

APR 09 2015

Zoning Evaluation Division

PROFFER STATEMENT

RZ2014-PR-020

April 8, 2015 Adnan Ashkar

Pursuant to Section 15.2-2303(A), Code of Virginia, 1950 as amended, the undersigned Owner/Applicant, in this rezoning proffers that the development of the parcel under consideration and shown on the Fairfax County Tax Map as Tax Map 39-3((1))52 (hereinafter referred to as the "Property") will be in accordance with the following conditions (the "Proffered Conditions"), if and only if, said rezoning request for the R-3 Zoning District is granted. In the event that said rezoning request is denied, these Proffered Conditions shall be null and void. The Owner/Applicant, for themselves, their successors and assigns hereby agree that these proffered Conditions shall be binding on the future development of the Property unless modified, waived or rescinded in the future by the Board of Supervisors of Fairfax County, Virginia, in accordance with applicable County and State statutory procedures. The Proffered Conditions are:

1. Generalized Development Plan. The Property shall be developed in substantial conformance with the Generalized Development Plan ("GDP") prepared by AMA Engineers, dated October 8, 2014 and revised through April 8, 2015. A maximum of two single family detached dwelling units shall be constructed on the Property.
2. Minor Modifications. Pursuant to Paragraph 5 of Section 18-204 of the Zoning Ordinance, minor modifications from the GDP may be permitted when it is determined by the Zoning Administrator that such modifications are in substantial conformance with the GDP.
3. Universal Design. At the time of initial purchase, the Applicant shall offer each purchaser the following universal design options at no additional cost:
 - A. Front entrance doors that are a minimum of 36 inches wide;
 - B. Clear knee space under the sink in the kitchen;
 - C. Lever door handles instead of knobs;
 - D. Light switches 44-48 inches high;
 - E. Thermostats a maximum of 48" high; and
 - F. Electrical outlets a minimum of 18" high.

At the time of initial purchase, the Applicant shall offer each purchaser additional universal design options at the purchaser's sole cost. These additional options may include, but not be limited to:

- G. Step-less entry from the garage to the house and/or into the front door;
- H. A curb-less shower, or a shower with a curb of less than 4.5" high;
- I. A turning radius of five feet near the first floor bathroom commode;
- J. Grab bars in the bathrooms that are ADA compliant; and
- K. A first-floor bathroom console sink in lieu of a cabinet-style vanity.

4. Architectural Design. The architectural design of the proposed dwellings shall generally conform to the character and quality of the illustrative elevation, included as Attachment 1, but the Applicant reserves the right to modify these elevations and revise architectural ornamentation based on final architectural design. The building materials shall be a combination of brick, stone, cementations siding and stucco supplemented with trim and detail features.

5. Construction Hours. Construction shall occur only between the hours of 7:00 a.m. until 7:00 p.m., Monday through Friday, and 9:00 a.m. until 6:00 p.m. Saturday. Construction activities shall not occur on Sundays, or the holidays of Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas, Easter, and New Year's Day. The allowable hours of construction as specified in this proffer shall be listed within any contract with future sub-contractors associated with initial construction on the site. The site superintendent shall notify all employees and subcontractors of these hours of operation and shall ensure that the hours of operation are respected by all employees and subcontractors. Construction hours shall be posted on-site in both English and Spanish.

During development of the subject site, the telephone number of the site superintendent that shall be present on-site during construction shall be provided to the Providence District Supervisor's Office and to the immediately adjoining property owners.

6. Tree Preservation: The applicant shall submit a Tree Preservation Plan and Narrative as part of the first and all subsequent site plan, subdivision or infill lot grading 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 the Urban Forest Management Division, DPWES. The Willow Oak tree in the rear yard of Lot 1 shall be preserved as depicted on the GDP.

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 to either side of the limits of clearing and grading. The tree preservation plan shall provide for the preservation of those areas shown for tree preservation, those areas outside of the limits of clearing and grading shown on the GDP 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, and others as necessary, shall be included in the plan.

Tree Appraisal: The Applicant shall retain a professional arborist with experience in plant appraisal, to determine the replacement value of all trees 12 inches in diameter or greater located on the Application 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 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 UFMD.

At the time of the respective approvals, the Applicant shall post a cash bond or 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 the paragraph above (the "Bonded Trees") that die or are dying due to unauthorized construction activities. The letter of credit or cash deposit shall be equal to 50% of the replacement value of the Bonded Trees. At any time prior to final bond release for the improvements on the Application Property constructed adjacent to the respective tree save areas, should any Bonded Trees die, be removed, or are determined to be dying by UFMD 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 UFMD. 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 construction 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 for the improvements on the Application Property constructed adjacent to the respective tree save areas, any amount remaining in the tree bonds required by this proffer shall be returned/released to the Applicant.

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 designed 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.

The Applicant shall notify the Providence District Supervisors Office and contiguous property owners, via certified mail, one week prior to the date of the pre-construction meeting. The owner(s) may attend this meeting and bring their own arborist, if desired. If agreed to by UFMD and owner(s) arborist, the Applicant shall incorporate owner(s) arborist recommendation(s) pertaining to the tree clearing along common property lines.

7. Limits of Clearing and Grading. 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, 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 GDP, 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 tails or utilities.

Tree Preservation Fencing: All trees shown to be preserved on the tree preservation plan shall be protected by the 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" proffer 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. 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.

8. Root Pruning. 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 subdivision 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 inches. Root pruning shall take place prior to any clearing and grading, or demolitions of structures.
- Root pruning shall be conducted with the supervision of a certified arborist.
- An UFMD, DPWES, representative shall be informed when all root pruning and tree protection fence installation is complete.

9. Site Monitoring. During any clearing or tree/vegetation/structure removal on the Applicant Property, 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 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, DPWES.

10. Natural Landscaping. The first submission of the site/subdivision or infill lot grading plan, and all subsequent plan submissions, shall include a landscape plan and specifications for review and approval by the Urban Forest Management Division. The landscape plan and specifications shall be in substantial conformance with the GDP, and shall incorporate techniques designed to reduce maintenance requirements and contribute to a cleaner and healthier environment with improved air quality, water quality, stormwater management, and resource conservation capabilities that can be provided by trees and other desirable vegetation.

- Reduce turf areas to minimize mowing operation and the resulting air pollution. Turf shall cover no more than 75 percent of the pervious area of each lot. Mulched planting beds incorporating groups of trees and other plants shall be used to provide a root zone environment more favorable to trees and shrubs.
- Plant trees in areas to contribute to energy conservation for the dwelling on each lot, as depicted in Plat 4-12 of the Public Facilities Manual.
- Provide a diverse selection of native and non-invasive plants to reduce the need for supplemental watering, and the use of chemical fertilizers, herbicides, and chemical control of insects and diseases.
- Landscaping implemented with the subdivision plan can be made up of groups of trees including larger, overstory type trees (Category III and IV, as listed in PFM Table 12.19) together with smaller understory type trees (Category II). In this application, it is acceptable for the 10-year projected canopies of overstory trees to overlap the canopies of understory trees, as may occur in a multi-layered wooded environment. Notwithstanding that shown on the GDP, the types of tree species may be adjusted to increase variety and to provide appropriate street trees in the front yard.
- Inspection of mulched beds for conformance with the approved subdivision plan shall be conducted at the time that the Residential Use Permit is issued for each dwelling. After mulch areas have been accepted, they shall become the responsibility of the homeowner who shall not be precluded from managing or planting these areas according to their preference.

11. Energy Conservation. The dwelling units shall be constructed to achieve one of the following:

A. Certification in accordance with the 2012 National Green Building Standard (NGBS) using the ENERGY STAR® (version 3.0) Qualified Homes path for energy performance, as demonstrated through documentation submitted to the Environment and Development Review Branch of the Department of Planning and Zoning (DPZ) from a home energy rater certified through the Home Innovation Research Labs that demonstrates that each dwelling unit has attained the certification prior to the issuance of the Residential Use Permit (RUP) for each dwelling; or

B. Certification in accordance with the Earth Craft House Program, as demonstrated through documentation provided to DPWES and DPZ prior to the issuance of the RUP for each dwelling.

12. Garage Conversion. Each dwelling shall include a two- or three-car garage. Any conversion of garages or use of garages that precludes the parking of vehicles within the garage is prohibited. This restriction shall be recorded by the applicant among the land records of Fairfax County at time of record plat recordation.

13. Recreation Contribution. The Applicant shall contribute \$5,358 to the Fairfax County Board of Supervisors prior to subdivision or infill lot grading plan approval, whichever occurs first, to offset this development's impacts on County Park and Recreation facilities to be utilized for the development of off-site recreational facilities intended to serve the future residents, as determined by the Fairfax County Park Authority in consultation with the Supervisor for the Providence District.

14. Public School Contribution. Per the Residential Development Criteria Implementation Motion adopted by the Board of Supervisors on September 9, 2002, and revised September 1, 2012, the Applicant shall contribute \$10,825 to the Fairfax County School Board to be utilized for capital improvements to Fairfax County public schools to address impacts on the school division resulting from the development of the Property. Such contribution shall be made at the time of the first building permit approval for the Property. Following approval of this Application and prior to the Applicant's payment of the contribution, if Fairfax County should increase or decrease the ratio of students per unit or the amount of contribution per student, the Applicant shall adjust the amount of the contribution for that phase of development to reflect the then-current ratio and/or contribution.

15. FCPS Notification. The Applicant shall notify the Office of Facilities Planning Services of Fairfax County Public Schools within 30 days of filing a subdivision with the County to allow the school system adequate time to plan for anticipated student growth and to ensure classroom availability.

16. Housing Trust Fund. Prior to the issuance of the first building permit, the Applicant shall contribute to the Fairfax County Housing Trust Fund ("HTF") the sum equal to one-half percent (1/2%) of the value of one of the units approved at the time of subdivision on the Property. The percentage shall be based on the assessed value of the unit subject to the contribution, the sales price of the unit, or an estimate derived from comparable sales of similar type units. The value shall be proposed by the Applicant in consultation with the Fairfax County Department of Housing and Community Development ("HCD") and shall be approved by HCD.

17. Storm Water Management. The Applicant will construct BMP facilities as shown on the GDP which will be in conformance with the new storm water regulations effective July 2014. The BMP facilities (infiltration trench) and their appurtenant structures must be privately maintained and a private maintenance agreement, in a form acceptable to the Office of the County Attorney, will be executed prior to the approval of a subdivision or infill lot grading plan. The agreement shall be recorded by the applicant among the land records of Fairfax County. In addition, the roof drains shall be designed such that the runoff flows to the infiltration trenches.

The maintenance of the roof drains shall be included in the maintenance agreement for the stormwater facilities.

18. Adjustments in Contribution Amounts. For all proffers specifying contribution amounts, , the contribution shall adjust on a yearly basis from the base year of 2014 and change effective each January 1 thereafter, based on changes in the Consumer Price Index for all urban consumers (not seasonally adjusted) (“CPI-U”), both as permitted by Virginia State Code Section 15.2-2303.3.

19. Ingress/Egress Easement. An ingress/egress easement shall be established for the shared access and driveways as shown on the GDP. The easement shall provide for joint maintenance of the easement areas and for cooperation with visitor parking pursuant to the agreement described in Paragraph 24 below.

20. Noise Attenuation. In order to reduce interior noise to a level of no more than 45 dBALdn the Applicant shall construct the two new homes and treat the Electric Avenue façades to meet the following acoustical measures:

- a. Exterior walls shall have a laboratory STC rating of at least 39;
- b. 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 Ldn 70 dBA or above;
- c. If glazing constitutes more than 20% of an exposed façade, then the glazing shall have a laboratory STC rating of at least 39; and
- d. All surfaces shall be sealed and caulked in accordance with methods approved by the ASTM to minimize sound transmission.

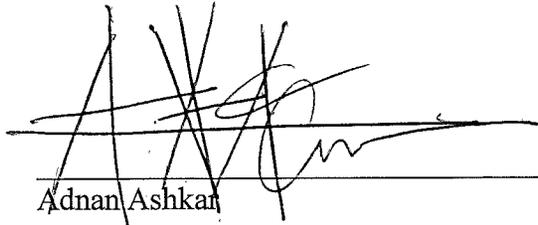
21. Exterior Lighting. All exterior lighting fixtures shall be shielded and downward directed to avoid off-site glare.

22. Offsite Landscaping. Prior to submission of a subdivision or infill lot grading plan on the subject site, the Applicant shall notify the property owner of Tax Map Parcel 39-1 ((1)) 33 via certified mail of their eligibility to receive a landscaped buffer on their property. The purpose of said buffer is to mitigate views of the proposed new residences from the existing structure of Lot 33. Prior to approval of a subdivision or infill lot grading plan, the Applicant shall submit to the Urban Forest Management Division (UFMD), DPWES, a plan to provide off-site screening along the adjoining property line with Lot 33. The plan shall be subject to the review and approval of UFMD and the property owner(s) of Lot 33, and will provide, at a minimum, a staggered, double-row of Category 2 or 3 evergreens with a minimum height of 6 feet at the time of planting, and may include Category 3 or 4 deciduous trees with a minimum caliper of 2 inches at the time of planting.

23. Landscaping Care. The Applicant shall provide purchasers of the two houses at closing a booklet prepared by a landscaping professional explaining how to care for the trees

planted pursuant to the landscape plan and that they were planted to achieve the County's 10 year canopy requirements.

24. Shared Driveway Agreement. An agreement shall be signed at closing by the purchasers of the two houses and recorded among the land records wherein both owners and their successors and assigns agree to cooperate with each other upon request during events where visitors will need to park on one side of the shared driveway but leaving room for the other owner to enter and exit their lot.



Adnan Ashkar