

PROFFERS

FAIRFAX COUNTY PUBLIC SAFETY HEADQUARTERS AT THE FAIRFAX COUNTY GOVERNMENT CENTER LANDBAY B

PCA-86-W-001-12

July 24th, 2012

Pursuant to Section 15.2-2303(a), *Code of Virginia*, 1950 as amended and subject to the Board of Supervisors approving a proffered condition amendment and conceptual development plan amendment/final development plan amendment, for property identified as Tax Map 56-1 ((15)), Parcels 5A, 6, 7, and 8 and hereinafter referred to as the "Application Property", the Applicant and the title owner proffer for themselves, their successors and assigns, the following conditions. All previous or development conditions which apply to the Application property shall, as applicable, remain in effect as stated in the proffer statements dated July 25, 1988, as amended, by the Board of Supervisors. Should there be any inconsistencies between these proffers and prior proffers, these proffers shall replace and supersede those prior proffers or portions thereof for the subject property Land Bay B except as noted.

1. **CONCEPTUAL/FINAL DEVELOPMENT PLAN**

- A. Development of the Application Property shall be in substantial conformance with the Conceptual Development Plan/Final Development Plan (CDP/FDP) prepared by William H. Gordon Associates, Inc. consisting of 22 sheets dated December 23, 2011, as revised through June 20, 2012.
- B. Notwithstanding that the CDP/FDP is presented on 22 sheets, it shall be understood that the proffered portion of the CDP shall be the plan relative to the points of access, the amount and location of open space, the location of the limits of clearing and grading, and the general location and arrangement of the building and parking garage. The FDP shall be the plan relative to that portion of the Application Property containing approximately 26.54 acres identified as Tax map 56-1 ((15)) Parcels 5A, 6, 7, and 8. The FAR for Land Bay C shall not exceed 0.22 (includes previous dedication). On the remaining land area subject to RZ 86-W-001 (approximately 126.54 acres, Land Bays B and C), the overall FAR remains 0.23 (includes previous dedication).
- C. Pursuant to Paragraph 4 of Section 16-403 of the Zoning Ordinance, minor modifications from the Final Development Plan (FDP) may be permitted as determined by the Zoning Administrator. The Applicant shall have the flexibility to modify the layout shown on the FDP without requiring approval of an amended FDP, provided such changes are in substantial conformance with the FDP as determined by the Zoning Administrator and do not increase building height; increase surface parking; decrease the amount of open space; decrease the setback from the peripheries; or reduce open space or landscaping.

2. TRANSPORTATION

- A. Subject to the approval of VDOT and FCDOT, the Applicant shall install a traffic signal at the intersection of Legato Road and Post Forest Drive. Installation of the signal shall be subject to required land acquisition and/or acquisition of required off site signal easements and the signal shall be installed prior to issuance of the non-RUP (non-Residential Use Permit) for the Public Safety Headquarters building (Building B1). If necessary to serve four northbound lanes on Legato Road (one left turn lane, two through lanes and a right turn lane), minor improvements in the form of minimal widening shall be made to the northeast side of this intersection to provide proper alignment of the northbound through lanes. The need for this improvement should be determined by a traffic analysis conducted as part of the signal design of this intersection. If improvements in the form of minimal widening are not required at the time of site plan, the applicant commits to provide up to 1,000 SF of right of way for this minor improvement to be constructed in the future by others. The applicant shall design and install crosswalks, countdown pedestrian signals, medians and any necessary re-striping, subject to VDOT approval.
- B. Subject to the approval of VDOT and FCDOT, the Applicant shall adjust the timing of the traffic signal at the intersection of Lee Highway and Legato Road. The signal timing shall be completed within one year after issuance of non-RUP for the office building.
- C. Advanced density credit shall be reserved as permitted by the provisions of Paragraph 5 of Section 2-308 of the Fairfax County 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.
- D. Zoning Administrator Consideration: Upon demonstration by the applicant that, despite diligent efforts and due to factors beyond the Applicant's control, any of the improvements proffered in Proffer 2A or 2B (or an improvement in any other Proffer the timing of which is associated with an improvement proffered in Proffer 2A or 2B) have been delayed (due to, but not limited to an inability to secure necessary permission for utility relocations, and/or VDOT approval) beyond the timeframes provided by these proffers, the Zoning Administrator may approve a later date for completion of the improvement(s), without requiring a PCA.

3. LANDSCAPING

- A. A landscape plan that shows, at a minimum, landscaping in conformance with the landscape design shown on the FDP shall be submitted in conjunction with the site plan for that land area encompassed by the FDP. Planting shall include trees,

shrubs, perennials, grasses and/or ground cover as coordinated with, and reviewed and approved by the Fairfax County Urban Forest Management Division (UFMD).

- B. The first submission of the site plan, and all subsequent plan submissions, shall include a landscape plan and specifications, for review and approval by the UFMD. The landscape plan and specifications 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, and shall:
- 1) Reduce turf areas to minimize mowing operations and the resulting air pollution.
 - 2) Provide a diverse selection of native, adapted 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.
 - 3) Incorporate groups of trees including larger, over story 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 over story trees to overlap the canopies of understory trees, as may occur in a multi-layered wooded environment.

4. TREE PRESERVATION AND LIMITS OF CLEARING

- A. Clearing, grading and construction shall conform to the limits of clearing and grading as shown on the FDP, except as may be necessary for the installation of necessary utility lines, trails and other required site improvements, all of which shall be installed in the least disruptive manner possible. The applicant shall have the limits of clearing and grading marked with a continuous line of flagging prior to the pre-construction meeting, and the Applicant and Project Landscape Architect shall walk the limits of clearing and grading with an Urban Forest Management representative to determine where adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading.
- B. The large diameter oak tree in the central circular drive shall be protected with a 5' tall chain link fence to be located at the back of curb and installed with posts every 10' on center to serve as tree protection for this area. No construction vehicle parking or storage of materials shall occur within this area and bilingual signage shall be installed to read "Tree Preservation Area, No Entry."

5. STORMWATER MANAGEMENT/BEST MANAGEMENT PRACTICES

- A. The Applicant shall provide on-site stormwater management (SWM) and Best Management Practices (BMPs) facilities as generally shown on the FDP to satisfy detention and water quality requirements in accordance with the requirements of the Public Facilities Manual, DPWES, and Chapter 118 of the Fairfax County Code, subject to the review and approval by DPWES.
- B. The applicant shall, to the extent practicable, incorporate low impact development techniques into the SWM/ BMP facilities. These facilities include a minimum of two (2) bio-filters; minimum of 10,000 square feet of green roof and a minimum of 2,000 square feet of pervious pavement. Additional similar facilities and or other measures such as vegetated swales and limited areas with soil amendments, generally shown on the FDP may be chosen as a menu of additional options. These options may be modified, moved, or reduced in size and number subject to final design and DPWES approval.
- C. In order to minimize disturbance in the RPA, if not all of the bio-filters shown on the CDP/FDP are to be constructed, the applicant shall give preference to the bio-filters located outside of the RPA.
- D. Disturbance of the vegetated areas along the RPA shall be minimized to the extent possible; any vegetation within or along the RPA that is disturbed shall be restored to pre-disturbance conditions, subject to review and approval by DPWES.

6. SUSTAINABLE DESIGN AS APPLIES TO THE PUBLIC SAFETY HEADQUARTERS BUILDING:

- A. In accordance with the Fairfax County policy for sustainable public facilities greater than 10,000 square feet, the County Building will be designed and built with green building measures to attain at a minimum the U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Silver certification rating.

If at all possible, at the time of site plan, Credit 6.1 (stormwater quantity) should be achieved as part of the attainment of LEED Silver.

7. ARCHITECTURAL DESIGN

- A. The architectural design of the building, subject to the FDP, shall be generally consistent with the elevations shown on Sheet 13, and shall be generally

consistent in style on all sides of the structure. Primary building materials shall be comprised of precast concrete and glass. The elevations may be refined as a result of final design and engineering so long as the character and quality of the building remains in substantial conformance with that shown on the FDP.

- B. The architectural design of the parking garage, subject to the FDP, shall be generally consistent with the elevations shown on Sheet 10B, and shall be generally consistent in style on all sides of the structure, exclusive of the green screen wall proposed for the Legato Road garage elevation. See attached proffer, Exhibit A, for green screen wall detail used to screen the garage from the adjacent properties. A combination of architectural elements (screen paneling, concrete patterning, etc.) and the green screen wall shall be used to effectively screen the garage from the adjacent properties. Primary building materials shall be comprised of precast concrete. The elevations may be refined as a result of final design and engineering so long as the character and quality of the parking garage remains in substantial conformance with that shown on the FDP.

8. NOISE MITIGATION AS APPLIES TO THE PUBLIC SAFETY HEADQUARTERS BUILDING:

- A. In order to reduce interior noise to a level of approximately 50 dBA Ldn, in office areas, facades of the Headquarters Building which are projected to be impacted by highway noise having levels above 70 dBA Ldn, shall be constructed with the following acoustical measures:
- i. Exterior walls should have a laboratory sound transmission class (STC) rating of at least 39.
 - ii. Windows and glazing shall have a laboratory STC rating of at least 34, 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 a building shell analysis will be performed to determine modifications needed to ensure recommended interior noise levels.
 - iii. With the exception of Service Areas, doors shall have a laboratory STC rating of at least 28. All surfaces should be sealed and caulked in accordance with methods approved by the American Society for Testing and Materials (ASTM) to minimize sound transmission.
 - iv. Any facades requiring mitigation shall be identified on the site plan.

9. PEDESTRIAN FACILITIES

- A. The Applicant shall construct a five (5) foot wide concrete sidewalk along the Application Property's Legato Road frontage as generally shown on the FDP.
- B. The applicant shall construct an off-site asphalt trail (8 ft wide minimum) along the frontage of Tax Map 56-1 ((15)) Parcel 4 to facilitate pedestrian connections along Random Hills Road. Additionally, subject to VDOT approval, the applicant shall provide a five (5) foot wide concrete sidewalk across the Monument Drive right of way (under the bridge) along the southern edge of Legato/Random Hills Road. This sidewalk will connect the on-site sidewalk along the frontage of Legato/Random Hills Road to the off-site trail being proposed on Parcel 4. See Sheet 9 of the CDP/FDP and the attached proffer, Exhibit B, for these specific locations.
- C. Government Center Parkway Crossing: Applicant shall submit a signing and striping plan for the existing crossing at the site entrance to include elements such as a respite area within the median, revising the location of the crosswalk, enhanced crosswalk striping, and signage within the crosswalk. If such plan is approved by VDOT, the applicant will install measures prior to the issuance of non-RUP for the office building.
- D. The applicant shall install a five (5) foot trail from the existing bus stop on the west side of Monument Drive to the pedestrian facilities at the central circular drive on the applicant's property, as generally shown on the FDP, and approved by DPWES. If feasible, pervious pavement shall be used to construct this trail segment, as it is mostly within the RPA.

10. WAYFINDING AND PARKING SIGNAGE

- A. The applicant shall provide a wayfinding signage plan to further encourage pedestrian safety to and from the building and within the immediate vicinity, generally as shown on Sheet 9 of the CDPA/FDPA. The signage shall provide directional guidance to area destinations, such as Fairfax Corner and Fair Oaks Mall as well as internal directions for the Government Center Complex. The signage plan shall include critical pedestrian connections, including, but not limited to: the site entrance on Government Center Parkway, the terminus of the bus stop on Monument Drive, the intersection of Monument Drive and Government Center Parkway, and from Legato Road/Random Hills Road through the Herrity Parking garage, to assist safe passage. This signage shall be incorporated into a CSPA for the development (CSP 86-W-001-07), which shall be filed no later than one year after the issuance of a Non-RUP for the building.

- B. In addition to the wayfinding signage plan, the applicant shall coordinate with the Herrity Building Parking Committee and the Facilities Management Department, who are responsible for assigned spaces, to design and implement an interior garage signage plan for the Herrity Building garage that will more clearly delineate such features as visitor spaces, reserved carpool spaces, reserved employee parking spaces, general parking spaces, reserved fleet vehicle parking, and directional striping/markings on the ground. This interior garage signage plan shall give preference for visitor parking. This parking lot signage plan shall be developed in conjunction with the wayfinding signage plan and shall be designed to help improve the experience for visitors to both the Herrity building and the new Public Safety building.

11. TRANSPORTATION DEMAND MANAGEMENT STRATEGIES AS IT APPLIES TO THE PUBLIC SAFETY HEADQUARTERS BUILDING:

- A. Transportation Demand Management (“TDM”) strategies shall be utilized to reduce to reduce vehicular trips during peak hours. TDM coordination duties shall be implemented by a Transportation Demand Management Coordinator (the “TDM Coordinator”), who shall be appointed to enforce such TDM strategies within 30 days of receiving a non RUP for the office building. The contact information of the TDM Coordinator shall be provided to FCDOT within 30 days of such appointment. The TDM Coordinator position may be part of other duties assigned to the individual(s).
- B. Mass transit, ride-sharing, and other transportation strategies shall be utilized to reduce baseline trips generated from the Headquarters Office during peak hours.
- C. The following is a list of strategies that shall, at a minimum, be instituted by the Applicant within 30 days of issuing non-RUP and substantial building occupancy for those improvements identified on the FDP:
 - i. Distribution and promotion of TDM-related materials to office employees such as but not limited to, maps, schedules and other transportation information pertaining to transit service options, car/van pooling formation services, tele-working, and flexible work schedules to the extent that any of these are available to employees who commute to and from the property on a daily basis.
 - ii. Display of TDM –related materials in a publicly accessible central location within the Headquarters Building.
 - iii. Provide conveniently located bicycle racks, locker rooms and shower facilities for use by the employees.

- iv. Provide preferential designated parking spaces for use by carpool/vanpool vehicles, alternative fuel vehicles and or car-sharing vehicles.
- v. Twelve months following the issuance of the Non-RUP, the TDM Coordinator will administer a survey of the Headquarters Building employees. This survey shall be completed annually for three years. The survey shall be coordinated with FCDOT and shall include, at a minimum, details regarding the number of times per week the employee commutes, the mode of transportation for commuting purposes, routes, and timing. The results of the survey shall be provided to FCDOT for review and comment on potential revisions to improve the TDM Plan.

12. BIKE PARKING

- A. The applicant shall provide bike racks at the following locations for both visitors and employees. The number of racks and final placement shall be coordinated with FCDOT.
 - i. Near the entry plaza but no less than 50 feet from the face of the building. (For visitors).
 - ii. At a location on the ground level of the proposed garage as generally shown on the FDP.
 - iii. At a location on the ground level of the Herrity garage (for employees). Location to be determined at final design.

13. ANTENNAS AS APPLIES TO THE PUBLIC SAFETY HEADQUARTERS BUILDING:

- A. All antennas and telecommunications equipment shall be located within the envelope on top of the penthouse portion of the building, as shown on Sheet 7 of the CDPA/FDPA. There shall be approximately ten -7 foot tall antennas located on the roof. All other equipment shall be screened by a parapet wall and located in accordance with the Zoning Ordinance, as determined by Zoning Administration, DPZ. The final envelope of the equipment area may change as a result of final engineering, provided there is no significant visual impact on adjacent properties and no significant changes to the parapet wall screening, as determined by Zoning Administration, DPZ. All antennas/equipment shall utilize a non-reflective surfacing or paint to reduce glare.

14. CONSTRUCTION

- A. Except as may be specified herein, all transportation, pedestrian, and landscaping improvements shall be constructed and/or installed concurrent with the construction of the development shown on the FDP.
- B. Construction Traffic shall enter/exit from Legato Road at a point and in a manner approved by VDOT. The subject construction access shall be chained, or otherwise made non-accessible during non-construction hours. Wash Racks shall be designed to meet PFM standards for BMP/LID measures and shall be located outside of the RPA.
- C. Construction hours shall comply with the Noise Ordinance. A contact telephone number will be given to the Post Forest apartments management company and posted on site. The applicant shall include construction site hours in its contract with general contractors.
- D. The Applicant shall avoid the staging of construction vehicles on adjacent rights of way, and construction personnel shall be directed to park on the applicant's property. In all events Legato Road shall remain open to ensure safe passage of vehicles and adequate sight distance.

15. BUS SHELTER

- A. The Applicant shall install a bus shelter with pad at or near the existing bus stop on Monument Drive with the location and design to be coordinated with FCDOT. The applicant shall be responsible for the maintenance and upkeep of the facility, including trash removal at least two times per week.

16. LIGHTING AS APPLIES TO THE PUBLIC SAFETY HEADQUARTERS BUILDING:

- A. Outdoor lighting shall comply with the Outdoor Lighting Standard of Part 9 of Article 14 of the Zoning Ordinance. Outdoor lighting fixtures associated with the parking garage shall utilize full cut off fixtures. Prior to site plan approval, the applicant shall submit a lighting study to DPZ and DPWES that addresses the parking garage lighting. The applicant shall look to minimize the impacts of the garage lighting on the surrounding properties while also providing adequate lighting for safety of the garage users. The applicant will utilize bollard and scone lighting on top of the parking garage to the extent feasible. All lighting interior to the parking garage shall be located to reduce glare and impacts to adjacent properties. The Applicant shall install a device to lower lighting levels for lights associated with the parking garage between the hours of 11 p.m. and 6 a.m. while maintaining lighting levels necessary for safety.

17. SUCCESSORS AND ASSIGNS

These proffers will bind and inure to the benefit of the Applicant and his/her successors and assigns.

18. COUNTERPARTS

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

TITLE OWNER:

Board of Supervisors of Fairfax County, Virginia

By: _____
Edward L. Long Jr., County Executive