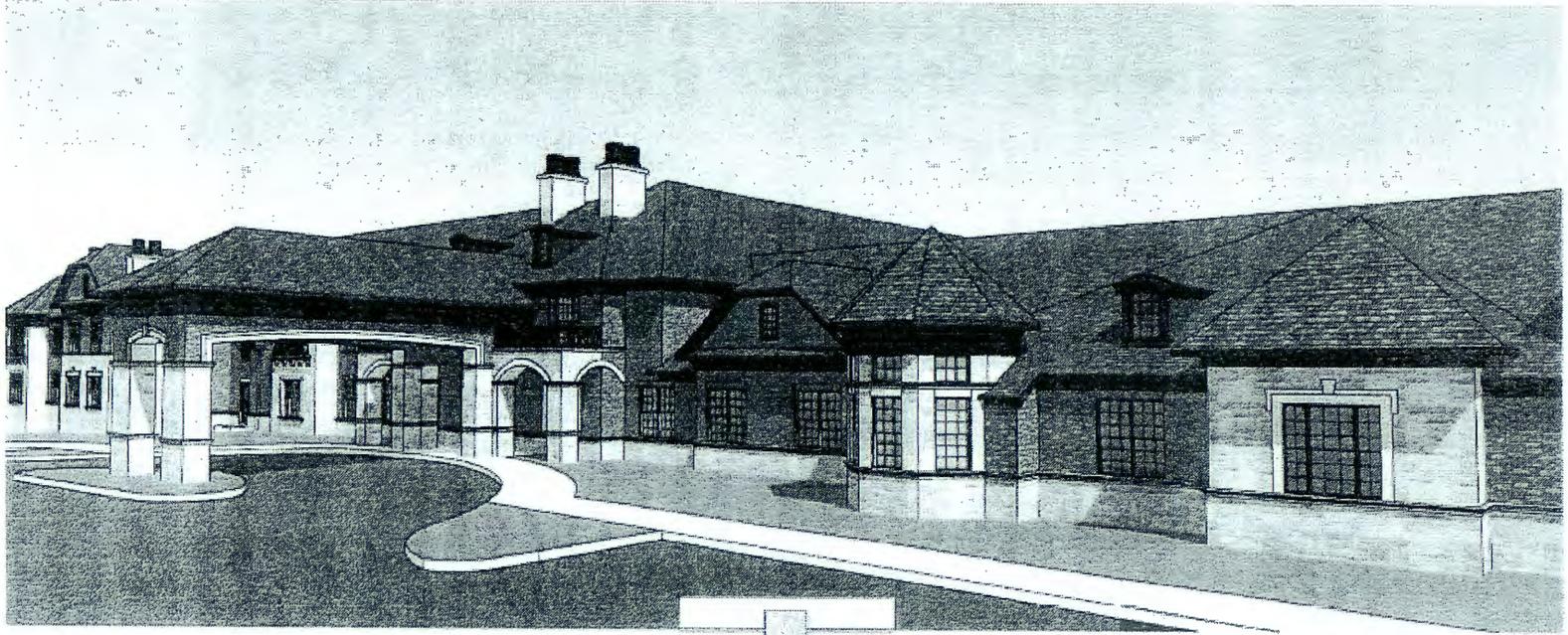
Charlene Fuhrman-Schulz, Development Officer, DHCD/Design Development Division

Jill Cooper, Executive Director, Planning Commission

Karyn Moreland, Chief Capital Projects Sections, Dept. of Transportation

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ATTACHMENT 1

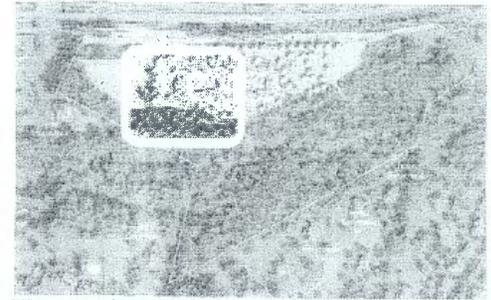
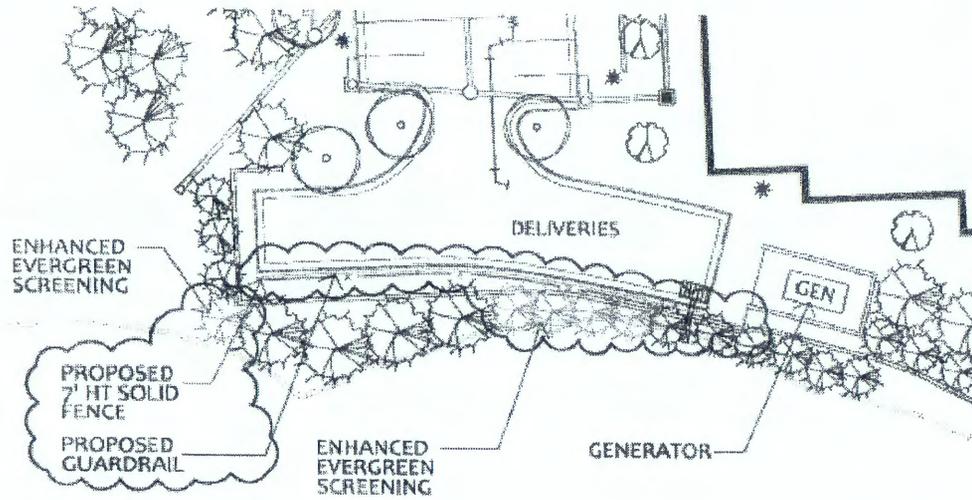


WALTONWOOD
RESTON
RESTON, VIRGINIA

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ATTACHMENT 2

Additional Screening Plan



Key Plan





COUNTY OF FAIRFAX
Department of Planning and Zoning
Zoning Evaluation Division
 12055 Government Center Parkway, Suite 801
 Fairfax, VA 22035 (703) 324-1290, TTY 711
www.fairfaxcounty.gov/dpz/zoning/applications

APPLICATION No: SE 2015-HM-013
 (Staff will assign)

RECEIVED
 Department of Planning & Zoning

MAR 17 2015

Zoning Evaluation Division

APPLICATION FOR A SPECIAL EXCEPTION
 (PLEASE TYPE or PRINT IN BLACK INK)

APPLICANT	NAME Singh Properties II, LLC
	MAILING ADDRESS 2601 Weston Parkway, Suite 203 Cary, NC 27513
	PHONE HOME () WORK (919) 677-1510
	PHONE MOBILE ()
PROPERTY INFORMATION	PROPERTY ADDRESS 10819 Leesburg Pike Reston, VA 20194
	TAX MAP NO. 012-3-((01))-0004 SIZE (ACRES/SQ FT) 23.807 acres (Field Survey)
	ZONING DISTRICT R-1 MAGISTERIAL DISTRICT Hunter Mill
	PROPOSED ZONING IF CONCURRENT WITH REZONING APPLICATION: N/A
SPECIAL EXCEPTION REQUEST INFORMATION	ZONING ORDINANCE SECTION Section 9-301
	PROPOSED USE Medical Care Facility (Assisted Living Facility)
AGENT/CONTACT INFORMATION	NAME David S. Houston
	MAILING ADDRESS Reed Smith LLP 3110 Fairview Park Drive, Suite 1400 Falls Church, VA 22042 Blank Rome LLP 600 New Hampshire Ave, NW Washington DC 20037
	PHONE HOME () WORK (703) 641-4224
	PHONE MOBILE ()
MAILING	Send all correspondence to (check one): <input type="checkbox"/> Applicant -or- <input checked="" type="checkbox"/> Agent/Contact
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p> <p>David S. Houston, Agent</p> <p>TYPE/PRINT NAME OF APPLICANT/AGENT SIGNATURE OF APPLICANT/AGENT</p>	

dlp
12/28/15

DO NOT WRITE IN THIS SPACE

Deborah L. Houston

SE 2015-0084

mac
4/6/15

Date Application accepted: April 6, 2015

Application Fee Paid: \$ 16,375.00