

Attachment A – Proposed Exception Conditions

#129-WRPA-005-1 and #129-WQ-001-3

March 10, 2021

If it is the intent of the Exception Review Committee to approve 129-WRPA-005-1 and 129-WQ-001-3 to allow encroachment in the Resource Protection Area (RPA) located at 6630 Holland Street (Tax Map 021-2-02-0006) pursuant to Section 118-6-9 of the Fairfax County Chesapeake Bay Preservation Ordinance (CBPO), staff recommends that the Exception Review Committee condition the approval on the following:

PROPOSED WATER QUALITY IMPACT ASSESSMENT CONDITIONS

1. Notwithstanding any statements on the Plat and in the Water Quality Impact Assessment (WQIA), the existing conditions are the conditions on the exception approved in 2004 and the proposed conditions. Once adopted, the conditions on the exception approved in 2004 and the proposed conditions and attachments shall be the conditions for the exception on the property. To the extent that the conditions on the exception approved in 2004 and the proposed conditions or attachments conflict, the proposed conditions and attachment shall control.
2. The soil map in the Water Quality Impact Assessment is superseded by Attachment C13 of the Staff Report.
3. The patio shall not exceed the dimensions in Attachment C4 of the Staff Report.
4. The proposed conditions shall assume a minimum of 3 feet beyond the patio for maintenance.
5. The water quality computations in the Water Quality Impact Assessment shall be superseded and replaced by final water quality computations prepared and sealed by a qualified professional. The final water quality computations shall include a written narrative explaining how the proposed project demonstrates a water quality benefit based on impervious area and vegetation (incorporating existing vegetation and required plantings) from the approved 2004 exception and these approved conditions. LDS must approve the final water quality computations before this condition may be considered satisfied. The approved final water quality computations shall be considered an addendum to the Water Quality Impact Report.
6. The wetland on Tax Map # 021-2-02-0007 shall be evaluated, the RPA re-delineated as necessary and shall be shown on any future plan.
7. Engineering designs for the planter boxes should be submitted to and approved by LDS prior to construction.
8. The removal of the parts of the patio and the re-vegetation adjacent to the patio shall be completed within a two-week period; the entire project shall be complete within six months.

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9. A post-construction survey (as-built plan) is conducted, submitted to LDS, and approved, which demonstrates that the project complies with the requirements of the exception.
10. A maintenance agreement for all plantings, existing and proposed, shall be executed and recorded in the land records.
11. The invasive species, English Ivy and Japanese Honeysuckle, shall be monitored annually and treated in accordance with the instructions on Sheet 5 of the Water Quality Impact Assessment. Other invasive species management requires a separate approval.
12. Prior to release of the violation, the understory vegetation in the existing forest areas shall be evaluated and restored as determined by UFMD and LDS.

PROPOSED EXCEPTION CONDITIONS

1. This RPA Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This RPA Exception is granted only for the purposes, structures and/or uses indicated on the Plat approved with the application, as qualified by these development conditions. For the maximum dimensions of the patio see Attachment C4 of the Staff Report.
3. Any plan submitted pursuant to this RPA Exception shall be in substantial conformance with the Plat titled “6630 Holland Street, Water Quality Impact Assessment” prepared by TNT Environmental, Inc (TNT), sealed by J.P. Veach December 31, 2020 and Avinash M Sareen December 30, 2020, which shows the proposed improvements.
4. For this RPA Exception to meet the purpose and intent of the CBPO, to not create a substantial detriment to water quality, and to meet the performance criteria for RPAs, vegetated buffer area(s) shall be established and preserved on the downstream portion of the lot, located to filter flow before they reach the stream, with a combined area of at least 5,081 square feet. Vegetation size, species, density and locations shall be consistent with the planting requirements of CBPO Section 118-3-3(f) and Public Facilities Manual Section 12-0316.4 or a vegetation plan that is equally effective in retarding runoff, preventing erosion, and filtering non-point source pollution from runoff, as determined by Land Development Services (LDS). The Director may approve the use of a seed mixture as a supplement to or in lieu of individual plants for shrubs and groundcovers. Plants shall be native to the degree practical and adaptable to site conditions. The vegetation shall be randomly placed to achieve a relatively even spacing throughout the buffer. Notwithstanding any statements on the Plat, the Water Quality Impact Assessment (WQIA), or the final water quality computations, the size, species, density, and locations of the trees, shrubs, and groundcover will be subject to approval of the Director of LDS.

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5. The applicant shall provide on-site best management practices (BMPs), planter boxes, meeting the DEQ clearinghouse and PFM requirements, such that the water quality benefits exceed the detriments for the property. Sealed engineering calculations and designs shall be submitted to and approved by LDS prior to any work on the property.
6. An addendum to the Water Quality Impact Assessment (WQIA) is approved by LDS which clarifies and supersedes deficiencies in the WQIA revised December 30, 2020.
7. The understory vegetation in the existing forest shall be re-established with a seed mixture as determined by Land Development Services (LDS) and Urban Forestry Management Division (UFMD).
8. A maintenance agreement for the BMPs and plantings required by the subject exception is executed and recorded in the land records.
9. A post-construction survey and as-built plan is approved by LDS which demonstrates that the project complies with the requirements of the exception.
10. Indigenous vegetation shall be preserved to the maximum extent possible. Any further encroachment into, and/or disturbance of, the RPA not shown on the approved as-built plan will be considered a violation of the CBPO and is subject to the penalties of CBPO Article 9.
11. To prevent degradation of water quality during the remediation work, adequate erosion and sediment control measures and tree protection, such as a silt fence/tree protection, shall be used during the remediation work within the RPA, and shall remain in place, and be properly maintained, for the duration of the remediation work until such time that the work is deemed complete by LDS.
12. This RPA Exception shall automatically expire, without notice, October 7th, 2021, unless as-built plan is approved by LDS, the vegetated buffers have been established, the maintenance agreement executed, and the final water quality computations submitted to LDS.

This approval, contingent on the above noted conditions, does not relieve the applicant from compliance with the provisions of any applicable Federal, State, or County ordinances, regulations, or adopted standards. The applicant is responsible for obtaining the approval of any required plans and permits through established procedures. This RPA Exception is not valid until any required plans and permits are approved.