

**PROPOSED FINAL DEVELOPMENT
PLAN AMENDMENT CONDITIONS**

**FDPA 2005-PR-041-4
April 7, 2015**

If it is the intent of the Planning Commission to approve FDPA 2005-PR-041-~~34~~ for a mixed-use development located at Tax Maps 49-3 ((37)) ~~C, E, J, K and N~~, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions, which supersede all previous conditions (those conditions carried forward from previous approval that apply to the subject property are marked with an asterisk*):

1. Development of the property shall be in substantial conformance with the CDPA/FDPA entitled "Merrifield Town Center" consisting of ~~seventy-two~~ twenty-five sheets prepared by ~~VIKA Inc, Edens & Avant, Urban, Ltd and RTKL Associates, sealed on May 30, 2012~~ dated February 13, 2015.
2. Stormwater Management for the subject property shall be provided in conformance with the Waiver Conditions associated with the Public Facilities Manual Waiver #0561-WPFM-002-3.* (see Attachment A)
3. Temporary parking (referenced in Proffer V4) shall include appropriate signage in accordance with Article 12 of the Zoning Ordinance.*
4. Any building on Parcel G that results in more than 7 stories in height shall be subject to the review and approval of a Final Development Plan Amendment (FDPA) to ensure that the building design is compatible with the surrounding buildings.
5. The retail façade of the Parcels C and E Building shall be designed to allow flexibility in retail façade setbacks by setting the structural columns back from the building façade.
6. The residential ("Residential Developer") of the Multifamily residential components within Parcel C&E shall incorporate into the design and implement the green building technology and strategies listed below for the residential only portion of the building on Parcels C & E. The Residential Developer shall, prior to final construction bond release, provide a certification statement including supporting documentation as detailed below, from a LEED-AP who is also a professional engineer and/or licensed architect confirming that the green building elements listed below have been incorporated into the design and/or construction of the project. Green building elements for inclusion in the project:
 1. The Residential Units within the Multifamily component will include:

- Operable Windows that meet or exceed the window requirements of the ENERGY STAR for Homes requirements for Residential Windows, Doors, and Skylights, version 5.0 (i.e. in the North Central region a U-Factor of ≤ 0.32 and a Solar Heat Gain Coefficient of ≤ 0.40).
- Energy Star Refrigerator/Freezer and Dishwasher Kitchen Appliances (excluding washing machines and dryers)
- Energy Star Programmable Thermostats
- "Green Label" Carpet and Pad as detailed in below in item 6 of this condition.
- Green Standard GS-11 Low VOC Paint in conjunction with item 5 of this condition.
- Low Flow Shower Heads (less than or equal to 2.0 gpm) and Bath/Lavatory Faucets (less than 1.5 gpm), Toilets (equal to 1.6 gpm) and Kitchen Faucets (less than or equal to 2.2 gpm).
- Separate Electric Meters or Sub meters for Each Dwelling Unit
- Exterior Wall Insulation 15 R-Value

2. Residential Common Areas within the Multifamily Component will include:

- Lighting on Motion Sensors in Secondary Areas (bathrooms, trash rooms, resident storage areas, model apt., etc)
- Green Standard GS-11 Low VOC Paint- in conjunction with item 5 of this condition.
- Low-Flow Plumbing Fixtures in Common Area Bathrooms, Leasing, and Maintenance office as defined in above.
- A Recycling Center for Residents as detailed in item 3 of this condition.
- Covered Bicycle Storage for 10 bicycles.
- One Preferred Parking space per residential garage level for Low Emission Vehicles
- No Smoking in all Indoor Common Areas
- Energy Efficient Florescent Lighting in Common Area Hallways.
- Reduction/Diversion of Construction Waste by 50% of the total generated by combination of diverting from land fill and recycling as defined in item 4.
- The Use of Native, Non-Invasive Plant Species in Exterior Residential Courtyard Planting Beds for 25% of the Plantings.
- Low-Flow Drip Irrigation or Low-Flow Sprinklers that are in accordance with EPA Water Sense program in Residential Courtyards Planting Beds Requiring Irrigation.

3. The Residential Developer shall provide an area for the separation, collection and storage of glass, paper, metal, plastic and cardboard generated by both residents and employees. There shall be a dedicated area on the Property for the storage of the recycled materials at the ground floor. The Residential Developer shall provide proof of installation, installation locations, and a copy of the recycling hauling contract. Residential developer will commit to inform residents of recycling options within the residential building(s).

4. The Residential Developer 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 Residential Developer shall provide a copy of the waste removal contract as proof of compliance.
5. The Residential Developer shall use low-emitting materials for all adhesives, sealants, paints (as described above), coatings, flooring systems, as well as furniture and furnishings if available. Low-emitting is defined according to the following table:

Application	(VOC Limit g/L less water)
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.

6. The Residential Developer shall install carpet and carpet padding that shall meet the testing and product requirements of the Carpet and Rug Institute Green Label Plus Program for the residential units. The Residential Developer's LEED professional shall provide proof of installation and the manufacturers' product data.
7. The alternate loading area shown on Sheet 9C on the east side of Parcel F shall be reviewed and approved by the Fire Marshal during site plan review.
- 6-8. At the time of the issuance of the Non-RUP for the office development option on Parcel F, the Applicant shall provide a Fair Share monetary contribution of \$0.27 per square foot of office space in Parcel F to the Board of Supervisors for recreational opportunities as determined in consultation with the Providence District Supervisor

7.

The above proposed conditions are staff recommendations and do not reflect the position of the Planning Commission unless and until adopted by the Planning Commission.

ATTACHMENT A

Attachment A

Waiver #0561-WPFM-002-3 Conditions

Merrifield Town Center
RZ 2005-PR-041
November 30, 2006

1. The underground facilities shall be constructed in accordance with the development plan, these conditions and as determined by the Director of the Department of Public Works and Environmental Services (DPWES).
2. To provide greater accessibility for maintenance purposes, the underground facilities shall have a minimum interior height of 72" and be located as close to the edge of the building perimeter as possible, as determined by DPWES. The underground facilities shall not be located within the open space areas of the proposed development.
3. The underground facilities shall be constructed of reinforced concrete products only and incorporate safety features, including locking manholes and doors, as determined by DPWES at the time of construction plan submission.
4. The underground facilities shall be privately maintained and shall not be located in a County storm drain easement.
5. A private maintenance agreement, as reviewed and approved by the Fairfax County Attorney's Office, shall be executed and recorded in the Land Records of the County. The private maintenance agreement shall be executed prior to final plan approval.

The private maintenance agreement shall address:

- County inspection and all other issues as may be necessary to insure that the facilities are maintained by the property owners (e.g. Condominium Association or Owners Association) in good working condition acceptable to the County so as to control stormwater generated from the development of the site.
- A condition that the applicant, property owners, their successors or assigns shall not petition the County to take future maintenance or replace the underground facilities.
- Establishment of a reserve fund, for future replacement of the underground facilities.
- Establishment of procedures to follow to facilitate inspection by the County, i.e. advance notice procedure, whom to contact, who has the access keys, etc.
- A condition that the property owners provide and continuously maintain, liability insurance. The typical liability insurance amount is at least \$1,000,000, against claims associated with underground facilities.
- A statement that Fairfax County shall be held harmless from any liability associated with the facilities.

6. Operation, inspection and maintenance procedures associated with the underground facilities shall be incorporated in the site construction plan, private maintenance agreement, and property owner association documents which insure safe operation, inspection and maintenance of the facilities.
7. A financial plan, for the property owner association, to finance regular maintenance and full life cycle replacement costs, shall be established prior to final subdivision plat approval. A separate a line item in the property owner association annual budget for operation, inspection and maintenance shall be established. A reserve fund for future replacement of the underground facilities shall also be established to receive annual deposits from the members of the property owners association based on the initial construction costs and an estimated 50-year lifespan for concrete products.
8. Prior to final construction plan approval, the applicant shall escrow sufficient funds for the benefit of the property owner association which will cover a 20-year maintenance cycle of the underground facilities. These monies shall not be made available to the property owner association until after final bond release.
9. All future purchasers of any of the residential units shall be advised prior to entering into a contract of sale, as well as within the recorded property owner association documents, that the property owner association is responsible for the operation, inspection, maintenance and replacement of the underground facilities.
10. The owner and its successors and assigns shall disclose, as part of the chain of title, to all future property owners, the presence of the underground stormwater facilities and the umbrella owner association's responsibility for operation, inspection, maintenance and replacement of such facilities, by including the following language within the deed for each lot and the record plat:

"The owner and its successors and assigns are responsible for the operation, inspection, maintenance and replacement of the underground stormwater facilities as set forth in the property owners association documents and a private maintenance agreement entered into with the County."