



# FAIRFAX COUNTY

Department of Public Works and Environmental Services  
Office of Building Code Services  
12055 Government Center Parkway  
Fairfax, Virginia 22035-5504

V I R G I N I A

02-20

December 20, 2002

**TO:** All Architects, Builders, Developers, Engineers, Surveyors and Attorneys Practicing in Fairfax County

**SUBJECT:** Documenting Proffers/Development Conditions on Architectural Plans

Proffers/development conditions are commitments/requirements that result from County staff's review and the public hearing process for zoning applications. They typically address the concerns of citizens and other special interest groups to ensure that the completed project will be, among other things, compatible with the neighborhood. For example, there may be a requirement for a certain character of architecture or use of specific building materials. The Board of Supervisors accepts proffers offered during the rezoning process, while development conditions for a project may be imposed by the Board of Supervisors, Planning Commission and/or the Board of Zoning Appeals with the approval of a special exception, special permit, and/or variance.

The Building Plan Review Division is responsible for ensuring that proffers/development conditions that affect building design have been incorporated into the architectural plans. The cover sheet of the Site or Subdivision Plan indicates whether or not the site has an associated rezoning, special exception, special permit and/or variance. Recently plans, certified by design professionals, have indicated that there were no proffers/development conditions related to the architecture associated with the project while the cover sheet of the Site or Subdivision Plan clearly stated otherwise.

It is imperative that all building plans submitted be in conformance with all relevant proffers/development conditions. Therefore, it is critical that you are aware of the proffers/development conditions that govern the site and incorporate them into the plans prior to submission for permits. Projects under construction that do not comply with proffers/development conditions may be forced to stop work. Inspections may not be performed and if necessary, permits will be revoked until appropriate documentation can be produced to ensure compliance with the conditions.

The following example is meant to provide an illustration of how proffers/development conditions should be addressed and coordinated through the Site and Architectural Plans. A common proffer/development condition that affects the building design deals with noise attenuation in a subdivision. The proffer/development condition may state:

*In order to achieve a maximum interior noise level of 45 dBA Ldn for residential units, within the area impacted by highway noise, which is estimated to range from 375 to 425 measured from the existing centerline of I-66, the Applicant shall construct the proposed dwelling units with the following acoustical measures to mitigate the impact of highway noise.*

*Construction materials and techniques known to have physical properties or characteristics suitable to achieve an STC of at least 39 for exterior walls.*

*Doors and windows shall have a laboratory STC rating of at least 28. If windows constitute more than 20 percent of any façade, they should have the same laboratory STC rating for walls.*

*Measures to seal and caulk between surfaces should follow methods approved by the American Society for Testing and Materials to minimize sound transmission.*

*As an alternative, the Applicant may, at his or her sole discretion, have a refined acoustical analysis performed to determine which units/buildings may have sufficient shielding to permit a reduction in the mitigation measures prescribed above, subject to approval by DPWES and the Department of Planning and Zoning (DPZ).*

In order to adequately document that this proffer/development condition has been met, coordination of the design professionals involved with both the Subdivision Plan and the Building Plan will be required. The specific lots that are impacted by this development condition must be documented. The lots involved would be those from 375 to 425 feet from the centerline of I-66 and should be annotated on the subdivision plan and the overlot grading plans. This annotation is an important visual for the field inspectors and project superintendents who otherwise would be reading a description without an accurate means of measuring distance from the centerline of I-66. The building plans must state the STC ratings for the walls on a detailed cross section. The STC for the doors and windows must also be referenced on the plans including a name brand where appropriate. If the applicant chooses the alternative of a refined acoustical analysis, it must be approved prior to the approval of the building plans.

This is just one example of a proffer/development condition and how it should be properly addressed on the site/subdivision plans as well as the building plans. Other examples will be provided in the next Design Professionals Forum conducted by Audrey C. Clark, Director of the Building Plan Review Division on Tuesday, January 28, 2003 at 10:00 a.m. in Room 106 of the Herrity Building. The Design Professionals Forum is held quarterly in order to communicate design requirements, common reasons for rejections, as well as upcoming changes to the building code. These meetings also give designers an opportunity to express their concerns over policy and get interpretations to code provisions. A representative from the Zoning Evaluation Division of DPZ will also be available to answer questions about the creation of development conditions. The Herrity Building is located at 12055 Government Center Parkway, Fairfax, Va. 22035. Please reserve your attendance at this meeting by going to [www.fairfaxcounty.gov/dpwes/construction/designprof](http://www.fairfaxcounty.gov/dpwes/construction/designprof). If you have questions or comments, please contact Audrey C. Clark, Director, Building Plan Review Division at 703-324-1640.

Sincerely,

***SIGNATURE ON ORIGINAL***

Zofia A. Zager, Director

ZAZ/acc

cc: Michelle Brickner, Director, Office of Site Development Services, DPWES  
Barbara Byron, Director, Zoning Evaluation Division, DPZ  
Audrey C. Clark, Director, Building Plan Review Division