County of Fairfax, Virginia
Planning Commission Meeting
February 5, 2025
Planning Commission Action

RZ 2024-DR-00014 Concurrent with SEA 2021-DR-004 - FALLS CHURCH PROPCO LLC
(Dranesville District)

PLANNING COMMISSION RECOMMENDATIONS:
On February 5, 2025, the Planning Commission voted 10-0 (Commissioner Wang was not present for the vote) to recommend to the Board of Supervisors the following actions:

- Approval of RZ-2024-DR-00014, subject to the executed proffers consistent with those dated January 28, 2025;

- Approval of SEA-2021-DR-004, subject to the development conditions consistent with those dated January 22, 2025;

- Approval of the modification of the transitional screening requirements along all property lines in favor of that shown on the GDP/SEA Plat; and

- Approval of the waiver of the barrier requirements along all property lines.

ATTACHED DOCUMENTS:
Proffers dated January 28, 2025

MJ

PROFFERS

FALLS CHURCH PROPCO LLC

RZ-2024-DR-00014

January 28, 2025

Pursuant to Section 15.2-2303(A) of the Code of Virginia, 1950, as amended, and Subsection 8100.2.D of the Zoning Ordinance of Fairfax County 1978, as amended and effective as of May 10, 2023 (hereinafter referred to as the "Zoning Ordinance"), Falls Church Propco, LLC, for and on behalf of itself and its successors and/or assigns (hereinafter referred to as the "Applicant"), in RZ-2024-DR-00014 filed on property identified as Fairfax County Tax Map 41-1 ((1)) 62B (hereinafter referred to as the "Application Property") hereby proffers the following, provided that the Board of Supervisors (the "Board") approves a rezoning of portions of the Application Property from the R-1 District to the R-4 District. Upon approval of the rezoning, these proffers will replace and supersede any previously approved proffers on the Application Property. In the event this rezoning is denied by the Board, these proffers and conditions will immediately be null and void.

1. GENERALIZED DEVELOPMENT PLAN.

   A. Development Plan. The Application Property will be developed in substantial conformance with the generalized development plan/special exception amendment plat entitled "Vierra Falls Church Nursing & Rehabilitation" prepared by Charles P. Johnson & Associates, Inc. and dated June 28, 2024 and revised through January 16, 2025 (the "GDP/SEA Plat").

   B. Minor Modifications. Pursuant to Subsection 8100.5 of the Zoning Ordinance, minor modifications to the GDP/SEA Plat may be permitted as determined by the Zoning Administrator.

   C. Minor Variations. Minor variations to these proffered conditions and the GDP/SEA Plat may be approved in accordance with the provisions of Subsection 8100.5 of the Zoning Ordinance.

2. EXISTING DEVELOPMENT. The Application Property is developed with an existing medical care facility and a surface parking lot as shown on the GDP/SEA Plat, which will remain in operation. Additional accessory improvements may be permitted on the Application Property to support the use, provided such improvements are in general conformance with the GDP/SEA Plat.

3. TRANSPORTATION IMPROVEMENTS.

   A. Entrance Improvements. Subject to Virginia Department of Transportation ("VDOT") and the Fairfax County Department of Transportation ("FCDOT") approval, the Applicant will construct entrance improvements along the

Application Property's Powhatan Street frontage, as generally shown on the GDP/SEA Plat. In coordination with VDOT and/or FCDOT, the Applicant may modify the entrance configuration without the need for a PCA or SEA, provided such modifications are in substantial conformance with the GDP/SEA Plat. For purposes of this proffer, "construct" will mean such road improvement is open for use by the traveling public whether or not such improvement has been accepted by VDOT for maintenance.

B. Electric Vehicle Charging Stations. A minimum of 2% of the existing parking spaces on the Application Property will be equipped with universal, fully wired, and functional Level 2 electric vehicle charging stations ("EVCS"). The Applicant may, within its sole discretion, partner with a third-party to install such EVCS. The final number and location of the EVCS will be determined by the Applicant at time of site plan approval.

C. Bicycle Parking. The Applicant will install bicycle parking on the Application Property in accordance with the requirements of Section 6102 of the Zoning Ordinance. The final location of the bicycle parking will be determined at time of site plan in coordination with FCDOT.

D. Reservation of Density. The Applicant reserves density credit as may be permitted by the provisions of Subsection 5100.2.E(5)(c) of the Zoning Ordinance for all eligible dedications described herein, or as may be required by Fairfax County or VDOT at the time of site plan approval.

4. TREE PRESERVATION.

A. Tree Inventory and Condition Analysis. The Applicant will submit a Tree Inventory and Condition Analysis as part of the first and all subsequent subdivision plan submissions. The Tree Inventory and Condition Analysis must be prepared by a Certified Arborist or Registered Consulting Arborist ("Project Arborist") and must include elements of Public Facilities Manual ("PFM") section 12-0307 deemed appropriate to the project site as determined by the Forest Conservation Branch ("FCON").

B. Tree Preservation Plan. For the purposes of maximizing the preservation of existing trees located on the Application Property as depicted on the GDP/SEA Plat, the Applicant will submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan submissions. The Applicant will retain the services of a Project Arborist, who will prepare the Tree Preservation Plan and Narrative, which will include elements of PFM section 12-0309 deemed appropriate to the project site as determined by FCON. The Tree Preservation Plan will include the existing trees located in the "Tree Save Areas" designated on the GDP/SEA Plat.

C. Tree Preservation Measures. Tree preservation measures will be clearly identified, labeled, and detailed on the Erosion and Sediment Control Plan and the Tree

Preservation Plan. Tree preservation measures may include, but are not limited to the following: root pruning, crown pruning, mulching, watering, etc. Specifications will be provided on the plan detailing how preservation measures will be implemented. Tree preservation activities will be completed during implementation of Phase 1 of the Erosion and Sediment Control Plan.

D. Limits of Clearing and Grading. Clearing, grading and construction will generally conform to the limits of clearing and grading as shown on the GDP/SEA Plat, subject to the installation of necessary utility lines and other required site improvements, all of which will be installed in the least disruptive manner possible, as determined in accordance with the approved plans. The Applicant reserves the right to adjust the limits of clearing and grading at time of site plan based on final design requirements and in coordination with FCON.

E. Pre-Construction Meeting. In accordance with the approved site plan or rough grading plan, the Applicant will 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 Project Arborist will walk the limits of clearing and grading with a FCON 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 will be implemented. The Applicant will also work with FCON to identify areas adjacent to the limits of clearing and grading where a mix of understory plantings and shrubs may be provided, and such adjustment will be implemented. Trees that are identified as dead, dying, diseased, or invasive may be removed as part of the clearing operation. Any tree that is so designated will be removed using a chain saw, and such removal will be accomplished in a manner that avoids damage to surrounding trees and associated understory vegetation. If a stump must be removed, this will 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.

F. Tree Protection Fencing. All trees shown to be preserved on the Tree Preservation Plan will be protected by tree protection fencing. Tree protection fencing, consisting of four (4) foot high, 14 gauge welded wire attached to six (6) foot steel posts driven eighteen (18) inches into the ground and placed no farther 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, will be placed at the limits of clearing and grading. A tree preservation walk-through meeting will occur prior to the installation of any tree protection fencing. The tree protection fencing will be installed during implementation of Phase 1 of the Erosion and Sediment Control Plan, but prior to the performance of any clearing and grading activities on the site. Prior to the commencement of any clearing or grading on the site, the Project Arborist will

verify in writing that the tree protection fencing has been properly installed per the County approved plans.

G. Monitoring. The Project Arborist will be present on site during implementation of the Phase 1 Erosion and Sediment Control Plan and monitor any construction activities conducted within or adjacent to areas of trees to be preserved. Construction activities include, but may not be limited to clearing, root pruning, tree protection fence installation, vegetation/tree removal, and demolition activities. During implementation of Phase 2 Erosion and Sediment Control Plan, the Project Arborist will visit the site on a regular basis to continue monitoring tree preservation measures and ensure that all activities are conducted as identified in the Tree Preservation Plan and approved by FCON. Written reports will be submitted to FCON and the Site Development and Inspections Division ("SDID") site inspector detailing site visits. A monitoring schedule and Project Arborist reports will be described and detailed in the Tree Preservation Plan.

H. Invasive Plant Species Management. Forested areas containing plant species that are known to be invasive in quantities that threaten the long-term health and survival of the existing vegetation present must be the subject of an invasive plant species management plan for the area to be awarded full 10-year canopy credit. At the time of site plan submission, the Applicant will provide a management plan for review and approval by FCON, specifying the common and scientific name of invasive species proposed for management, the target area for management efforts, methods of control and disposal of invasive plants, timing of treatments and monitoring, duration of the management program, and potential reforestation as needed.

5. LANDSCAPING.

A. Landscape Plan. A landscape plan will be submitted concurrently with the site plan for the Application Property that shows, at a minimum, landscaping in conformance with the landscaping shown on the GDP/SEA Plat. All landscaping provided must be native to the mid-Atlantic region to the extent available and feasible and must be non-invasive (meaning the Applicant will not use any plant species identified in the Virginia Invasive Plant Species List published by the Virginia Department of Conservation and Recreation). The Applicant will also implement natural landscaping techniques to the extent possible to minimize the use of fertilizers, pesticides, herbicides, and mowing. Adjustments to the type and location of vegetation will be permitted as approved by FCON.

B. Landscape Planting Pre-Installation Meeting. Prior to installation of any plants to meet the requirements of the approved landscape planting plan, the contractor/developer will coordinate a pre-installation meeting on the site with the landscape contractor, FCON staff, and any additional appropriate parties. Any proposed changes to planting locations, tree/shrub planting sizes, and species substitutions shown on the approved plan will be reviewed and must be approved

by FCON staff prior to planting. The installation of plants not approved by FCON may require the submission of a revision to the landscape plan or removal and replacement with approved trees/shrubs prior to bond release.

C. Soil Remediation and Enhancement. Soil in planting areas that contain construction debris and rubble, are compacted, or are unsuitable for the establishment and long-term survival of landscape plants, will be the subject of remedial action to restore planting areas to satisfy cultural requirements of trees, shrubs and groundcovers specified in the landscape planting plan. These soil areas will be enhanced by maintaining a pH level of 6 to 7. The Applicant will incorporate proper organic matter and porosity ratios of such soil areas to ensure proper drainage and facilitate nutrient uptake by the roots of any plantings. The Applicant will provide notes and details specifying how the soil will be restored and enhanced for the establishment and long-term survival of landscape plants for review and approval by FCON.

6. TRANSITIONAL SCREENING BUFFERS. All vegetation within the transitional screening buffers as identified on the GDP/SEA Plat will be maintained in good health. The Applicant will remove and replace any dead, dying, or diseased trees as may be needed.

7. STORMWATER MANAGEMENT.

A. Subject to the approval of Land Development Services ("LDS") at time of site plan, the Applicant will implement a Stormwater Management ("SWM") and Best Management Practices ("BMP") plan to control the quantity and quality of stormwater runoff from the Application Property in general conformance to that shown on the GDP/SEA Plat. Said plan will include the provision of on-site BMPs, and the Applicant will meet or exceed the minimum State and Fairfax County requirements for stormwater quantity and quality, unless waived or modified. The Applicant reserves the right to adjust the SWM and BMP design or measures at time of site plan to meet Fairfax County requirements. The Applicant also reserves the right to purchase off-site nutrient credits to the extent permitted by State and Fairfax County regulations, and to pursue additional SWM and/or BMP measures provided the same are in substantial conformance with the GDP/SEA Plat. Should the Applicant pursue the purchase of off-site nutrient credits, prior to the purchase, the Applicant must demonstrate it has exhausted all feasible opportunities to capture and treat stormwater on-site, in coordination with LDS.

B. The Applicant will incorporate low impact development ("LID") techniques in the general locations shown on the GDP/SEA Plat, to the extent feasible based on the results of appropriate geotechnical investigations, which will be included on the site plan for review by LDS. If, after the geotechnical investigation, LID practices cannot fully address stormwater management quality requirements, the Applicant may utilize other stormwater facilities without the requirement of a PCA, or approval of any administrative modification to the GDP/SEA Plat or the proffers, provided the facility design substantially conforms with the GDP/SEA Plat.

C. Should new stormwater management regulations be issued that affect the Application Property, or if the Applicant determines to install alternate water quantity and/or quality control facilities in accordance with this Proffer, the Applicant reserves the right to accommodate necessary changes to its SWM/BMP facility designs without the requirement of a PCA, or gain approval of any administrative modifications to the GDP/SEA Plat or proffers, provided the facility designs substantially conform with the GDP/SEA Plat and that the facility does not result in an expansion of the limits of clearing and grading.

D. At time of construction plan submission, the Applicant will analyze the downstream drainage system for a 100-year storm event, following the guidelines of Article 4 of the Stormwater Management Ordinance related to alternate limits of analysis, to ensure that no residential flooding occurs. If the analysis indicates potential house/structure flooding, the Applicant will implement detention for the 100-year storm event to address the proposed increase in stormwater runoff.

8. MISCELLANEOUS.

A. Timing of Completion. Upon demonstration by the Applicant that, despite diligent efforts or due to factors beyond the Applicant's control, construction of any of the required proffered improvements described herein has been delayed beyond the timeframes specified, the Zoning Administrator may agree to a later date for completion of such improvements without the necessity of a PCA or amendment to the GDP/SEA Plat.

B. Successors and Assigns. These proffers will bind and inure to the benefit of the Applicant and its successors and assigns. Each reference to "Applicant" in this proffer statement will include within its meaning and will be binding upon the Applicant's successor(s) in interest and/or the owner(s) from time to time of the Application Property during the period of their ownership.

C. Counterparts. These proffers may be executed in one or more counterparts, each of which when so executed and delivered will be deemed an original document and all of which taken together will constitute but one and the same instrument.

[SIGNATURE ON FOLLOWING PAGE]

APPLICANT/TITLE OWNER OF
TAX MAP 41-1 ((1)) 62B

FALLS CHURCH PROPCO LLC



By: Derek R. Vucich
Its: Manager

[SIGNATURE ENDS]