

PROPOSED DEVELOPMENT CONDITIONS

FDP 2003-MV-059

July 15, 2004

If it is the intent of the Planning Commission to approve Final Development Plan Application FDP 2003-MV-059 for residential development located at Tax Map 93-1 ((18)) (D) 117, 126, 130 pt., and 138, staff recommends that the Planning Commission condition the approval by requiring conformance with the following development conditions.

- 1. Proposed Wall.** The proposed wall along the southeastern property line shall be seven (7) feet high and constructed of brick or architectural block which matches the proposed main residential building.
- ~~**2. Freestanding Building.** The proposed 1,440 square foot freestanding building shall be used as a community room/exercise facility for the residences only. The architecture and materials of the freestanding building shall be similar to the main residential building. The proposed building shall be one story and no taller than 20 feet in height.~~
- 2. Lighting.** Flat-lens street lights and low-level, full-cut off lighting shall be provided in the parking lot. Bollard lighting shall be used to light walkways and sidewalks.
- 3. Sidewalk.** The proposed new five-foot wide sidewalk along Richmond Highway shall be extended to the south to the site's Preston Avenue property line and the existing bus stop along Richmond Highway.
- 4. Tree Preservation Plan.** A tree preservation plan shall be submitted as part of the first and all subsequent site plan submissions. The preservation plan shall be prepared by a professional with experience in the preparation of tree preservation plans, such as a certified arborist or landscape architect, and reviewed and approved by the Urban Forestry Division. This tree survey shall provide recommendations for specific tree preservation activities designed to maximize the survivability of any off-site trees – in particular, the 30-inch caliper oak tree located on Tax Map Parcel 93-1 ((18)) (D) 141. Activities may include, but are not limited to, the elimination of surface parking spaces and a reduction of the limits of clearing and grading.

5. Limits of Clearing and Grading. The limits of clearing and grading shall be marked with a continuous line of flagging prior to the pre-construction meeting. Before or during the pre-construction meeting, the Applicant shall walk the limits of clearing and grading with an Urban Forestry Division representative and the developer's certified arborist to determine where minor adjustments to the clearing limits can be made to increase the survivability of trees at the edge of the limits of clearing and grading. Trees that are not likely to survive construction due to their species and/or their proximity to disturbance will also be identified at this time and the Applicant shall be given the option of removing them as part of the clearing operation. Any tree that is designated for removal, at the edge of the limits of clearing and grading or within a tree preservation area, shall be removed using a chain saw to avoid damage to surrounding trees. 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 the adjacent trees.

6. Tree Protection Fencing. All areas of off-site tree save shall be protected by tree protection fencing in the form of four (4) foot high, 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. This fence type shall be shown on the Phase I and II erosion and sediment control sheets. The tree protection fencing shall be made clearly visible to all construction personnel, and shall be installed immediately after root pruning has taken place and prior to any clearing and grading activities on the site, including the demolition of any existing structures. The installation of the tree protection fencing shall be performed under the supervision of a certified arborist. Prior to the commencement of any clearing, grading or demolition activities, the Applicant's certified arborist shall verify in writing that the tree protection fencing has been properly installed.

7. Site Monitoring. The services of a certified arborist or landscape architect shall be retained by the Applicant to monitor all construction work and tree preservation efforts in order to ensure conformance with Proffer No. 8. The monitoring schedule shall be described in detail in the tree preservation plan, and reviewed and approved by the Urban Forestry Division.

8. Replacement Value. A professional with experience in plant appraisal, such as a certified arborist or landscape architect, shall be retained by the Applicant to determine the replacement value of abutting off-site trees ("designated trees"). These trees and their value shall be identified on the tree preservation plan at the time of the first submission of the subdivision plan. The replacement value shall be determined according to the methods contained in the latest edition of

the *Guide for Plant Appraisal* published by the International Society of Arboriculture, subject to review and approval by the Urban Forestry Division.

At the time of site plan approval, a cash bond or letter of credit payable to the County of Fairfax shall be posted by the Applicant to ensure preservation and/or replacement of the designated trees that die or are dying due to construction activities. The terms of the letter of credit shall be subject to approval by the County Attorney. The total amount of the cash bond or letter of credit shall be in the amount of the sum of the assigned replacement values of the designated trees, but in any event shall not exceed \$20,000.

At the time of bond release, if any designated trees are determined to be dead or dying due to construction activities, funds from the cash bond, or letter of credit, shall be used to plant similar species, or species appropriate to the site, in consultation with the Urban Forestry Division and the Applicant's certified arborist. The cash bond or letter of credit shall not be used for the removal of the dead/dying trees normally required by the PFM and the Conservation Agreement. If the Applicant's certified arborist or landscape architect, in consultation with the Urban Forestry Division representative, determines that only a certain number of trees can be planted due to space constraints, which amounts to less than the full extent of the security, the remainder of the moneys shall be returned to the Applicant.

The letter of credit or cash bond will be released two (2) years from the date of release of the project's conservation escrow, or sooner, if approved by the Urban Forestry Division.

9. **Highway noise impacts from Richmond Highway shall be disclosed to all prospective purchasers prior to entering into a contract of sale and within the Condominium Owners Association (COA) documents.**

10. **The impacts of the future widening of Richmond Highway on the subject site shall be disclosed to all prospective purchasers prior to entering into a contract of sale and within the COA documents.**